

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No.: 138/2018/SIC-II

Shri. Bharat L. Candolkar,
Vady, Candolim,
Bardez Goa.

.... Appellant

v/s

1. The Public Information Officer,
Shri Dashrath Gawas,
Mamlatdar of Bardez,
Mapusa, Bardez – Goa.

2. The First Appellate Authority,
Deputy Collector of Bardez,
Mapusa, Bardez – Goa.

.... Respondents

Relevant emerging dates:

Date of Hearing : 26-11-2019

Date of Decision : 26-11-2019

O R D E R

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 17/01/2018, sought information under Section 6(1) of the RTI Act, 2005 from the Respondent PIO, O/o Mamlatdar of Bardez Taluka Mapusa Bardez-Goa pertaining to Mutation No.20849 of Survey No.128/1, 20850 of Survey No.129/8 and 14485 of Survey No.129/7 of Village Candolim Bardez-Goa and information of Roznama, statement recorded and documents taken or produced on record and title deed, site plan, Survey plan and Notices under Form X and XII and show cause notices issued and served upon the parties to the proceedings along with reply filed and Judgment and orders passed.
2. It is the case of the Appellant that there was no reply nor any information furnished by the PIO within the mandatory 30 days period as is required under Section 7 (1) of the RTI Act and which is why the Appellant filed a First Appeal on 05/03/2018 and the First appellate Authority (FAA) vide an Order dated 10/04/2018 on the Roznama disposed off the said First Appeal by directing the Respondent PIO to issue the information as sought in the RTI application dated 17/01/2018 within 7 days free of cost.

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3. Being aggrieved that despite the direction of the First Appellate Authority (FAA), the PIO has not furnished information, the Appellant has subsequently filed a Second Appeal before the Commission registered on 30/05/2018 and has prayed to direct the PIO to furnish the information and for inspection of records and for penalty, disciplinary action and for other such reliefs.
4. **HEARING:** This matter has come for hearing on several previous occasions and hence by consent is taken up for final disposal. During the hearing the Appellant Shri Bharat L. Candolkar is present alongwith his Advocate Atish Mandrekar. The Respondent PIO, Mamlatdar of Bardez, Shri Laxmikant Kuttikar, is present alongwith Smt. Nisha Gaonkar, Head Clerk with the public authority.
5. **SUBMISSION:** At the outset the Adv. Atish Mandrekar submits that the present PIO Shri. Laxmikant Kuttikar Mamlatdar of Bardez has furnished full and complete information and that there is no grievance against this PIO and that it was the former PIO one Shri Dasharath Gawas who was dealing with the said RTI application dated 17/01/2018 and he failed to furnish complete information despite the Order of the First Appellate Authority.
6. Adv. Atish Mandrekar also submitted that due to non furnishing of information timely, the Appellant was put into unnecessary hardship and was made to run from pillar to post to get justice and had to waste his time, energy and money by attending hearings before the Commission after which the present PIO has furnished the information as such prays that the Commission should penalize the former PIO and disciplinary action should also be taken for dereliction of duty.
7. The present PIO, Laxmikant Kuttikar submits that he has furnished the information to the Appellant who has also taken inspection of the complete mutation file but is unable to explain as to why the former PIO did not furnish the information even as the file was available in the office.

8. **FINDINGS:** The Commission after hearing the submission of the respective parties and perusing the material on records including the Affidavit filed by the former PIO, indeed finds that the former PIO has abdicated in his duty and failed to furnish complete information although the file pertaining to the said information was available in the office of the PIO.
9. It was the duty of the PIO to have given a reply as per section 7(1) within 30 days and which he has failed to do. Also the PIO has not complied with the directions of the FAA, as a result the Appellant was put into unnecessary hardship and was made to run from pillar to post to get justice and information was furnished after one and half year.
10. **DECISION:** The Commission accordingly comes to the conclusion that this is a fit case for imposing penalty under Section 20 (1) against the former PIO, Shri. Dasharath Gawas, however, before any penalty is imposed, the principals of natural justice demands that an explanation be called for from the concerned PIO as to why he failed to discharge the duty cast upon him as per the RTI Act.

Issue Notice to Respondent PIO.

Issue Notice u/s 20(1) of the RTI act 2005 to the concerned Respondent PIO, Shri Dasharath Gawas to show cause as to why penal action should not be taken against him for not furnishing complete information timely and for causing delay. The said PIO shall remain personally present before the commission in person with his explanation, if any on 07th January 2020 at 11.30am.

With these directions the Appeal case stands disposed.

All proceedings in the appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-
(Juino De Souza)
State Information Commissioner**

