

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 78/SCIC/2013

Gajanan D. Phadte,
898, Nila Niwas,
Alto Torda,
Porvorim – Goa.

..... Appellant

v/s

1. The Public Information Officer,
Mamlatdar of Bardez,
Mapusa - Goa.

2. The First Appellate Authority,
Dy. Collector & SDO, Bardez
Mapusa, Bardez – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 24-01-2019

Date of Decision : 24-01-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 02/01/2013 sought information from Respondent PIO, O/o Mamlatdar, Bardez Mapusa, Goa. The Information pertains to two points as follows: (1) request to provide certified information of site inspection conducted and appropriate action taken in the matter of illegal pucca compound at Halliwada, Penha de Franca Village started erecting by Kusta Hari Bhosle, as directed in Memorandum No.33/175/ILLE/2012/DC/MAP/63, dated 19-11-2012, by the Deputy Collector & Sub Divisional Officer, Mapusa Sub Division and 2) Inspection of records.
2. It is the case of the Appellant that the PIO failed to provide information within 30 days and as such a First Appeal was filed on 14/02/2013 and that the First Appellate Authority (FAA) vide an Order dated 03/04/2013 directed the PIO to give the information asked by the Appellant clearly in his application towards said Memorandum No. 33/175/ILLE/2012/DC/MAP/63 dated 19/11/2012 issued by the Deputy Collector & Sub Divisional Officer, Mapusa Sub Division Goa to him and provide the information within one week. ..2

3. Being aggrieved that despite the Order of the FAA, the Respondent PIO has failed to provide information as directed by the First Appellate Authority (FAA), the Appellant preferred Second Appeal before this Commission on 25/06/2013 and has prayed in terms of a) To direct Respondent PIO /Mamlatdar of Bardez to provide information sought, b) To impose fine / penalty for denying information sought. c) Disciplinary action against Respondent PIO and other such reliefs.
4. **HEARING:** This old matter has come up before the Commission on numerous occasions and hence taken up for final disposal. During hearing Appellant Shri. Gajanan D. Phadte is absent and it is seen from the roznama that the Appellant has remained absent from 17/05/2017 without intimation to this Commission and it appears that the Appellant is not interested to pursue his Appeal case. The Respondent PIO, Shri Laxmikant Kuttikar, Mamlatdar of Bardez, Mapusa is present.
5. **SUBMISSIONS:** The PIO submits that he has taken charge as Mamlatdar Bardez on 20/06/2018 and as such he is unable to explain as to why the former PIO failed to furnish a reply as per 7(1) and also failed to comply with the Order of the First Appellate Authority. It is also submitted that records of this old file of 2013 are not traceable.
6. **FINDINGS:** The Commission on perusing the material on record finds that the former PIO has not furnished any reply to the Appellant as it mandatory as per section 7(1) within 30 days. It is also seen that PIO has not complied with the directions of First Appellate Authority (FAA) to provide information within a week. Therefore there is gross negligence on part of PIO
7. The Commission also finds that there are two replies dated 11/07/2014 & 17/07/2014 filed by the appellant *inter alia* stating the Respondent PIO has failed to provide information within time limit and even after the order of the FAA and therefore is guilty of gross negligence and dereliction in duty and despite several hearings... ..3

.... before the Commission has failed to appear and tender his say resulting in unnecessary harassment, mental tortures, physical harm etc and hence to initiate Penalty Proceedings and impose maximum penalty against Shri. Pundalik Khorjuvekar, the former PIO.

8. The Commission accordingly observes that the appellant is more interested in penalty proceedings against the former PIO, Shri. Pundalik Khorjuvekar which is evident by the contents of the two letters dated 11/07/2014 & 17/07/2014 which are on record of the Commission. The Appellant was afforded several opportunities to present his case before the Commission, however by remaining absent has failed to avail the opportunities and it appears that perhaps the Appellant is not interested in receiving the information sought at this stage it becoming infructuous. Therefore there is no point in issuing direction to the PIO to furnish the information of the inspection of site conducted as directed in Memorandum no 33/175/ILLE/2012/DC/MAP/63, dated 19-11-2012.
9. **DECISION**: Since the former PIO has failed to comply with the provisions of section 7(1) the RTI act 2005 and failed to comply with the order of the FAA, Issue Notice u/s 20(1) of the RTI act 2005 to the former PIO, Shri. Pundalik Khorjuvekar, to show cause why penal action should not be taken against him for not furnishing the information timely within the mandated 30 days period and for not complying with the Order dated 03/04/2013 of the First Appellate Authority. The said PIO shall remain personally present in the Commission with his explanation, if any on 06/03/2019 at 11.30am.

With these directions the Appeal case stands disposed.

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