

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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**Penalty No. 22/2022
in
Appeal No. 15/2022/SCIC**

Shri. Chandrashekar Vast,
R/o. Kalavati Niwas, H.No. 187,
Behind Corporation Bank,
Vasco-Goa.

.....Appellant

V/S

1. Shri. Sachin Desai,
Deputy Collector / SDO &
The Public Information Officer,
Mormugao, Vasco-Goa.

2. Shri. Surendra F. Naik,
The First Appellate Authority,
The Additional Collector-I of South Goa,
Margao-Goa. 403601.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 13/09/2022

Decided on: 14/12/2022

ORDER

1. While disposing the Appeal bearing No. 15/2022/SCIC, the Commission by its order dated 21/07/2022 directed the show cause to the Public Information Officer (PIO), Shri Sachin Desai, Dy. Collector and SDO, Mormugao, Goa as to why the penalty should not be imposed on him in terms of Section 20(1) and/or recommend disciplinary proceeding against him in terms of Section 20(2) of the Right to Information Act, 2005 (the Act).
2. The PIO, Shri. Sachin Desai appeared and filed his reply to the show cause notice on 13/09/2022 and submitted that, he was not designated PIO when the hearing was conducted before the First Appellate Authority (FAA) and that he was unaware of any order of the FAA dated 06/08/2021.

He further contended that, he also did not receive any notice of the Commission with regards to the proceeding of the second appeal as he was transferred from the office of Deputy Collector and SDO Mormugao on 28/06/2021 and since then onwards he is working as Officer on Special Duty (OSD), Imagine Panaji Smart City Development Limited (IPSCDL) at Panaji-Goa. Considering the above the Commission directed the PIO to produce on record the copy of transfer order to support his claim and matter posted for clarification on 07/10/2022.

3. That during the course of hearing on 07/10/2022, the PIO appeared and placed on record the copy of transfer and posting order alongwith copy of Official Gazette, Government of Goa dated 15/07/2021 and certificate of handing over and taking over the charge dated 28/06/2021 and order dated 02/07/2021 issued by the Managing Director & CEO of Imagine Panaji Smart City Development Limited, Panaji-Goa, confirming his joining in IPSCDL at Panaji-Goa.
4. On scrutinising the above document it reveals that, Shri. Sachin Desai was transferred from the office of Deputy Collector and SDO Mormugao, Goa on 03/05/2021 and he was not designated as the PIO at the relevant time. Since Shri. Sachin Desai was not the designated PIO at the relevant time, he cannot be held responsible for the lapse in providing the information.
5. Meanwhile, upon receipt of the order of the Commission, the incumbent PIO, Shri. Ravishakar Nipanikar has complied the order of the Commission and provided the purported information to the Appellant on 29/08/2022 thereby marking the copy of letter for the record of this penalty proceeding.

6. In the light of above facts and circumstances, the show cause notice dated 28/07/2022 issued in the present penalty proceeding against the PIO, Shri. Sachin Desai is dropped.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner