

GOA STATE INFORMATION COMMISSION
Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Penalty No.27/2018/CIC
In
Appeal No.220/ 2017/ SCIC

Shri Savio Suraj Victoria,
Add. 28, Khairikatem,
Sanguem-Goa.403704.

....Appellant

V/s.

The Public Information Officer,
Fr. Anthony Melvin Fernandes,
Miracles High School,
Sanguem –Goa.
Pincode :403704.

...Respondent

Penalty No.28/2018/CIC
In
Appeal No.222/ 2017/ SCIC

Shri Savio Suraj Victoria,
Add. 28, Khairikatem,
Sanguem-Goa.403704.

....Appellant

V/s.

The Public Information Officer,
Fr. Anthony Melvin Fernandes,
Miracles High School,
Sanguem –Goa.
Pincode :403704.

...Respondent

Penalty No.50/2018/CIC
In
Appeal No.21/ 2018/ SCIC

Shri Savio Suraj Victoria,
Add. 28, Khairikatem,
Sanguem-Goa.403704.

....Appellant

V/s.

The Public Information Officer,
Fr. Anthony Melvin Fernandes,
Miracles High School,
Sanguem –Goa.
Pincode :403704.

...Respondent

...2/-

Sd/-

Date: 21/11/2019

O R D E R

- a) All the above penalty proceeding are initiated and arising between the same parties. Though in respect of 3 different application, the issue involved in the present proceedings being common, they are disposed by common order.
- b) While disposing the appeals, this commission by order dated 19/03/2018 directed the PIO to furnish the information to the appellant. By the same order, the concerned PIO was directed to show cause as to why penalty u/s 20(1) and/or 20(2) of the Act should not be initiated against then PIO. The show cause notice of this penalty was sent to the respondent school for being served on then PIO, which according to the appellant and as per his memo dated 02/07/2018 was Mr. Anthony Melvin Fernandes.
- c) The now PIO, Fr. Richard Crasto appeared on the date of hearing and filed on record the copy of notice served on Fr. Anthony Melvin Fernandes through Provincilate Pilar Niwas, New Delhi.
- d) On the subsequent date the now PIO, Fr. Richard Casto through his Advocate submitted that said Fr. Anthony Melvin Fernandes has resigned from the services. He produced on record the copy of his resignation letter as also the copy of the letter accepting the same by Xaverian Educational Society, Margao.
- e) Considering the fact that the incumbent PIO has retired, any order passed by this Commission under section 20 (2) of the RTI Act 2005 shall be a nully and ineffective as the incumbent has already retired.

Sd/-

...3/-

- f) In case of penalty under section 20(1), I find that the same cannot be also invoked in view of the fact that the concerned PIO is not entitled for any salary now and can draw only pension and gratuity. Such retirement benefit are beyond the scope of attachment in view of the ratio laid down by the Hon'ble Supreme Court in the case of *Gorakpur University and others v/s Dr. Shilpa Prasad Nagendra (Appeal Civil 1874 of 1999)* and also in the case of *Radhye Shyam Gupta v/s Punjab National Bank (Civil appeal No.6440-41 of 2008)*.
- g) Considering the above position, I find that the penalty proceeding is rendered infructuous and consequently same cannot be proceeded with.
- h) In the result the show cause notice issued to then PIO stands withdrawn. The above penalty proceedings stand closed. Order be communicated to the appellant.

Proceeding Closed.

Sd/-

(Prashant S. P. Tendolkar)

State Chief Information Commissioner
Goa State Information Commission
Panaji -Goa