

**GOA STATE INFORMATION COMMISSION**  
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**Complaint No. 53/2019/SIC-II**

Shri. Sarvesh Raghu Khandolkar,  
H.No. 151, Carmi Bhat,  
Merces, Tiswadi-Goa. 403005.

-----Complainant

**v/s**

1. Joint Director of Accounts,  
Accounts Branch,  
DGP's Office, PHQ,  
Panaji-Goa. 403001

2. The Superintendent of Police,  
Headquarters,  
PHQ, Panaji-Goa. 403001.

-----Opponent

**Shri Vishwas R. Satarkar** - State Chief Information Commissioner

**Filed on:-23/10/2019**

**Decided on: 02/11/2021**

**ORDER**

1. That the Complainant, Shri. Sarvesh Raghu Khandolkar, H.No. 151, Carmi Bhat, Merces, Tiswadi-Goa by his application dated 06/02/2019 filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), the Joint Director of Accounts, Office of the Director General of Police, Panaji Goa.
2. The said application was responded by the PIO on 06/03/2019, thereby providing the information.
3. Not satisfied with the reply of PIO, the Complainant filed first appeal before Superintendent of Police, Head Quarters, Panaji Goa, being First Appellate Authority (FAA).

4. The FAA by order dated 05/07/2019 partly allowed the appeal and directed PIO, Accounts Branch, Police Head Quarters, Panaji Goa to furnish the specific information i.e. the copy of the order /written direction issued by SP (HQ) in respect of point No. I(c)(i) if any available in the records of Accounts Branch, Panaji, within 7 days of the receipt of the order.
5. Aggrieved with the order of FAA, the Complainant preferred this complaint under sec 18 of the Act, before the Commission with the prayer that penalty be imposed on PIO and also for recommending disciplinary action for providing wrong information and other reliefs.
6. Parties were notified pursuant to which the PIO appeared and filed his reply on 27/04/2021. The representative of FAA appeared, however did not file any reply in the matter.
7. I have perused the pleadings, reply and written submissions filed by the parties and scrutinized the documents on records.
8. According to Complainant, he is an employee of Police Department, having (PC-4985) and his monthly salary was stopped by the office of the Joint Director of Accounts for three consecutive months and therefore he filed RTI application seeking the information.

He further contended that, however PIO has knowingly generated false information and supplied the same as genuine vide his reply to his RTI application, in order to safeguard the interest and to provide undue protection for the wrong doing of the then Superintendent of Police (HQ).

9. The PIO through his reply, on the other hand contended that by letter dated 06/03/2019, all the available information at point No. I(c)(i) to (vii) has been supplied to Complainant. Not satisfied with the reply he preferred first appeal. The FAA vide order dated

05/07/2019 directed the PIO to furnish the specific information i.e the copy of order/written direction issued by SP(HQ) in respect of the information on point No. I(c)(i), if available on the records of Accounts Branch, PHQ, Panaji within 7 days on the receipt of the order.

Accordingly, the PIO complied the order of FAA and vide letter dated 19/07/2019 furnished the reply to the Complainant stating that the office of the PIO has not received any order / written direction from the Superintendent of Police (HQ) to stop disbursing salaries.

10. On perusal of the RTI application dated 06/02/2019 it is noticed that, the Appellant has mentioned about subject matter as the monthly salary bills and reasons for stopping monthly salary for three consecutive months.

The issue before the FAA was regarding the reason for stopping monthly salary for three consecutive months and he emphasized for certified copy of order/written direction, if any from Superintendent of Police (HQ) Panaji and accordingly the FAA directed the PIO to furnish that specific information. Record shows that the PIO has complied with the order of FAA by furnishing the reply dated 19/07/2019.

11. The PIO through his written submission reiterated that no order/written direction was received from Superintendent of Police (HQ) for stopping salary, however the outstanding three months salary of the Complainant which remained undisbursed due to the reason not known to the PIO, was released to the Complainant vide bill No. 2531 dated 08/10/2013. He produced on record the copy of the bill of Directorate of Account dated 08/11/2013 to support his case.

According to PIO, due to oversight / mistake two LPCs were issued the same outward number and date, i.e PHQ/Accts/PA-II(x)/980/2013 dated 01/07/2013 in respect of Head Constable 3093, Shri. Pramod Pandit and Police Constable-4985, Shri. Sarvesh Khandolkar. Further on rectification of this error, the revised LPC was issued to the Complainant vide No. PHQ/Accts/PA-II(x)/1628/2014 dated 08/07/2014.

12. Even the issue of Last Pay Certificate has been accepted by the PIO as oversight / mistake occurred with respect to same outward number. This has been revised and new LPC has been issued to the Complainant. Considering the fact, that the outstanding salary of three months was released to the Complainant vide bill No. 2531 dated 08/10/2013 and no significant monetary loss has been caused to the Complainant.

13. In the present case the PIO has disposed the request of Complainant on 06/03/2019 that is within stipulated period. From the records it also indicates that, the information as sought and is available has been furnished to Complainant.

The PIO has also complied with the order of FAA within reasonable time.

14. For the purpose of invoking my rights of penalty, the criteria as laid down by the Hon'ble High Court of Bombay is required to be considered. In **Writ Petition No. 205/2007 (Shri. A.A. Parulekar v/s Goa State Information Commission and others)** it is observed:-

*"11. The order of penalty for failure is akin to action under criminal law. It is necessary to ensure that the failure to supply the information is either international or deliberate."*

15. Considering the circumstances, I find no willful default on the part of PIO while dealing the RTI application. I also find no merit in the complaint to impose penalty or recommend any disciplinary action against the PIO as prayed by the Complainant.

16. The complaint therefore cannot be entertained. In the result, the complaint stands dismissed.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner