

on 17/12/2018 before the First appellate authority (FAA) in terms of section 19 (1) of RTI Act.

4. It is the contention of the appellant that the FAA vide order dated 1/01/2019 allowed his appeal and directed the respondent no 1 PIO to issue the information to the appellant, free of cost within 10 days.
5. It is the contention of the appellant that in spite of the said order, since the said information was not furnished to him by PIO as such he being aggrieved by the action of respondent PIO is forced to approach this commission on 15/01/2019 in his 2nd appeal seeking relief of directions to PIO to furnish the information as also seeking penalty and compensation for not giving information within time.
6. Notices were issued to both the parties. Appellant appeared in person. Respondent PIO was represented by Jr. Engineer Shri Meghshyam Naik who placed on record the reply of PIO dated 8/02/2019 thereby enclosing the letter dated 7/02/2019 by which the information was furnished to the appellant. The copy of the reply along with the enclosures filed by Respondent PIO was furnished to appellant.
7. The appellant after going through the information, submitted that he has no any further grievance with respect to information furnished to him during the present proceedings vide letter dated 07/02/2019. However he pressed for invoking penal provision on the ground that the PIO is not serious in complying the provisions for RTI Act. He further submitted that the PIO does not respond under section 7 of RTI Act and also does not bother to comply with the order of first appellate authority. He further submitted that he has sought the said information in the public interest and great

hardship has been caused to him in pursuing the said application.

8. Since the available information have now been provided to the appellant , I find no intervention of this commission is required for the purpose of furnishing information hence prayer-I becomes infructuous .
9. With regards to other prayers, it is seen that as per the records the application dated 7/11/2018 was received by the office of Respondent PIO on 14/11/2018. 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 too. The order of the first appellate authority has directed PIO to issue the information within 10 days. As such the PIO was duty bound to comply the direction of his superior officer and was required to provide the information within 10 days. It is seen that the order was passed on 01/01/2019 as such the PIO was required to furnish the information on or before 12/01/2019. There is nothing on record produced by the PIO that the order of the first appellate authority was complied by him within time. The information came to be provided only on 08/02/2019 thereto only after the present second appeal has been filed. The PIO is silent in his reply and no reasons are mentioned by him showing sufficient cause why he could not furnish the information within the 10 days from the date of the passing the order of FAA till 08/02/2019. Hence this commission prima facie comes to the conclusion that there was delay in furnishing the information.
10. The appellant herein has been made to run from pillar to post and lots of his valuable time has been lost in pursuing the said application. Such a conduct by PIO is obstructing transparency

and accountability appears to be suspicious and adamant visa viz the intent of the act.

11. Considering the conduct of PIO and his indifferent approach to the entire issue , I find prima facie some substance in the argument of the appellant that the PIO purposely and malafidely refused access to the information. Such allegation is proved would call for disciplinary proceedings and imposition of penalty against PIO. However before imposing penalty I find it appropriate to seek explanation from the PIO as to why penalty should be not imposed on him for contravention of section 7(1) of the Act, for non compliance of order of first appellate authority and for delaying the information.
12. I therefore dispose the present appeal with order as under:

ORDER

1. Appeal partly allowed.
2. Since information being provided during the present proceedings, I find no intervention of this Commission is required for the purpose of furnishing information.
3. Issue showcause 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 for contravention of section 7(1) of RTI act, for not complying the order passed by the first appellate authority within time and for delaying in furnishing the information.
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 on or before the next date fixed in the matter alongwith full name and present address of the then PIO.

5. The respondent PIO is hereby directed to remain present before this Commission on 27/2/2019 at 10.30 a.m. alongwith written submissions showing cause why penalty should not be imposed on him.
6. Appeal proceedings disposed and closed accordingly. The registry of this commission is directed to open separate penalty proceedings.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

(Ms.Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa