

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers', Seventh Floor, Patto, Panaji Goa

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

**Penalty No.38/2018/CIC**

**In**

**Appeal No.135/2018/CIC**

Mr. Sudan Fati Naik Gaonkar,  
Flat – C, Villa No.F- 7,  
Paradise on Earth, Near PDA Colony,  
Alto Porvorim, Bardez –Goa.

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Appellant.

V/s

Dr. Uday C. Gaunker,  
Public Information Officer,  
Damodar Higher Secondary School,  
Gudi Paroda, Quepem –Goa.

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Respondent.

Dated: 22/02/2019

**O R D E R**

- 1) While deciding the above referred appeal, this Commission, has directed the PIO, Dr. Uday C. Gaunker, to show cause as to why he should not be directed to pay penalty and/or recommend disciplinary proceedings against him as contemplated u/s 20 (1) and/or 20(2) of the Right to Information Act 2005 (Act).
- 2) The said PIO, Dr. Uday C. Gaunker filed his reply on 24/09/2018 inter alia submitting that he has approached the management for furnishing information and the management has agreed for the same. Said PIO has also submitted in para (2) of his reply regarding his selection and appointment as Asst. Director of Education, but said averments has no relevancy in the present case, hence I find no grounds to consider the same. The situation and grounds as involved herein pertains to the period when he was the PIO.

Sd/-

...2/-

The PIO has further submitted that he was not in service of the respondent Public Authority and hence a miscommunication for which the PIO has expressed remorse.

The PIO has tried to deny the findings of this Commission that he has adopted a casual, evasive and mafide approach, but such contentions are not acceptable being the findings of this Commission.

With reference to the filing of the copy of letter of one Pratap Vithoba Sawant Dessai, as is observed in the order of this commission, he has stated that it was a mistake and that the actual letter of appellant herein was later enclosed. PIO has further submitted that the information as was sought is already furnished. The PIO has also filed the copies of the information as is furnished to appellant.

- 3) On perusal of the reply and the copies of the information, it is seen that the information is furnished. The appellant has not come with any grievance that he has not received the same. I therefore hold that the information as was sought is furnished.

With reference to the explanation of the PIO, Dr. Gaunkar that the letter pertaining to one Shri Pratap Vithoba Sawant desai was wrongly annexed, the same appears to be after thought. The PIO should have been deligent while dealing with the case before this Commission. On 16/08/2018 this discrepancy was noted by the Commission in the Course of hearing of the appeal and an opportunity was given to the PIO to explain the discrepancy but the PIO failed to appear before the Commission to do the same.

Though the PIO has furnished the information now, the same is beyond the prescribed period under the act. Hence such a gesture cannot be held as due compliance under section 7(1) of the act.

Sd/-

...3/-

- 4) However considering the fact that this Commission has come across such lapse on the part of PIO for the first time and further considering the remorse expressed by him, a lenient view is taken. PIO is therefore warned to be vigilant hence forth while dealing with the proceedings under the act. Any lapse on his part at any time in future shall be seriously viewed. This Commission expects a due adherence to the provisions by the respondent Authority of the act in its true spirit and intent.
- 5) With above observations, the notice issued to PIO, Dr. Uday C. Gaunkar, Stands withdrawn. Proceedings dropped.  
Order to be communicated.

Sd/-

**( P. S. P. Tendolkar )**

State Chief Information Commissioner  
Goa State Information Commission  
Panaji - Goa