

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

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

Penalty NO.53/2017
In
Appeal No.301/SCIC/2016

Rajkumar Raju Gadge
H.No. 3rd Floor, Commerce Centre Building,
Opp. Old Mapusa Municipality,
Mapusa-Goa. Appellant

V/s

The Public Information Officer,
Mapusa Municipal Council,
Mapusa –Goa. Respondent

Dated :05/03/2018

O R D E R

1) While disposing the above appeal by order, dated 08/11/2017, this commission has directed the PIO to furnish the information sought as also to show cause as to why action u/s 2((1) and/or 20(2) should not be initiated against him.

2) The PIO Shri shivram Vaze, by his affidavit, dated 29/01/2018, filed reply submitting that the information sought by appellant by his application, dated 15/09/2016 was not available and accordingly was informed to the appellant. He further submitted that he has also made efforts to trace, the file but could no be traced and that by letter dated 01/12/2017, he has filed an FIR to the Police.

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Regarding non filing of the affidavit in appeal he stated that he was busy in retendering of auctioning of stalls and hence the same could not be filed and that the delay was not intentional. The PIO has also prayed for a lenient view on the point of penalty.

- 2) I have considered the reply. It was the consistent plea of PIO in response under section 7 (1) of the act that the concerned file was not traceable. Though such submission was made before this Commission in appeal, no affidavit was filed inspite of direction. Hence for order dated 08/11/2017 was passed. Such affidavit is filed only after show cause notice was issued. Had the same been filed in course of hearing of appeal, the same could have been disposed off then. The PIOO has shown scant respect to the process of this Commission and such a gesture is deplorable. It is due to the lapse on the part of PIO that the valuable time of the Commission is wasted.
- 3) Coming to the merits, it is evident that the file is not traceable and further action in the form of filing of FIR is initiated by PIO. The appellant has sought information in respect of the records of 1988 which are more than 20 years old, hence the response of the PIO appears probable. I find no deliberate or intentional delay in furnishing the information to enable me to invoke my powers under section 20(1) and/or 20(2) of the act.
- 4) In the above circumstances I find that the notice, dated 08/11/2017 is required to be withdrawn. However, before I part with the proceedings, I express my displeasure over the aforesaid

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lack of concern to the directions of this Commission issued in the course of appeal. The PIO should act with all responsibility so that the intention and spirit of the act is met with. The PIO cannot be expected to be casual.

However considering the remorse expressed by PIO and with a warning not to adopt such approach in future, I dispose the present proceeding.

The Order, dated 08/11/2017 passed in above appeal stands modified and the PIO shall furnish to the appellant the information as sought by him vide his application, dated 15/09/2016, free of cost after the file/records are traced. The show cause notice, dated 08/11/2017 issued by this Commission stands withdrawn. Proceedings closed.

Pronounced in open proceedings.

Sd/-

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