

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji Goa

Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner

Complaint No.37/SCIC/2016/

Shri Narayan D. Naik,
H. No. 278/1(3), Sanvarfond
Sancoale, Goa 403710. **Complainant**

V/s.

Public Information Officer,
Village Panchayat Sancoale,
403710. **Opponent**

Complaint No. 50/SCIC/2016/

Shri Narayan D. Naik,
H. No. 278/1(3), Sanvarfond
Sancoale, Goa 403710. **Complainant**

V/s.

Public Information Officer,
Village Panchayat Sancoale,
403710. **Opponent**

Complaint No. 51/SCIC/2016/

Shri Narayan D. Naik,
H. No. 278/1(3), Sanvarfond
Sancoale, Goa 403710. **Complainant**

V/s.

Public Information Officer,
Village Panchayat Sancoale,
403710. **Opponent**

Complaint No. 52/SCIC/2016/

Shri Narayan D. Naik,

H. No. 278/1(3), Sanvarfond

Sancoale, Goa 403710.

Complainant

V/s.

Public Information Officer,

Village Panchayat Sancoale,

403710.

Opponent

Complaint No. 53/SCIC/2016/

Shri Narayan D. Naik,

H. No. 278/1(3), Sanvarfond

Sancoale, Goa 403710.

Complainant

V/s.

Public Information Officer,

Village Panchayat Sancoale,

403710.

Opponent

Decided : 13/04/2018

O R D E R

This order disposes the above complaints which involve a common point between the same parties, hence are disposed by common order:

1) The complainant herein filed applications for information to BDO seeking certain information. The said applications were transferred to the PIO herein u/s 6(3) of the Right to Information Act 2005 (Act for short).

...3/-

2) According to complainant, the information was not furnished and hence he preferred first appeal to First Appellate Authority (FAA). Said authority allowed the appeal and directed PIO to furnish the information to complainant free of cost. According to complainant information was not furnished inspite of order and hence the present complaint is filed. In this complaint the complainant has sought penalty as also inquiry as provided u/s 20(1) and 20(2) of the act.

3) Notices were issued to PIO to show cause as to why the penalty as prayed should not be granted. The concerned PIO, Shri Arjun Velip filed reply on 14/11/2017. Subsequently he filed affidavit on 26/02/18. According to him the information sought was bulky and could not be furnished to the complainant in time but a part of the information was furnished. It is further according to him thereafter the office was shifted and the copies of information was misplaced. It is further according to PIO that during said time his 11 month old son expired and he was thus mentally disturbed. According to him non furnishing of information was not intentional and was due to circumstances beyond his control.

4) Oral submissions of the PIO were heard. He pleaded that the information being voluminous and due to shifting process the files were misplaced. In the meantime as his son took ill he had to look after him for treatment and subsequently expired. He was thus not in a position to keep track of the

happenings. He requested that a lenient view be taken and his lapse be pardoned.

5) I have considered the records and the reply of PIO. It is seen that the complainant has sought information in form of copies from 2012 pertaining to various records. The information sought for was indeed bulky but I find that volume of information by itself is not a ground for non furnishing. The time could have been extended if it was an hindrance for furnishing information. The second contention is that the office of public Authority was shifted and hence the records were misplaced. This fact may affect the disposal of request to some extent. However, the PIO has not disclosed the period during which shifting process was on. It is also the contention of PIO that due to sickness and loss of his son he was also disturbed and could not keep a track of the applications.

6) The complainant was entitled to receive the information within time which time could have been considered if sufficient grounds are shown. The PIO has failed in his duties to timely respond to the application u/s 6(1) of the act. The complainant herein has not filed any appeals seeking the information as applied by him. Considering the circumstances though the PIO is liable for contravention of the act, a lenient view is taken considering the mental stage he was going through and the difficulties faced by him due to shifting of the office and also loss of his son.

...5/-

7) Considering the above facts and circumstances, I find that the ends of justice shall be met by directing PIO, Shri Arjun Velip to pay a penalty. **I therefore direct him to pay Rs. 2000/- per complaint totaling to Rs. 10,000/-. Said total amount of Rs.1000/- shall be payable in four monthly installments of Rs. 2500/- each starting from his salary of April 2018.** The amount so deducted shall be forfeited to the Government. A copy of this Order be sent to Director of Accounts for information and action.

8) Before I part with the matter, I hereby warn the PIO to be diligent henceforth while dealing with applications under RTI act. Any lapse on his part henceforth shall be dealt with seriously inaccordance with law.

With the above order and observations proceedings closed. Notify parties.

Pronounced in open proceedings.

Sd/-
(Mr. Prashant S.P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji - Goa

