

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Penalty No.05/2014

In

Complaint No.101/SIC/2012

Shri D. H. Kenaudekar,
R/o Near Village Panchayat of Marra Pilerne,
Alto Porvorim,
Bardez-Goa. **Appellant.**

V/s

- 1) Shri Sanjeev Gauns Dessai,
Then Administrator of Comunidades/
Then Public Information Officer,
North Zone, Mapusa,
Bardez-Goa.
- 2) Mrs. Irene Siqueira,
The then Public Information,
Administrator of Comunidades,
Presently as Secretary,
Goa State Information Commission,
Kamat Towers, Patto,
Panaji -Goa. **Respondent.**

Date: 11/11/2019

O R D E R

- 1) While disposing the above complaint by order, dated 30/10/2014, my predecessor SCIC had directed the present PIO to furnish the information to the complainant. In the same order, the SCIC had held that as the prayer for penalty was separately pursued through the present penalty proceedings, the same shall continue separately.
- 2) On taking charge as the new State Chief Information Commissioner, a fresh notice was issued to Shri Sanjeev

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Gauns Desai being the then PIO. In reply to said notice he pointed out to the commission by his reply dated 06/02/2018 that he was dropped from the proceedings by order, dated 30/10/2014.

During the hearing on 06/02/2018, Shri Gaus Desai further submitted that he was relieved from the duties as administrator of Comunidades and that on 08/03/2012 he handed over the charge to Mrs. Irene Sequeira. Accordingly notice was issued to Mrs. Irene Sequeira as the then PIO on 07/02/2018 to show cause as to why penalty as contemplated u/s 20(1) and/or 20(2) of The Right to Information Act 2005, should not be imposed against her.

- 3) Said PIO, Mrs. Irene Sequeira filed her reply on 01/03/2018. Vide said reply it is her contention that Shri Sanjeev Gauns Desai has taken charge as Administrator of Comunidade on 16/01/2012 and worked as such till 15/03/2012 and that the application u/s 6(1) was received on 17/01/2012, which is during his tenure as PIO. Hence according to her she should be discharged.
- 4) On perusal of the records more particularly the list of officers who had worked as Administrators of Comunidades, as signed by Administrator of Comunidades North Zone, dated 12/08/2014, it is seen that said Smt. Irene Sequeira was posted as Administrator, who is also the PIO during the period from 05/08/2011 to 15/01/2012 and subsequently for the second tenure from 09/03/2012 till 27/11/2013. The application u/s 6(1) was filed and inwards on 17/01/2012, which is after the date she was relieved of her first posting. In the circumstances said Smt. Irene Sequeira was not posted as PIO during the period 17/01/2012 till 18/02/2012 being the

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time under u/s 7(1) of the act. Consequently, no lapse to comply with requirements of section 7(1) can be attributed to her.

- 5) From the said records it is seen that from 17/01/2012 till 17/02/2012, which falls within the intervening period u/s 7(1) of the act, Shri Sanjeev Gauns Desai was posted as the PIO. However by order, dated 30/10/2014, my predecessor has discharged him from the proceedings apparently based on the submission of the complainant. The said order has attained finality for want of challenge.
- 6) Considering the above position, I find no grounds to proceed with the above proceedings as against Smt. Irene Sequeira, to whom the present notice is issued. The notified PIO having shown sufficient cause for not invoking the penalty, I find no grounds to proceed with the said notice.

In the result the notice, dated 07/02/2018 issued by this Commission stands withdrawn. Proceedings closed.

Order be communicated to parties.

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