

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

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

Misc. Appl No.01/2018

In

Appeal No.282/SIC/2010

Shri Ramesh S. Kerkar,
R/O H. No.355, Muddawado,
Saligao, Bardez-Goa.

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Appellant

V/s

- 1) Mr. Tushar Halarnkar,
The Block Development Officer –II,
Mapusa-Goa.
- 2) The Public Information Officer,
Village Panchayat of Saligao,
Saligao, Bardez-Goa.

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Respondents.

Date:19/03/2018

O R D E R

1) This Order deals with the application filed by the applicant, Shri Lourenco Rebeiro, present PIO for review of the order, dated 08/11/2017 passed in above appeal and to set aside the imposition of fine imposed on him. By order dated 05/01/2018, the recovery of penalty as ordered on 8/11/2017 was stayed till further orders.

2) The notice of the application was served on the appellant but he failed to file any reply. The submissions of the applicant Shri Lourenco Rebeiro were heard.

3) According to the applicant Shri Lourenco Rebeiro, his absence before the Commission was not willful or deliberate. According to him his failure to attend the hearing before this Commission was due to

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the meeting he had to attend in training in respect of Bio –Diversity Management. It is further according to him on 05/10/2017, he could not attend the hearing as he was placed under suspension during said period and thereafter fell sick. In view of the above fact he prayed for leniency and prayed for waiver of the said penalty imposed and revocation of the order of inquiry.

The PIO further submitted that the order imposing penalty has resulted in financial losses as there is a substantial deduction from his salaries.

4) I have perused the application filed by PIO to review the order. I have also considered the submission of the PIO Shri Lourenco Rebeiro. The Right to Information Act 2005, firstly does not provide for review of the order. However considering the powers conferred on the Commission u/s 18(3) of the Act as that of the Civil Court, while trying a suit under the code of Civil procedure 1908, the application under consideration will have to be decided as u/s 151 & 152 of the code of Civil procedure 1908 (code).

5) Section 152 of the code permits amendments of Judgment and decrees arising out of accidental slips or omissions and not otherwise. Section 151 of the code also grants powers to the presiding officer as may be necessary for ends of Justice and prevent abuse of the process of the court.

6) The grounds for review as raised in this application were never raised before the said order dated 08/11/2017 was passed and the same are new herein. Hence the same cannot be held to be an arithmetical or clerical mistake nor it is an accidental slip, capable of being corrected. It is also not the ground of the application PIO herein

that there was any breach of opportunity resulting in violation of principals of natural Justice. In the result I find no grounds made out for invoking my rights for review.

7) However considering the financial difficulty as expressed by PIO and without changing the penalty amount I find that the fine of Rs. 10000/- as ordered on 08/11/2017 can be recovered in four installments of Rs.2500/- each instead of two installments or Rs. 5000/-. This leniency is taken only in view of the financial difficulties and inconvenience to the said PIO.

8) In the above circumstances the application for review, dated 28/11/2017 has no merits and the same to be dismissed, which is dismissed accordingly. The penalty amount of Rs.10000/- as ordered to be recovered vide order dated 08/11/2017 shall be deductible from the salary of the PIO Shri Lourenco Rebeiro, in four monthly installments of Rs.2500/- (Rupees two thousand five hundred only) each, starting from the salary of April 2018.

In view of the present order the interim order, dated 04/01/2018, passed by this commission is set aside.

A copy of this order be also sent to Director, Directorate of Panchayat, Junta House, Panaji, Goa for information.

Proceedings closed.

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