

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

Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner

Penalty No.35/2018
In
Appeal No.62/2018/CIC

Subhash Narvekr,
r/o H. No.164. V “Ganesh”,
Alto Duler, Mapusa,
Bardez –Goa.

..... Appellant

V/s

The Public Information Officer,
Mr. Dasharath N. Gawas,
Mamlatdar of Valpoi,
Valpoi, sattari –Goa.

..... Respondent

Dated: 11/07/2019

O R D E R

1) While disposing the above referred appeal No.62/2018/CICI, this Commission had directed to issue notice to the then PIO, Office of Administrator of Devalaya Bardez to show cause as to why penalty as contemplated u/s 20(1) and/or 20(2) of the Right to Information Act 2005, (Act) should not be imposed on him. By same order the appellant was directed to file the name and address of the then PIO. Accordingly the appellant submitted that as on 09/10/2017 i.e. the date on which the application filed u/s 6(1) one Shri Dashhrath Gawas, was the PIO, who according to appellant is posted now as Mamlatdar Valpoi, Goa.

2) Accordingly notice was issued to Shri Dashrath Gawas on 16th August 2018, to show cause as to why penalty as provided u/s 20(1) and/or 20(2) of the RTI Act 2005 should not be imposed on him.

Sd/-

...2/-

3) On 10/09/2018, said PIO Shri Dashrath Gawas filed his reply vide his said reply it is his contention that The RTI Act is clear on the point that the information that is available in records be given to the applicant and not create any information. There was no malice and/or wrongful intention in not producing the information on time to the appellant and due to time bound work, administrative work, inspections of illegal construction, law and others etc and also due to some difficulties faced by the undersigned the reply on his part remain unanswered. According to him all this factors collectively led to unintentional delay thereby leading to non filing of reply before this Hon'ble Commission.

The then PIO by said reply has requested that the information sought by the appellant under RTI Act, 2005 is based on the Devalaya/Devasthan matter, the same may be put before the present Administrator of Devalay of Bardez & PIO for collecting the required information based on points (4), (5) and (6) of the appellants application dated 09/10/2017.

4) On subsequent hearings the then PIO sought adjournments on several counts which were granted. He again failed to appear thereafter. In spite of several adjournments the then PIO Shri Dashrath Gawas failed to file any further say or any submissions. In the above situation this Commission has no option then to proceed with the matter based on the records, more particularly the reply filed by him.

5) Perused records and considered the grounds raised therein. Also perused the records of appeal. There is no dispute that the original application of appellants dated

Sd/-

...3/-

09/10/2017 filed u/s 6(1) of the Act was not decided within time as stipulated u/s 7(1) of the said Act. No ground for said delay is shown by the then PIO. Assuming that the PIO was loaded with the work as lamented now, the same could have been proved even by writing a letter to the appellant expressing his such difficulties. The PIO has not bothered to file any reply in the above referred appeal before this commission.

In the reply filed in this penalty proceedings the only ground as pleaded is that of time bound work, administrative work, inspection of illegal construction and law and order etc. Said grounds as raised are the routine work of the incumbent. His duties under the Act are also the time bound. If one had to accept the said grounds as put forth by PIO for resultant delay, then the entire spirit and intent of Act would stand defeated.

6) Section 7(1) of the Act contemplates that the PIO should decide the application filed by a seeker u/s 6(1) within thirty days. The delay for not deciding the appellant's application u/s 6(1) within time has not been explained. Consequently then PIO, Shri Dashrath Gawas has failed to show sufficient cause, that the delay was unintentional. In the circumstances I find this as a fit case to impose penalty. Considering the grounds, I find that a sum of Rs.5000/- would be fair and reasonable.

7) In the above circumstances and in exercise of my powers u/s 20(1) of The Right to Information Act 2005, I hereby direct the then PIO, Shri Dashrath Gawas, presently posted as Mamlatdar Valpoi to pay a sum of

Sd/-

...4/-

Rs.5000/-(Rupees Five thousand only) as penalty for not deciding the request of the appellant within time. Said amount of Rs.5000/- shall be deducted from salary of Shri Dashrath Gawas for the month of August 2019 and be forfeited to the Government.

With the above order, the proceedings are disposed.

A copy of this order be sent to:

(i) Directorate of Accounts

(ii) Collector North Goa

For information and necessary action at their end.

Pronounced in open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa