

**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.65/SIC/ 2012**

Shri J. T. Shetye,  
C/o Mapusa Jana Jagruti Samiti,  
H. No.35, Ward No. II  
Khorlim, Mapusa – Goa

**..... Complainant**

**v/s**

1 Public Information Officer,  
Mamlatdar of Bardez,  
O/o Mamlatdar of Bardez,  
Mapusa – Bardez Goa.

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

**...Opponents**

**Relevant emerging dates:**

**Date of Hearing : 24-06-2019**

**Date of Decision : 24-06-2019**

**ORDER**

1. **Brief facts of the case** are that the Complainant vide an RTI application dated on 19/10/2011 sought certain information under Section 6(1) of the RTI Act, 2005, from Respondent PIO, O/o Mamlatdar, Bardez Mapusa, Goa by enclosing and with reference to Memorandum No.4-5-2011/ BAR/RB-295228-444 dated 26/09/2011 from the Office Dy. Collector (Revenue) addressed to the Mamlatdar of Bardez and is seeking information about an action taken report, if any, on a letter dated 29/07/2011 made by the Complainant to the Mamlatdar of Bardez against one Shri. Gunaji M. Pednekar and to provide certified copies of all noting sheets and correspondence processing representation dated 29/07/2011 and Action taken report if any, on the Memorandum No.4-5-2011/BAR/RB-295228-444 dated 26/09/2011 to provide certified copies, notings, action taken report regarding the referred Memorandum and to provide names of officials well versed with the case, certified copies of service book of AK and list of mundkar cases pending with Mamlatdar of Bardez and other such related information.

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2. It is seen that there was no reply nor information furnished by the PIO and as such the Complainant filed a First Appeal on 22/11/2011 and the First Appellate Authority (FAA) vide an Order dated 11/01/2012 directed the PIO, Mamlatdar of Bardez, Mapusa to furnish the information within 15 days.
3. The Complainant being aggrieved that despite the Order of the First Appellate Authority, no information has been furnished by the PIO, thereafter filed a Complaint with the Commission registered on 30/03/2012 seeking penalty, disciplinary action and other such reliefs.
4. **HEARING:** This old matter 2012 has come up before the Commission on numerous previous occasions and hence taken up for final disposal. During hearing Appellant Shri. J.T. Shetye is absent. The Respondent present PIO, Shri Laxmikant Kuttikar, Mamlatdar of Bardez, Mapusa is present alongwith Shri. Ashok Naik, UDC.
5. **SUBMISSIONS:** The PIO submits that he joined as PIO, Mamlatdar of Bardez on 26/02/2018 that the former PIO had filed a reply dated 16/11/2016 before the Commission stating that the representation dated 29/07/2011 of the Complainant was forwarded to the Chief Officer, Mapusa Municipal Council vide letter dated 05/08/2011 which information copy was enclosed with the reply. It is further stated that in the said reply the former PIO has stated that information from point No. 4 to 6 is not available and information regarding from point Nos. 1, 2,3 7, 8 9 & 10 was furnished. The present PIO files a reply dated 24/06/2019 by enclosing five pages of information documents which is taken on record.
6. **FINDINGS:** The Commission after hearing the submission of the PIO and on perusing the material on record finds that the Complainant has filed a Complaint case under Section 18 and prayed for penalty and disciplinary action as the PIO has not furnished information till date on which the Complainant case was registered before the Commission on 30/03/2012.

7. The Commission also finds that although the RTI application was filed on 19/10/2011, there was no reply furnished by the PIO timely within the mandated 30 days period and further although the First Appellate Authority had passed an Order on 11/01/2012 directing the PIO to furnish information, the PIO has neglected to comply with the said directives and did not bother to furnish information and which constitutes a delay of 60 days.
8. The Commission finally finds that the reply was filed by the former PIO before the Commission in the year 2016 i.e. after lapse of about three and half years from the date on which the FAA had passed an order dated 11/01/2012 and that this is fit case for imposing penalty and taking disciplinary action against the former PIO for the delay caused. However before proceeding to impose punishment on the PIO, natural justice demands that the PIO should be heard and given an opportunity to present his side of the case and as such the Commission directs that Notice be issued to the PIO.
9. **DECISION:** Issue Notice u/s 20(1) of the RTI act 2005 to the former PIO, who dealt with the RTI application during the year 2011-12 in the above matter to show cause as to why penal action should not be taken against him for not complying with the directives of the first Appellate Authority and not furnishing the information. The said PIO shall remain personally present in the Commission with his explanation, if any on 19/08/2019 at 11.30am.

**With these directions the appeal case is stands disposed.**

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

Sd/-

**(Juino De Souza)**  
**State Information Commissioner**