

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

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**Appeal No. 217/2017**

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

**....Appellant**

V/s

**1) The Public Information Officer,  
 O/o the Village Panchayat of Sernabatim,  
 Colva, Gandaulim & Vanelim,  
 Colva, Salcete, Goa**

**2) First Appellate Authority,  
 O/o the Block Development Officer,  
 Mathany Saldana Administrative Complex,  
 Margao, Salcete, Goa.**

**.....Respondents**

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

**Filed on: 11/12/2017  
 Decided on: 09/02/2018**

**ORDER**

1. The appellant Shri. Rabindra Dias herein by his application dated 16/5/2017 filed under section 6(1) of Right to Information Act, 2005 sought certain information from the Respondent No. 1 Public Information Officer (PIO), office of the Village Panchayat of Sernabatim, Colva, Goa as stated therein in the said application.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred 1<sup>st</sup> appeal on 19/6/2017 before the Block development officer Margao, Goa being First appellate Authority (FAA) .
3. The respondent no. 2 First appellate authority by an order, dated 19/7/2017, allowed the said appeal and directed PIO to furnish the

information as sought by the appellant vide his application dated 16/5/2017 and also directed to inspection of the files/ records within 10 days free of cost from the date of receipt of the order.

4. It is contention of the Appellant that the Respondent No. 1 PIO did not comply the order of the First Appellate authority and as such he was forced to approach this Commission by way of second appeal filed under section 19(3) of the RTI Act 2005 on 11/12/2017.
5. Notice were issued to both the parties. In pursuant to which appellant appeared during one hearing. Respondent No. 2 first appellate authority was represented by Shri Harshad Naik. Respondent No. 1 PIO failed to appear before this commission despite of due service of notice and despite of BDO intimating him the date of hearing .
6. The Matter was thereafter called out on a number of occasions but none of the parties turned up or showed any further interest in the matter there after nevertheless, as substantial time has since elapsed, the commission felt it appropriate to now dispose of this appeal, on the basis of the material filed /written submission which are available on records.
7. Prima facie it is seen from the records that the application u/s 6(1) of the RTI Act filed before PIO, on 16/5/2017. The respondent No. 1 PIO did not bother to reply the same leave aside furnishing the information.
8. The Roznama sheets of the proceedings before the first appellate authority reveals that the Respondent also did not file any reply before the first appellate authority . and the first appellate authority after giving opportunity to PIO disposed the said appeal with the direction to furnish the information and inspection to appellant .

9. The same is the case in the present appeal also the Respondent PIO did not bother to file the reply despite of due service of notice.
10. It is seen from the records that the order was passed on 19/7/2017 by Respondent NO. 2 first appellate authority and till date the same has not been complied by Respondents NO. 1 PIO.
11. From the conduct of PIO it can be clearly inferred that the PIO has no concern to his obligation under RTI Act. It is also clear that PIO has no respect to obey the orders passed by his senior officers .
12. Once the order passed by the first appellate authority who is the senior in rank then PIO , there is no option with the PIO and he has to comply the order unless it is challenged with the appropriate forum.
13. The right of the information Act 2005 has been enacted with objective of promoting transparency and accountability in working of Government. It empowers citizen to keep necessary vigil on the instrument of the Governance and makes the Government more accountable to the govern. The Act is a big step towards making the citizen informed about the activities of the Government .
14. From the provision of the RTI Act it indicates that entire responsibility in providing information sought rest on PIO and non compliance of mandate makes PIO liable for penalty action. The conduct of PIO herein appears to be suspicious and adamant vis-à-vis the intend of act in bringing transparency in the affairs.
15. Considering the conduct of then PIO and indifferent approach to the entire issue I find substance in the contention of the appellant the PIO purposely and malafidely refused accessed to the information.

16. In the above given circumstances I dispose this appeal with following order;

ORDER

1. Appeal allowed.
2. Respondent No. 1 PIO is hereby directed to comply with the order of first appellate authority dated 19/7/2017 and to furnish the information to the appellant as sought by him vide his application dated 16/5/2017 free of cost within 2 weeks from the date of the receipt of the order and to report compliance alongwith A.D. Card within 10 days thereafter.
3. Issue showcause notice to PIO as to why no action as contemplated u/s 20(1) of the RTI Act 2005, should not be initiated against him, for delaying the information and for not complying the order of Respondent no. 2 First appellate authority returnable on 20/2/2018 at 10.30 am.
4. In case the PIO at the relevant time , to whom the present notice is issued is transferred , the present PIO shall serve this notice alongwith the order to him and produce the acknowledgment before this commission or before the next date fixed in the matter alongwith the full name and present address of the then 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

Kk/-