

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

Appeal No. 164/2017

**Engineer Rabindra A. L. Dias,
 Dr. Pires Colony, Block “B”,
 Cujira St.Cruz, Tiswadi, Goa .**

....Appellant

V/s

**1) The Public Information Officer (PIO),
 O/o the Village Panchayat of St.Cruz,
 St. Cruz, Tiswadi, Goa**

**2) First Appellate Authority (FAA),
 O/o the Block Development Officer (BDO),
 06th floor, Junta House,
 Panaji Goa.**

.....Respondents

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

**Filed on: 05/10/2017
 Decided on: 09/02/2018**

ORDER

1. Brief facts of the present appeal are that The appellant Eng. Rabindra Dias herein by his application dated 15/4/2017 filed under section 6(1) of Right To Information Act, 2005 sought certain information as stated therein from the Respondent No. 1 Public Information Officer (PIO) of Village Panchayat of Santa Cruz.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred 1st appeal before the Block Development Officer, Panaji being First appellate Authority (FAA) on 15/5/2017.
3. It is contention of the Appellant that the Respondent No. 2 FAA vide proceeding sheet dated 19/7/2017 directed PIO to furnish

the information to appellant alongwith soumoto inspection of records, free of cost within 7 days from the date of the order.

4. It is the contention of the appellant despite of direction of Respondent no. 2 First appellate authority, the PIO has intentionally did not provide him information. As such he was forced to file second appeal before this commission on 5/10/2017. In the second appeal he has sought for directions as against Respondent PIO for furnishing him the required informtion and for penalizing him.
5. Notice were issued to both the parties. In pursuant to which appellant was present in person. Respondent PIO Shri Hanumant Borkar present Respondent no. 2 was represented by Shri Ramand Naik who filed his reply on 3/01/2018 .
6. In the course of the hearing the PIO Shri Hanumant Borkar undertook to furnish the information to the appellant and the said came to be furnished to the appellant on 19/1/2018.
7. The appellant on verification of the information submitted that the information at point no.5 and 32 have been partly provided and the information at point No. 35 ,36,37,41,43,45 and 46 have not been provided to him. It was his further grievance that information at point No. 14, 15, 16, 20, 44, 50, 51, 52 and 54 have not been transferred to concerned public authority.
8. The PIO Shri hanumant Bortkar agrees him tofurnish the information at the above points and also undertakes to take necessary steps to transfer the points as stated above to the concerned public Authority and as such the matter was

thereafter fixed for furnishing the information at above stated points.

9. The Respondents thereafter opted to remain absent nor filed any reply nor compliance report came to be filed before this commission as such the commission was forced to decide the matter based on the available records on the file.
10. On scrutinizing the records it is seen that the application was filed to the PIO on 15/4/2017. PIO is required to respond the same on or before 30th day. In the present case it is found that PIO is not responded to the said application of the appellant within stipulated period. The order of the first appellate authority was not complied by Respondent PIO. PIO has not explained reasons for not furnishing information at the initial stage itself. The same came to be furnished during the present proceedings on 19/01/2018. It is apparent from the records that the PIO did not take diligent steps in discharging responsibility under the RTI Act. The above circumstances leads me to prima facie hold that this action of PIO attracts penalty under section 20 of the Act.
11. If the correct information furnished to the Appellant in the inception he would have saved her valuable time and hardship cause to him in perusing the said appeal. It is quite obvious that the appellant have suffered lots of harassment and mental agony in seeking information. If Respondent No. 1 PIO had taken prompt and given correct information such harassment and detriment could have been avoided.

12. in the aforesaid circumstances I proceed to dispose this appeal with following order:-

ORDER

- a) Appeal partly allowed.
- b) The Respondent PIO is hereby directed to provide the full and complete information within two weeks at point No. 5, 32, 35, 36, 37, 41, 43, 45 and 46 as sought by appellant vide his application dated 15/4/2017 and to transfer on the points at serial No. 14,15,16,20,44,50,51,52,54 u/s 6(3) of RTI Act to concerned public authorities within 5 days from the receipt of the order.
- c) Issue notice to respondent PIO to showcause as to why no action as contemplated under section 20(1) and 20(2) of the RTI Act, 2005 should not be initiated against him for contravention of section 7(1) of RTI Act, 2005, and for delay in furnishing the complete information. The reply to be filed by the PIO in person.
- d) If no reply received from PIO it shall be deemed that he has explanation to offer and further order as may be deemed fit shall be passed.
- e) In case the PIO at the relevant time, to whom the present notice is issued, is transferred, the present PIO shall serve this notice along with the order to him and produce the acknowledgement before the Commission on or before the next date fixed in the matter alongwith full name and present address of the then PIO.

- f) Respondent, PIO are hereby directed to remain present before this commission on 20/2/2018 at 10.30 am alongwith written submission showing cause why penalty / compensation should not be imposed on him .

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Kk/-