

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

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Complaint No. 48/2019/SIC-I

Shri Narsinha Rathwad @ Kakankar,
R/o. Kasarwada, Khorlim,
Mapusa Goa.

-----Complainant

v/s

1. The Collector North Goa District,
Panaji Goa.

2. Public Information Officer,
Mamlatdar of Bardez,
Mapusa-Goa. 403507

3. The First Appellate Authority,
The Deputy Collector of Bardez,
Mapusa Goa. 403507

-----Opponent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-01/08/2019

Decided on:-25/08/2021

ORDER

1. By Order dated 10/09/2018 passed in Second Appeal No. 182/2018/SIC-II, this Commission had directed the Collector of North Goa, at Panaji or through his authorized officer to conduct an inquiry regarding the missing file bearing Tenancy case No. TNC/PUR/MAP/5/93 having the cause title Shri. Mahadev S. Korgaonkar v/s Philomena Braganza & Ors. pertaining to property bearing P.T. Sheet No. 139 of Chalta No. 62/12 of city survey Mapusa and to fix the responsibility of missing file and complete said inquiry within 4 months and also initiate appropriate proceedings under the person responsible.

It is also directed to carry out inventory of their records within three months and to maintain and preserve the records in proper manner.

2. Complainant herein by referring the said order has filed present complaint to direct to furnish the information along with complete compliance report and prayed to impose penalty on all the Respondents.
3. During the course of hearing on 03/01/2020 advocate appearing for the Complainant had made some allegations on the then State Information Commissioner. The State Information Commissioner recused herself from hearing the matter and referred the matter to the then Chief Information Commissioner for hearing.
4. After demitting of the State Chief Information Commissioner, matter could not be heard, and after joining the new State Information Commissioner, notices were issued and matter was heard though the notice was duly served on the Complainant, he was not present. PIO and representative of PIO appeared.

On perusal of records, it is found that Additional Collector-III Bardez has conducted the inquiry as per the instruction of Collector North in pursuant to the direction of this Commission.

It is also revealed that, PIO, Mamlatdar of Bardez, conducted fresh inventory of the records of his office, however PIO has stated that inspite of all efforts, information sought by Complainant is not traced.

5. From the roznama dated 22/11/2019 it appears that Shri. Mahadev Arondekar, Additional Collector-III, Bardez, Mapusa has conducted the inquiry and copy of the said report as submitted to Collector is furnished to the Complainant. However the copy of inquiry report was not in the records of proceedings.
6. As the inquiry report was not brought on record, PIO was directed to place the same on record.

Accordingly the PIO remained present for hearing on

20/08/2021 and placed on record the copy of Inquiry Report of Additional Collector-III, North Goa District, Mapusa, Goa dated 22/10/2019.

7. I have perused the content of the Inquiry report of missing file submitted by Shri. Mahadev J. Arondekar, Additional Collector-III, North Goa District at Mapusa dated 22/10/2019. The report concludes that office of Mamlatdar Bardez has failed to preserve and maintain the records of court cases and the register of cases which is mandatory and the file bearing No. TNC/PUR/MAP/5/93 is not available in the records of Mamlatdar.

The report further concluded that 26 long years have passed and 19 Mamlatdars have exchanged hands and almost similar number of dealing hands/ court clerks are posted and transferred and due to want of material evidence against any staff, he could not pin point a particular staff who can be held responsible for missing file and therefore no responsibility has been fixed.

8. Considering the above report, and after conduct of inventory, it is reported that the file No. TNC/PUR/MAP/5/93 is not available in the records of the PIO, it can be concluded that the information is not available and therefore, any direction to its disclosure would be redundant.

In the above circumstances the proceedings stands closed.

Complaint is disposed accordingly.

Pronounced in open court.

Notify the Parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner