GOA STATE INFORMATION COMMISSION
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Penalty No. 47/2019
In
Appeal No. 138/2018/SIC-II

Shri. Bharat L. Candolkar,
Vady, Candolim,
Bardez-Goa. .....Appellant

V/S

1. The Public Information Officer,
Shri. Dashrath Gawas,
Mamlatdar of Bardez,
Mapusa, Bardez-Goa.

2. The First Appellate Authority,
Deputy Collector of Bardez,
Mapusa, Bardez-Goa. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 07/01/2020
Decided on: 24/11/2021

ORDER

1. The Commission vide order in appeal No. 138/2018/SIC-II had come to the conclusion that the then PIO of the office of Mamlatdar of Bardez, Shri. Dashrath Gawas, had erred in not furnishing the information to the applicant under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') within the prescribed time limit. It has also observed that the then PIO had also failed to comply with the direction of the FAA, to furnish the information, which lead to the applicant to come to the Commission for seeking the information.

2. Pursuant to order dated 26/11/2019, notice under sec 20(1) of the Act was issued to Respondent PIO, Shri. Dashrath Gawas to show cause as to why penal action should not be taken against him for not furnishing complete information within stipulated time and for causing delay.

3. Respondent No. 1 appeared on 22/04/2021, and during the course of hearing, the Respondent No. 1, submitted that he wanted to produce on records some additional documents / affidavit to defend his case and matter was fixed for production of documents.

4. However, on subsequent date of hearing i.e on 06/07/2021, 12/08/2021, 03/09/2021, 06/10/2021, 28/10/2021 and 24/11/2021 he neither remained present nor filed the reply or affidavit or additional documents to support his defence.

5. The above conduct of PIO and failure to file reply, affidavit or additional documents to affirm his contention shows lack of concern to the order of the Commission, which is detrimental to the implementation of provision of the Act. Inspite of the opportunity granted, the PIO, Shri. Dashrath Gawas also failed to file reply to the show cause notice.

6. Thus, he has failed to prove that he has acted reasonably and deligently and has failed to furnish the information and therefore, it is a fair case for imposition of penalty in terms of section 20(1) of the Right to Information Act, 2005.

7. Learned counsel Adv. A.P. Mandrekar appearing on behalf of Complainant submitted that, in the entire proceeding the approach of the PIO is casual and trivial. He also pointed out that despite the direction of the First Appellate Authority, the PIO has not furnished the information and therefore he was forced to file the second appeal. He further submitted that, present PIO, Shri. Laxmikant Kuttikar, Mamlatdar of Bardez has furnished full and complete information.

He further submitted that due to irresponsible attitude and approach of the then PIO, Shri. Dashrath Gawas , the Appellant was put to unnecessary hardship and was made to run from pillar

to post to get the justice and had to waste his time, energy and money. He also produced on record the Judgement of Hon'ble High Court of Bombay at Goa in case of **Mr. Johnson B. Fernandes v/s The Goa State Information Commission and another (2012 (1) ALL MR 186)** to support his case.

8. Considering the fact that, RTI Act is a beneficial piece of Legislation and the same has been enacted to provide for setting out the practical regime of right to information for citizen to secure access to information under the control of public authority and in view of the Hon'ble High Court of Bombay at Goa in **Johnson B. Fernandes (Supra)**, I find it fit case for imposition of penalty in terms of sec 20(1) of the Act.

9. In view of my above findings and in exercise of power granted under sec 20(1) of the Act, I hereby direct, the then PIO, Shri. Dashrath Gawas, presently posted as Mamlatdar of Valpoi, Sattari-Goa to pay sum of **Rs. 5,000/-** (Rupees five thousand only) as penalty. The said penalty shall be deducted from the monthly salary of the PIO. The penalty so deducted shall be credited to the Government account.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner