

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Complaint No: 48/2018/SIC-II**

Shri Sarvesh Raghu Khandolkar,  
R/o. House No.151, Carmi Bhat,  
Merces, Tiswadi - Goa. 403 005

**..... Complainant**

**v/s**

1. Public Information Officer,  
Office Superintendent,  
Administrative Branch,  
DGP's Office, PHQ,  
Panaji - Goa. 403 001.
2. First Appellate Authority,  
The Superintendent of Police,  
Police Headquarters, Panaji – Goa.

**..... Opponents**

**Relevant emerging dates:**

**Date of Hearing : 20-08-2019**

**Date of Decision : 20-08-2019**

**ORDER**

1. **Brief facts of the case** are that the Complainant vide an RTI application dated 19/09/2017 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Office Superintendent, O/o DGP, Police Headquarters, Panaji – Goa. The information sought is on the subject matter of suspension from service and the complainant is *inter alia* seeking information of the Certified copy of Disciplinary proceeding as mentioned in Para -1 of the referred Order, Certified copy of Preliminary Enquiry conducted, noting if any, with regards to para -1 of the referred Order, Certified copy of Goa Police Subordinate services (Discipline and Appeal) Rules, 1975, Certified copy of Rules & Regulations, provisions if any, for changing of Head Quarters during suspension (As per Para -3 of the referred Order) and other such related information.
2. It is seen that PIO vide letter No.OS/ADMN/RTI-271/7997/2017 dated 21/09/2017 furnished information in tabulation form. It is also seen that the Complainant has filed another RTI application dated 05/04/2018 and there also the PIO vide another letter dated 10/04/2018 has furnished information in tabulation form.

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3. Not satisfied with the information furnished in respect to RTI application dated 19/09/2017, the Complainant filed a First Appeal on 02/07/2018 and the First Appellate Authority (FAA) after issuing Notice fixed the hearing on 12/07/2018 and thereafter sent letter No. SP/HQ/RTI/Appeal/125/2018 dated 13/07/2018 informing the Complainant that limitation period for filing the First Appeal has already lapsed and with regards to RTI Application dated 05/04/2018, the First Appeal order is passed on 24/04/2018.
4. The Complainant being aggrieved by the letter dated 13/07/2018 and the fact that the information provided by the PIO is incorrect, incomplete and misleading has approached Commission by a way of Complaint case registered on 23/08/2018 and has prayed that strict disciplinary action be taken and for other such reliefs
5. **HEARING:** This matter has come up before the Commission on several previous occasions and thus taken for final disposal. During hearing the Complainant Shri Sarvesh Raghu Khandolkar is present in person. The Respondent PIO, Shri. John Nazareth, Office Superintendent is present alongwith Shri. Siddesh Walke, LDC. Adv. K.L. Bhagat is also present on behalf of PIO & FAA.
6. **SUBMISSIONS:** The Complainant submits that the FAA did not passed any Order on his RTI application dated 19/09/2017 and instead got confused with the Order passed on the RTI application dated 05/04/2018. The Complainant also submits that in the second RTI application dated 05/04/2018, the PIO has furnished the information which was the same information sought in the earlier RTI application dated 19/09/2017 including note sheet and other information and therefore submits that there was malafide intention on the part of the PIO to conceal this information at the initial stage and insists that penalty should be imposed on the PIO.
7. The PIO submits that whatever information was available was furnished to the Complainant in tabulation form by the former PIO as available in the records.

8. **FINDINGS:** The Commission finds that there were two different conflicting replies given by the PIO with respect to the two RTI application dated 19/09/2017 and 05/04/2018 although the information sought in both the RTI applications was more or less the same. In the RTI application dated 05/04/2018 the PIO has furnished information including note sheet, etc and whereas in the RTI application dated 19/09/2017, the PIO in his reply dated 21/09/2017 has in many points stated that the information is not available in the records. When questioned as to why the PIO failed to furnish the information which was later furnished by the PIO in the subsequent RTI application, the present PIO nor the Advocate were unable to give any satisfactory answer or cite any valid reason.
9. **DECISION:** The Commission accordingly finds that this is a fit case for granting the prayer of the Complainant for initiating penalty proceedings against the former PIO under section 20 (1) of the RTI Act for giving misleading information, however natural justice demands that before any penalty is imposed, an explanation should be called from the former PIO.

**Issue Notice to Respondent Former PIO**

Issue Notice u/s 20(1) of the RTI act 2005 to the concerned former Respondent PIO, Shri. B.T.Korgaonkar, to show cause why penal action should not be taken against him for not furnishing misleading and incorrect information. The said PIO shall remain personally present before the Commission in person with his explanation, if any on 03<sup>rd</sup> October 2019 at 11.30am.

**With these directions the Complaint case stands disposed.**

All proceedings in Complaint case stands 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**