

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Penalty No.24/2019

In

Appeal No.283/2018/CIC

Shri Sushant P. Nagvekar,
HNo.C-312, Fondvem,
Ribandar 403006.

.....

Appellant

V/s

The Public Information Officer and Mamlatdar,
Collectorate Building,

Tiswadi, Panaji.

.....

Respondent.

Decided on:19/08/2019

O R D E R

1)While disposing the above appeal this commission has directed the PIO Shri Shailendra G. Dessai to show cause as to why action u/s 20(1) and/or 20(2) of the RTI Act should not be initiated against him. Pursuant to the said notice the PIO Shri Shailendra Desai filed his reply.

2) By his said reply he has stated that there was no malafied delay or intentional harassment to the appellant. According to him the reply to his application was kept ready on 16/08/2018 and the same was to be dispatched by the Circle Inspector – II who was holding the charge of AK. According to him the post of AK and the Circle Inspector remain vacant due to promotion and transfer. It is also his contention that the circle Inspector who was dealing with the

Sd/-

...2/-

cases after promotion of other person he was given additional charge. The PIO has further narrated that he is also incharge of several section in the office and has to deal with several cases.

3) In the course of his submission, the PIO's by reiterating the said reply, submitted that he has additional charges to be looked after in the office. I am unable to accept the said contention as a ground for delay. The PIO in any case has to deal with the application for information with priority as per the act.

4)It is also the contention of PIO that the concerned circle Inspector and the AK were not available also does not help the PIO to seek the extension of time. However, the same can be taken as a ground for leniency and not for extension of time.

5) It is on record and as per the outward register that the reply to the said applications was ready on 16/08/2018 but dispatched on 27/08/2018. Thus considering the date of application and the period for reply 7(1) of the act, which falls due somewhere on 19/08/2018. There is a delay of about 8 days. However considering the ratio as laid down by the Hon'ble High Court of Bombay Panaji in Writ Petition No.704 of 2012 (Public Authority and others v/s Shri Yeshwant Tolio Sawant) this marginal delay appears to be condonable. However, this order shall not be deemed as a blanket extension of time.

6) With the above observation this commission adopts lenient view. The notice dated 14/05/2019 is withdrawn.

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However the PIO is made aware that he shall be diligent hence forth in dealing with the RTI application and shall give priority as provided under the act. With the above observation proceeding stands closed.

Order be communicated to the parties.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa