

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Penalty No.31/2018/CIC

In

Appeal No.72/2018/CIC

Shri Bharat L. Candolkar,
R/o Vady Candolim,
Bardez –Goa.

..... Appellant

V/s

The Public Information Officer,
Mr. Dasharath Gawas,
Mamlatdar of Bardez,
Mapusa, Bardez –Goa.

..... Respondent.

Dated: 28/12/2018

O R D E R

- 1) While disposing the above referred appeal, this Commission by order, dated 05/07/2018, has directed the concerned PIO to show cause as to why action u/s 20(1) and/or 20(2) should not be taken against him. Accordingly the then PIO was issued notice on 23rd July, 2018.
- 2) In response to the said notice the then PIO Shri Dashrath N. Gawas filed his reply on 10/09/2018. Vide said reply it is contended by him that the information sought by appellant by application dated 28/11/2017 was furnished on 10/01/2018. It is further according to him that the information furnished after the order of FAA is claimed by appellant as incomplete and incorrect. According to said PIO the information which is available only can be given and the PIO cannot create any information.

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The said PIO has further stated that he was for training for two and half months and that there was no malice or wrong intention on the part of said PIO in not producing the information. Though the said reply stated that the training order is enclosed it was factually not attached. On the directions of this Commission subsequently the said circulars were filed on 21/09/2018.

- 3) Perused the records and considered the reply. This Commission has issued the show cause notice to then PIO to explain the delay caused in responding appellant's application dated 28/11/2017 filed u/s 6(1) of the RTI Act 2005. Section 7(1) of the said act mandates the PIO to either provide the information or reject the same within thirty days of the receipt of request. In other words the application is required to be responded by the PIO within 30 days from the date of receipt of the application. In this case the application u/s 6(1) was received on 28/11/2017 and hence the PIO was required to respond either with information or with rejection thereof on or before 28/12/2017. As per the records such response is generated for the first time on 10/01/2018. Thus on the face of it there appears a delay and the time required u/s 7(1) of the act is not adhered to.
- 4) It is the contention of the PIO that in view of his training he could not respond the application. I am unable to correlate the delay in responding the application to training as the training was scheduled from 09/04/2018 to 18/06/2018, which is beyond the said period u/s 7(1).
- 5) It is also seen from the records that the notice issued by this Commission in this appeal was also not attended to

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by the PIO nor any other person on behalf of PIO. The respondent Authority being a public Authority was required to respond the notice issued by this Commission.

- 6) Considering the above facts I find no explanation to support the delay caused in responding the application. However considering the period of delay in responding the application u/s 6(1), which I find as 12 days, a lenient view is taken and refrain from imposing penalty.

However then PIO Shri Dashrath N. Gawas is hereby warned to be deligent henceforth in dealing with the matter under the act and any lapse on his part henceforth shall be viewed seriously.

With the above observation the notice dated 05/07/2018 stands withdrawn. Proceedings closed.

Notify the parties.

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