

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880, 2437908 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 64/2021/SIC**

Shri Jawaharlal T. Shetye,  
H.No. 35/A, Ward No. 11, Khorlim,  
Mapusa-Goa, 403507

..... Appellant

**v/s**

1. The Public Information Officer (PIO),  
Mapusa Municipal Council,  
Mapusa-Goa, 403507

2. The First Appellate Authority (FAA),  
The Chief Officer,  
Mapusa Municipal Council,  
Mapusa-Goa, 403507

..... Respondents

Filed on : 17/03/2021  
Decided on : 25/02/2022

## **Relevant dates emerging from appeal:**

RTI application filed on	: 24/11/2020
PIO replied on	: Nil
First appeal filed on	: 28/12/2020
FAA order passed on	: 28/01/2021
Second appeal received on	: 17/03/2021

## **ORDER**

1. The brief facts of this appeal are that the appellant vide application dated 24/11/2020 under section 6(1) of the Right to Information Act, 2005 (for short, the Act) sought some information as mentioned in the said application from respondent No. 1 Public Information Officer (PIO). The PIO did not reply to the said application within the stipulated period, and hence the appellant filed appeal dated 28/12/2020 before respondent No. 2 First Appellate Authority (FAA). The FAA vide order dated 28/01/2021 directed PIO to furnish the information within 30 days.

2. It is the contention of the appellant that PIO failed to comply with the directions of the FAA and therefore he has preferred second appeal before the Commission with prayers such as information, penal action under section 20, award of compensation etc.
3. Notice was sent to the concerned parties and the matter was taken up for hearing. Appellant chose to remain absent for most of the part of hearing, appeared in between, however filed no say. Shri. Vyankatesh Sawant, PIO appeared and filed reply dated 08/09/2021 and another submission on 24/11/2021.
4. The appellant stated vide appeal memo that failure of PIO to comply with the directions of FAA amounts to denial of the information and therefore he is aggrieved. The PIO at first instance did not furnish the information within the stipulated period and later avoided furnishing of the information inspite of directions issued by the FAA.
5. The PIO Shri. Vyankatesh Sawant stated that he was infected with Covid-19 on the date of the application and the application was precessed by Shri. Damodar Yelekar, the then PIO. Shri. Yelekar had issued memorandum to Shri. Vinay Agarwadekar under section 5(4) of the Act, to furnish the information. Later, upon joining the duty, Shri. Sawant issued another memorandum to Smt. Nazeera Sayed, Head Clerk and Shri. Vinay Agarwadekar, APIO to furnish information before the FAA. In spite of these memorandums and FAA's order, the concerned deemed PIO have not furnished the information Shri. Sawant further stated that during the proceeding before the Commission he issued notice dated 30/08/2021 to Shri. Vinay Agarwadekar, APIO and Smt. Nazeera Sayad, Head Clerk to provide the information. However his efforts were not

supported by the deemed PIO and hence information could not be furnished to the appellant.

6. The PIO has produced copies of above –mentioned memorandum and notices issued to the deemed PIO. Section 5(4) of the Act authorises the PIO to seek assistance of any other officer as he considers it necessary for the purpose of proper discharge of his duties. Accordingly, Shri. Vinay Agarwadekar, APIO and Smt. Nazeera Sayed, Head Clerk were requested to provide the information. Further, under section 5(5) of the Act any officer, whose assistance has been sought under sub section (4) of section 5 is required to render all assistance to the PIO and in such a case the said officer, whose help is sought by the PIO is considered as PIO, for the purpose of any contravention of the provisions of this Act by them.
7. It appears that the PIO - Shri. Damodar Yelekar and Shri. Vyankatesh Sawant had sought assistance of Shri. Vinay Agarwadekar and Smt. Nazeera Sayed, both deemed PIO in the present matter. Both these officers were intimated on more than one occasion and were requested to furnish the information to the Appellant. Section 6(1) of the Act provides statutory right to a citizen to apply for information available with the public authority and the PIO is required to furnish the same under section 7(1) of the Act.
8. It is seen in the present matter that the information is not furnished to the appellant inspite of intimations issued by the PIO and directions issued by the FAA. Shri. Vinay Agarwadekar and Smt. Nazeera Sayed, both deemed PIO are held guilty for this lapse. Both deemed PIO's are reminded that the Act goes to an extent of holding the concerned officer personally and financially

liable for any lapse and the same is considered as de-reliction in duty. However, this time the Commission takes a lenient view in this matter, with a warning to both deemed PIOs to comply with the provisions of the Act.

9. In the light of above discussion, the appeal is disposed with the following order:-

a) The PIO is directed to furnish the information sought by the appellant vide application dated 24/11/2020, within 15 days from the receipt of this order, free of cost.

b) Shri. Vijay Agarwadekar and Smt. Nazeera Sayed, deemed PIO, are directed to adhere to the provisions of the Act.

c) The Chief Officer shall issue directions to the concerned deemed PIO's pursuant to this order.

d) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

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.

Sd/-

**(Sanjay N. Dhavalikar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa