

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Penaty No. 29/2018/CIC**

**In**

**Appeal No.179/2017/CIC**

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

..... **Appellant**

**V/s**

- 1) The Public Information Office,  
Mapusa Municipal Council,  
Mapusa –Goa.
- 2) The First Appellate Authority,  
Mapusa Municipal Council,  
Mapusa –Goa.

..... **Respondents**

**Date: 13/02/2019**

## **O R D E R**

- 1) This Commission while disposing the above appeal by order, dated 26/06/2018 has directed the PIO of the respondent Authority to show cause as to why action as contemplated u/s 20(1) and/or 20(2) of The Right to Information Act 2005, should not be imposed on him/her.
- 2) Pursuant to said notice the PIO Smt. Nazira Sayed filed reply through her representative. Vide her reply dated 07/08/2018, it is the contention of PIO Smt Nazira Sayyad that PIO Shri Shivram Vaze has furnished the information vide letter, dated 13/02/2018, in the course of pendency of second appeal. According to her during the tenure of the application tow PIOs were appointed. She was the PIO for establishment, Administration, Taxation & Sub Registrar of Birth & Death section and Shri Shivram Vaze for engineering section. It is according to her that the information at points 1 to 8 and 9 to 11 respectively were pertaining to the said two departments.

Sd/-

...2/-

It is further case of PIO that as she is having charge of Sr. Steno, Head Clerk and PIO she has to carry out the works of Council meetings, organizing National and other function programmes etc. and hence the application remained to be complied with in time.

It is further according to her that during the period of application she was under medical treatment, which suffered hypertension and anxiety and hence the information remained to be furnished. The PIO has enclosed the medical Certificate. According to her the difficulties are genuine and not to cause hardship to applicant.

- 3) Though the above reply was filed on behalf of PIO, the same is not verified by her. PIO also failed to remain present personally to substantiate her stand. Adv. M. Dousa though has undertaken to file Wakalatnama on behalf of PIO and file additional reply failed to do so. The concerned PIO also failed to remain present on dates of hearing after 20/09/2018. In these circumstances the above penalty proceedings are disposed based on the records and the reply filed by PIO.
- 4) Perused the reply of PIO. It is her first contention that she has lot of work in the authority to carry and hence could not respond the same in time. I am unable to accept the said version. Had I to accept such ground as a ground for not complying the mandate of the Act, then the intent of the act would be diluted. Under such spacious pleas the PIO would get around the time limit as mandated u/s 7(1) thereby frustrating the act. That apart even after notifying the PIO in the appeal, I find no such plea therein.
- 5) The second ground for delay as pleaded by PIO is that she was under medical treatment. She has produced the medical certificate. If one peruses the same, it can be seen that the same is dated 02/08/2018 and it certifies that the concerned

Sd/-

...3/-

PIO is under the treatment from August 2017 till date and that she is under medication. It is not the case of PIO that she was out of her service due to the said ailment or that she was on leave on the date of application and thirty days thereafter. Such a plea was also not raised in the course of appeal out of which this penalty arises. Thus said ground also loses its force.

- 6) In view of the above I find no force in the grounds raised by the PIO in her defense. The same appears to be afterthought. In the present case the PIO was required to respond the application on or before 13/10/2017, which is not done by PIO. The PIO is therefore guilty of contravention of section 7(1) of the act and thus is liable for penalty u/s 20(1) of the act. Though it is of no concern to the Commission regarding the number of PIOs involved while dealing with the application, by considering the version of PIO that part of the reply was to be furnished by another PIO of the Engineering section, who has retired a lenient view is taken while imposing the penalty.
- 7) In view of the above and in exercise of my powers u/s 20(1) of The Right to Information Act 2005, PIO, Smt. Nazira Sayyad is hereby directed to pay Rs. 2500/- (Rupees Two thousand Five Hundred only) as penalty. Said amount shall be deducted from her salary for the month of March 2019.

Notify the parties. A copy of the order be also sent to the Directorate of Accounts and to the Directorate of Municipal Administration, for information and necessary action at their end.

Proceeding closed.

Pronounced in open hearing.

Sd/-

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

Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa

