

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

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

Penalty NO.24/2018
In
Appeal No.03/2018/CIC

Shri Jawaharlal T. Shetye,
H. No.35/A Ward No.11,
Khorlim, Mapusa-Goa.

..... Appellant.

V/s

The Public Information Officer,
The Secretary Village Panchayat Calangute,
Calangute, Bardez-Goa.

..... Respondent

Dated: 01/03/2019

O R D E R

1) While disposing the above appeal, this Commission by order, dated 01/06/2018 has directed the PIO, office of Village Panchayat of Calangute to show cause as to why action as proposed under section 20 (1) and/or 20(2) of the Right to Information Act 2005 (ACT) should not be initiated against him. As per the memo of name and address filed by the appellant the said notice was served on the concerned PIO, of Village Panchayat Calangute, Shri Raghuvir Bagkar.

2) On receipt of the show cause notice, on 9/1/2019 the said PIO Shri Bagkar, through his advocate filed the reply to the said notice. It is the contention of the said PIO that the general practice is to inward the application and thereafter forward to the concerned officer. It is further according to him that everyday numerous papers are received in his office amongst which was the application of appellant.

Sd/-

...2/-

It is further according to said PIO that he is the PIO of the Panchayat of Castal belt and imumerable applications, Complaints are filed for various illegal activities and that there are various other directions memorandums issued by different Authorities to be followed by him and while dealing with such several applications the present application remained unnoticed and was mixed with disposed application . According to said PIO he could not locate the notice issued by First Appellate Authority nor by this Commission with a bonafide belief that said notices were handed over to the advocate.

Regarding the order of this Commission it is the contention of said PIO that he came across the said order alongwith the application inwards on 24/12/2018 filed by the appellant for inspection as per the direction of this Commission. According to him delay caused in furnishing information and also not appearing before this Commission is not intentional or due to malafides but on account of loss of site. PIO has prayed for withdrawal of notices.

3) Oral submissions of the PIO were heard. Perused the records. The controversy starts from the date of filing of the application for information u/s 6(1) of the act. According to the PIO said application was inwards and thereafter was not placed before him. This story appears to be not probable as it is difficult to hold that application dated 14/10/2017 is not placed before the PIO for years together.

Be that as it may, after 30 days the appellant filed first appeal to BDO. Said First Appellate Authority issued notice, which was returnable on 29/11/2017 at 10.30 am. According

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to said PIO said notice issued in November 2017 is also not located for years. The FAA after granting four opportunities finally allowed the appeal. Here again the version of the PIO that the notice is not traced appears to be improbable.

4) The notice of this second appeal was issued by this Commission, by post. As per the postal records the same is served on the PIO on 08/02/2018. In spite of the same the PIO failed to appear during the hearing of the appeal. All throughout it is the version of PIO that the notices of the authorities were not placed before him. Such a situation, which according to PIO is going on since at least October 2017 till December 2018, does not appear probable. No authority can function with such an administrative set up.

5) It is also the version of PIO that the authority receives numerous applications, memos etc to be dealt with and hence the application of the appellant remained unattended. Had one to accept this as a ground for delaying information, the entire spirit and intent of the act of furnishing the information in time would be frustrated PIO's will take their own sweet time to deal with the request. The act is categorical in respect of time to deal with the request and hence applications under the act should attract priority. In such circumstances such a version also cannot be held as probable cause for delay.

6) In the above circumstances and considering the reply of the PIO, I find no sufficient cause to hold that the delay in furnishing information was bonafied or unintentional. I thus find no grounds to withdraw the notice and hold that PIO Shri Raghuvir Bagkar has without reasonable cause has not

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furnished the information within the time as specified u/s 7(1). He is therefore liable for penalty u/s 20(1) of the act.

7) In the above circumstance, I in exercise of my powers u/s 20(1) of The Right to Information Act 2005, hereby direct PIO, Shri Raghuvir Bagkar to Pay a penalty of Rs. 2500/- (Rupees two thousand five hundred only). Said amount shall be deducted from his monthly salary for the month of March 2019 and credited to the Government treasury .

Notify the parties.

Copy of this order be sent to Collector, North Goa, for information and necessary action at its end.

Proceeding closed.

Sd/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji -Goa