

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Penalty No.51/2018/SCIC

In

Appeal No.69/2018/CIC

Shri. Jawaharlal T. Shetye,
Hno.35/A, Ward No.11
Near Sateri Temple,
Khorlim, Mapusa Goa
403507.

.....Appellant

V/s

- 1) The Clerk
Comunidade of Khorlim,
Near the Church
Mapusa Goa.

.....Respondent

Date:26/03/2019

O R D E R

- 1) This commission while disposing the above appeal, vide order dated 12/12/2018, has directed the clerk, of Comunidade of Khorlim, 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 initiated against him. This notice was issued by holding the said clerk as a deemed PIO under section 5(5) of the act. Accordingly a notice dated 22/02/2019, was issued to the clerk, Comunidade of Khorlim to show cause.
- 2) Pursuant to said notice the concerned PIO Shri Ramesh Tulaskar filed his reply on 06/03/2018. Vide his said reply it is his contention that he was holding charge of five more Comunidades viz Mapusa, Cunchelim, Corlim, Colvale, Camurli and Calangute and hence he could not provide information in time. In said reply he

Sd/-

...2/-

has undertaken to provide information in time and prayed to forgive him from penalty.

- 3) Considered the records. It is seen that by memorandum, dated 15/01/2016, the PIO has sought assistances u/s 5(4) from the clerk of comunidade for furnishing information to appellant. It is seen from the records that the clerk has not responded to the said memo this non action on the part of clerk resulted in first appeal, which was dismissed for default in appearance on 23/06/2017.
- 4) In spite of notice of the appeal, the clerk failed to file reply to appeal. It is only in the present penalty proceedings that the clerk for the first time contends that he had charges of five more comunidades. This fact could have been clarified by clerk initially when the memo was issued to him by the PIO. A simple letter by him to appellant expressing his difficulty could have proved his bonafides. He could have also done it before the first appellate authority or in the second appeal filed before this commission. The concerned clerk Shri Tulaskar had appeared before this commission in the above appeal but he had not availed opportunity to explain the ground for causing delay. In these circumstances, the ground as raised now appears to be after thought and does not inspire confidence.
- 5) However considering the remorse as expressed by the clerk Shri Ramesh Tulaskar, and being the first case before me, for this matter a lenient view is taken.

Sd/-

...3/-

He is hereby warned that hence forth he shall be cautious in dealing with the applications under the act in its true spirit and intent.

It is further impressed upon him that in case of any subsequent default, his actions shall be punishable not only u/s 20(1) but also u/s 20(2) of the act, resulting in recommendation of disciplinary actions against him.

In the light of above warning the notice, dated 22/2/2019 stands withdrawn.

Proceedings closed.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji –Goa