

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

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**Appeal No 49/2018/SIC-I**

Santosh Y. Mandrekar,  
 H.No. 309, Chinch Bhatwadi,  
 Mayem, Bicholim, Goa .

....Appellant

V/s

1) The Public Information Officer,  
 Secretary Village Panchayat ,  
 Mayem, Bicholim, Goa.

2) Block Development Officer,  
 First Appellate Authority,  
 Government of Goa,  
 Bicholim Goa.

.....Respondents

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

**Filed on: 23/02/2018**  
**Decided on: 05/04/2018**

**ORDER**

1. The brief facts leading to present appeal are that the appellant Shri Santosh Mandrekar herein by his application dated 17/10/2017 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 Mayem Bicholim, 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 14/12/2017 before the Block Development Officer, Bicholim, Goa being First appellate Authority (FAA) .
3. The Respondent no. 2 First appellate authority by an order, dated 24/1/2018, allowed the said appeal and directed PIO to furnish the requisite information /action taken report to the appellant as sought by him vide his application dated 17/10/2017 within 10 days 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 23/2/2018.
5. Notice were issued to both the parties. In pursuant to which appellant appeared in person alongwith Advocate B. kapadi. Respondent No. 1 /PIO Shri Mahadev Naik was present alongwith Advocate Shankar Shet. The first Appellate authority represented by Kalpana Rane .
6. During the course of present proceedings PIO undertooks to furnish the information to the appellant and accordingly reply came to be filed by PIO thereby enclosing the covering letter dated 3/4/2018 by which the information was furnished to the appellant. The appellant was directed to verify the said information. On subsequent date of hearing the Advocate for appellant submits that the information furnished to the appellant is as per their satisfaction. However he pressed for the penal provisions.
7. Arguments of both the parties were heard and also perused the records available in the file.
8. Primafacie it is seen from the records that the application u/s 6(1) of the RTI Act filed before PIO, on 17/10/2017. The respondent No. 1 PIO did not bother to reply the same leave aside furnishing the information.
9. The order was passed by the Respondent no. 2 first appellate authority on 24/1/2018 after hearing both the parties and the directions were given to the PIO . From the perusal of the order dated 24/1/2018 of the first appellate authority it is seen that the Respondent Village Panchayat Secretary was present in person . As such it can be safely presumed that the PIO was aware of the orders of the first appellate authority directing him to furnish the information to the appellant .
10. It is seen from the records that the order was passed on 24/1/2018 by Respondent NO. 2 first appellate authority and till date the same has not been complied by Respondents No. 1 PIO. The information came to be submitted to the appellant by PIO only on 3/4/2018.

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 that the PIO purposely and malafidely refused accessed to the information. However before imposing penalty an opportunity has to be given to the PIO to explain his version.
16. In the above given circumstances I dispose this appeal with following order;

#### ORDER

1. 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 not responding the application in terms of section 7(1) of the RTI Act, for not complying the order of First Appellate authority and for delaying the information returnable on 27/4/2018 at 10.30 am.

2. 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 on 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

Ak/-