

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

Appeal No. 68/2019/SIC-I

Shri Siddesh Simepurushkar,
r/o Flat No. 2, Ananta Appt,
Angodwada, Mapusa,
Goa.

.....Appellant

V/s

1. Public Information Officer,(PIO)
Administrative of Comunidade,
(North Zone), Mapusa,
Bardez Goa.

.....Respondent

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Filed on: 13/03/2019

Decided on: 10/06/2019

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Siddesh Simepurushkar herein by his application dated 27/11/2018 filed under section 6(1) of Right to Information Act, 2005 sought certain information from the Respondent No. 1 Public Information Officer (PIO), office of the Administrator of Comunidade, North Goa, at Mapusa, Bardez-Goa, on 7 points as stated there in pertaining to the Comunidade of Assagao .
2. It is contention of the Appellant that the said application was responded by Respondent PIO on 4/1/2019 wherein part of the information was furnished to him . Being not satisfied by such an response of PIO, and as no complete information was provided to him, he preferred 1st appeal on 15/1/2019 before the Additional Collector-II of North at Panajim being First appellate Authority (FAA).
3. It is contention of the appellant the First appellate authority by an order, dated 25/2/2019, partly allowed the said appeal and directed PIO to furnish the information on point no. 4, 5 and 7 as sought by

the appellant vide his application dated 27/11/2018 within 15 days, free of cost ,from the date of the order.

4. It is contention of the Appellant that the Respondent PIO did not comply the order of the First Appellate authority and did not furnish him information as such being aggrieved by the action of PIO, he is forced to approach this Commission by way of second appeal.
5. In this back ground the present appeal came to be filed before this commission on 12/3/2019 under section 19(3) of the RTI Act 2005 , there by seeking direction to PIO for furnishing him the said information and for invoking penal provisions.
6. Notice were issued to both the parties. In pursuant to which appellant was present. Respondent was represented by APIO Shri Ramesh Tulaskar.
7. The appellant during the hearing on 30/4/2019 submitted that he is only pressing for information at point no. 4 and 7 as sought by him vide his application dated 27/11/2018 and if the same is provided, he shall have no further grievance, to which the representative of PIO undertook to take effective steps calling for such information from the concerned Comunidade.
8. Accordingly on 27/5/2019 the representative of Respondent PIO submitted that due inspection of the records sought by the appellant have been carried out by the appellant and the information at point no. 4 and 7 is ready and he undertook to provide the same to the appellant.
9. On the subsequent date of hearing neither the appellant nor the Respondent PIO nor his representative appeared hence this Commission was unable to seek any clarification whether the information as undertaken by the representative of Respondent PIO have been furnished to the appellant or not.

10. On perusal of the records it is observed that the application u/s 6(1) of the act was filed on 27/11/2018. Under section 7(1) of the Act the PIO is required to respond the same within 30 days from the said date. There is delay in responding the application of the appellant. The same responded only on 4/01/2019 wherein part of the information was furnished and the rest were denied on the ground that the same is not available in their office.
11. It is seen from the record that the order dated 25/02/2019 was not complied by the Respondent PIO. On perusing the order of the first appellate authority, it is seen that during non of the hearing the Respondent PIO did appeared before the First appellate authority neither filed any reply and the said observation have been made by the FAA in its order.
12. The said is the case in the above proceedings too , the PIO is duly served by this commission with the notice in the above appeal inspite of which the PIO has failed to appear and show as to how and why the delay in responding the application and/or not complying the order of first appellate authority was not deliberate and /or not intentional.
13. From the conduct of the PIO it can be clearly inferred that the PIO has no concern to his obligation under the RTI Act or has no respect to obey the order passed by the senior officer. Such a conduct of PIO is obstructing transparency and accountability appears to be suspicious and adamant vis-a-vis the intend of the Act.
14. From the above gesture of PIO I find that the entire conduct of PIO is not in consonance with the act. Such an lapse on part of PIO is punishable u/s 20(1) and 20(2) of the RTI Act . However before imposing penalty, I find it appropriate to seek explanation from the PIO as to why penalty should not been imposed on him

for the contravention of section 7(1) of the act, for not compliance of order of first appellate authority and for delaying the information.

15. I therefore dispose the present appeal with order as under ;

Order

Appeal allowed

- a) The Respondent No. 1 PIO is hereby directed to furnish the information as sought by the appellant at point no. 4 and 7 of his application dated 27/11/2018 within fifteen days from the date of the receipt of the order.
- b) Issue notice to respondent No. 1 PIO to showcause as to why no action as contemplated u/s 20(1) and /or 20(2) of the RTI Act 2005 should not be initiated against him for contravention of section 7(1), for not complying the order of first appellate authority and for delay in furnishing the complete information.
- c) In case the PIO at the relevant time, to whom the present notice is issued , is transferred, the present PIO shall serve this notice along with the order to him and produce the acknowledgement before the Commission on or before the next date fixed in the matter alongwith full name and present address of the then PIO.
- d) Respondent, PIO is hereby directed to remain present before this commission on 27/06/2019 at 10.30 am alongwith written submission showing cause why penalty should not be imposed on him .
- e) Registry of this Commission to open a separate penalty proceedings against he Respondent PIO.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa.