

BEFORE THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.

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

Penalty 52/SCIC/2017

In

Appeal No.70/SCIC/2017

Shri Jawaharlal T. Shetye,
H. No.35/A. Ward Mp/11.
Near Satei Temple,
Khorlim Mapusa –Goa.

..... Appellant

V/s

The Public Information Officer,
Smt. Nazeera Sayed,
Mapusa Municipal Council,
Mapusa-Goa.

..... Respondents

Dated: 08/01/2018

O R D E R

1) While disposing the above appeal vide order dated 8/11/2017, this Commission had directed the PIO to show cause as to why action u/s 20(1) and/or 20(2) should not be initiated against her.

2) The PIO replied the said notice by affidavit. It is the contention of PIO that the records pertaining to which information was sought were not available. According to her, the said fact of non availability of information was intimated to appellant. Even after first appeal the said fact was informed to him.

3) The PIO has further averred that the concerned file was missing since the time of handling of the same by Ex UDC Shri Rajaram Gaonkar and has produced on record the notings of the office pertaining to year 2010.

4) On going through the records, it is seen that the information as sought was available and hence could not be

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furnished. Thus there appears no intentional refusal of information to the appellant. Thus by applying the principals as laid down by the Hon'ble High Court of Bombay in the case of *A.A. Parulekar v/s Goa State Information Commission and others. (Writ Petition No. 205/2007)*. I find that a case is made out by the PIO.

5) However, it is seen that in the course of hearing of the appeal, considering the defence raised by PIO that the concerned records/file are not available, she was directed to file affidavit in support of said fact. In spite of directions and opportunities, the PIO failed to file such affidavit. Thus the said fact was held as not proved, which resulted in said order dated 8/11/2017. Had the said affidavit been filed in the course of hearing, the appeal could have been disposed off then and there. The PIO has shown lack of concern to the directions of this Commission in disposal of the proceedings and burdened this Commission. Such conduct of PIO is contrary to the provisions of Act and is highly deplorable. The PIO should know that it has a duty towards the seeker and also to the authorities under the act and the same cannot be ignored.

6) However, considering the remorse expressed by PIO and assurance to be diligent hence forth, I refrain from directing any action against PIO and expect that henceforth the PIO shall be diligent in her duties under the act. Needless to say that any lapse henceforth shall be seriously viewed.

7) With above observation, I withdraw the notice dated 8/11/2017 issued to the PIO. Proceedings closed. Notify the parties. Pronounced in open hearing.

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

