

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

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**Appeal No. 195/2018/SIC-I**

Shri Siddesh Simepurushkar,  
 r/o Flat No. 2, Ananta Appt,  
 Angodwada, Mapusa,  
 Goa 403507

.....Appellant

V/s  
 Public Information Officer,(PIO)  
 Administrative of Comunidade,  
 (North Zone), Mapusa,  
 Bardez Goa.

.....Respondent

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

**Filed on: 20/08/2018**  
**Decided on:08/10/2018**

**ORDER**

1. The brief facts leading to present appeal are that the appellant Shri Siddesh Simepurushkar by his application dated 7/5/2018 filed under section 6(1)of Right to information Act, 2005 sought from Respondent PIO, of the office of Administrator of Comunidade, North Zone at Mapusa certain information/ certified copies of the documents as stated therein in the said application
2. According to the appellant his said application was not responded by the PIO nor the information was furnished to him as such considering the same as rejection, the appellant filed 1<sup>st</sup> appeal on 5/6/2018 before the Collector of North Goa being the first appellate authority which was finally disposed by order dated 30/7/2018. By this order, the First appellate Authority (FAA) directed Respondent PIO to furnish the information in the possession of the Respondent to the appellant , free of cost within 15 days from the date of the order.
3. It is contention of the Appellant that inspite of the said order the said information was not furnished to him by the Respondent PIO.

4. In this back ground, the appellant has approached this commission on 20/8/2018 in the second appeal filed in terms of section 19 (3) of the RTI Act, seeking relief of direction to PIO to furnish the information as also seeking penal action for inaction on the part of PIO in complying with the provisions of the Act.
5. The matter was taken up on board and was listed for hearing. In pursuant to the notice of this commission the appellant appeared. Respondent absent despite of due service of notice.
6. Opportunities were granted to Respondent PIO to file his reply, despite of same PIO never bothered to appeared nor filed any reply to the appeal proceedings.
7. As the respondent PIO did not filed any reply I presumed and hold that the averment made by the appellant in the memo of appeal are not disputed by him .
8. On account of continues absence of the Respondent, this commission had no other option then to hear the arguments of the appellant and then to decide the matter based on the available records in the file.
9. The appellant in his submission submitted that he is knocking the doors of different authorities to get the said information. He further submitted that the PIO has not furnished him the requisite information intentionally and deliberately as is trying to shield the irregular and illegal acts of the Administrative of Comunidade which he is trying to bring to light . He further submitted that the PIO has showed scanned regard for this commission and the FAA as he deliberately opted to remain absent. It was further submitted that till date the information which is sought by him is not still not furnished to him. He further submits that he wants the information on urgent basis as the same is required by him to approach the appropriate forum with his grievances and the Respondent is adopting such delay tactics in order to prevent him in approaching appropriate forum.
10. I have perused the records and submission on behalf of appellant

11. On scrutiny of the records in the file it is seen that the application u/s 6(1) of the act was filed on 7/5/2018. U/s 7(1) of the Act the PIO is required to respond the same within 30 days from the said date. There are no records produced by the PIO that the same is adhered to. The contention of the appellant in the memo of appeal is that the said application was not responded too at all by the PIO thus from the undisputed and unrebutted averment , the PIO has failed to respond appellant application nor has furnished the information.
12. Section 4 (1)(d) of the RTI Act requires that the public authority to provide reasons for his administrative or quashi Judicial decision to the effected person.
13. The Hon'ble Delhi High Court in writ petition (c)No. 5957/2007; Kusum Devi V/s Central Information Commission has held that;

"The petitioner certainly has right to ask for "Information" with regards to complaints made by him, action taken and the decision taken thereafter"
14. Since the complaint dated 13/9/2017 has been filed by the appellant herein, he had every right to know the status of this complaint and proceedings conducted therein. As such by applying the above ratio I am of the opinion that the appellant herein is entitle for the information as sought by him vide his application dated 7/5/2018.
15. It is seen from the records the order dated 30/7/2018 of first appellate authority was not complied by the Respondent PIO. The order of first appellate authority reveals that the respondent did not appear before him despite of due service of notice and did not bothered to file reply. The same is also in the present case. PIO is duly served by this commission with the notice in the above appeal despite of which the PIO has failed to appear and show as to how and why the delay in responding the application and/or not

complying the order of first appellate authority was not deliberate and /or intentional.

16. From the conduct of the PIO it can be clearly inferred that the PIO has no concern to his obligation under the RTI Act or has no respect to obey the order passed by the senior officer. Such a conduct of PIO is obstructing transferacy and accountability appears to be suspicious and adamant vis-a-vis the intend of the Act.
17. From the above gesture PIO I find that the entire conduct of PIO is not in consonance with the act. Such an lapse on part of PIO is punishable u/s 20(1) and 20(2) of the RTI Act. However before imposing penalty, I find it appropriate to seek explanation from the PIO as to why penalty should not been imposed on him for the contravention of section 7(1) of the act, for not compliance of order of first appellate authority and for delaying the information.
18. I therefore dispose the present appeal with order as under ;

#### Order

Appeal allowed.

- a) The Respondent PIO is hereby directed to comply with the order passed by the First appellate authority dated 30/7/2018 and to provide the available information to the appellant as sought by him vide his RTI Application dated 7/5/2018, within 20 days from the date of receipt of this order by him.
- b) Issue notice to respondent PIO to Showcause as to why no action as contemplated u/s 20(1) and /or 20(2) of the RTI Act 2005 should not be initiated against him/her for contravention of section 7(1) ,for not complying the order of first appellate authority and for delay in furnishing the information.
- c) 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.

- d) Respondent, PIO is hereby directed to remain present before this commission on 26/10/2018 at 10.30 am alongwith written submission showing cause why penalty should not be imposed on him/her.
- e) Registry of this commission to open a separate penalty proceedings against he Respondent PIO.

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.