

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Complaint No. 38/2017

Smt. Urmila Ulhas Mainikar,
B-14-1, Police Quarters,
Alto –Porvorim Goa.

..... Complainant

V/s.

1. Shri Anand A. Deshpande,
Public Information Officer,
Dy. Town Planner, Town and
Country Planning Department,
Bicholim Goa.

..... Opponent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 07/12/2017

Decided on: 27/2/2018

ORDER

1. The present Complaint is filed by the complainant Urmila Mainikar on 5/12/2017 against the PIO of Town & Country Planning Department, Bicholim for not complying the part of the order dated 4/10/2017 passed by the Chief Information Commissioner within stipulated time of 5 days as directed by the Chief Information commissioner.
2. The facts in brief the present complaint are that the commission vide order dated 4/10/2017 had directed PIO to transfer the part at point No.1 and 4 of the said application dated 20/10/2016 to the PIO of office of the chief town planner within 5 days from the date of receipt of the order.
3. According to the complainant despite of PIO receiving the order on 12/10/2017, failed to transfer the said application within stipulated time as directed by the commission and the same came to be transferred on 3/11/2017 .

4. The Complainant has prayed for the penalty as against PIO Shri A. Deshpande having failed to obey the order of this commission by not transferring the application within 5 days.
5. In pursuant to the notice of this commission the complainant was present in person. Respondent Shri A.A. Deshpande appeared and filed his reply along with the enclosures on 14/2/2018. The copy of the same is furnished to complainant on 27/2/2018.
6. Vide said reply the PIO has admitted that he had received the order of this commission on 12/10/2017. It was further contended that the same was marked to Shri Gajanand Kalangutkar(LDC) and that said Shri Gajanand Kalangutkar has put the draft letter to him on 13/10/2017 for his approval. It was further contended that inadvertently, due to overload of work this letter remained to be signed and that it was signed and dispatched by him on 3/11/2017. The respondent PIO tendered unconditional apology for a said delay and he prayed for pardoning him.
7. There is no dispute that the said application was transferred not within stipulated time. There is a delay of 18 days. However the PIO has courageously admitted a fault on his part and has taken entire responsibility on him for such an delay. He was fair enough to enclose the note sheet put to him by Shri Gajanan Kalangutkar for approval of the draft on 13/10/2017. He has also sought unconditional apology for the same.
8. I appreciate the gesture on the part of the PIO in placing true facts before this commission and for not shielding out his responsibility. Never the less as there is nothing brought on record by the complainant that such lapses on the part of PIO is persistence, as such considering this as a first lapse on his part, a lenient view is taken in the present proceedings and the Respondent PIO is hereby directed to be vigilant henceforth while dealing with

the RTI matters and also is directed to hence forth comply the orders of this commission within stipulated time . Any such lapses in future shall be viewed seriously.

9. The complaint disposed accordingly. Proceedings stands closed.

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/-