

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Penalty No.10/2022

In

Complaint No.19/2021/SIC

Shri Ramesh S. Kerkar,
R/o. H.No. 3/15, Muddawadi,
Saligao, Bardez-Goa 403511.

-----Complainant

v/s

The Public Information Officer / Secretary,
Village Panchayat of Saligao,
Bardez-Goa 403511.

-----Opponent

Relevant dates emerging from penalty proceeding:

Order passed in Complaint No. 19/2021/SIC	: 29/04/2022
Show cause notice issued to PIO	: 05/05/2022
Beginning of penalty proceeding	: 03/06/2022
Decided on	: 12/09/2022

ORDER

1. The penalty proceeding against the opponent Public Information Officer (PIO), Secretary, Village Panchayat Saligao has been initiated vide show cause notice dated 05/05/2022 issued under Section 20 (1) and 20 (2) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') for not furnishing the complete information to the appellant.
2. The Commission has discussed complete details of this case in the order dated 29/04/2022. Nevertheless, the facts are reiterated in brief in order to apprise the matter in its proper perspective.
3. The complainant, vide application dated 17/08/2021 had sought certain information from the PIO. Upon not receiving any reply within the stipulated period, he filed appeal before the First Appellate Authority (FAA). The FAA directed PIO to furnish the information, however, PIO maintained that the concerned file is not traceable, hence the complainant filed complaint before the Commission.
4. The Commission, after due proceeding disposed the complaint vide order dated 29/04/2022. It was held that the PIO is guilty of not furnishing the complete information and not complying the order of FAA and not adhering to the direction of the Commission. The Commission vide the said order observed that such a deplorable and irresponsible conduct of PIO is not acceptable and directed the PIO

to show cause as to why action as contemplated under Section 20 (1) and 20 (2) of the Act should not be initiated against her.

5. The penalty proceeding was initiated against Smt. Pravisha Bhonsle, PIO. Pursuant to the notice, PIO and complainant appeared before the Commission. Advocate Vivek Rodrigues appearing on behalf of PIO, undertook to furnish the information to the complainant. Similarly, complainant stated that, he will not insist on penal action if information is furnished.
6. During the hearing on 20/07/2022 Advocate Vivek Rodrigues stated on behalf of the PIO that, the complete information is being furnished to the complainant now, and that the PIO prays for dropping of penalty proceeding by withdrawing the showcause notice. Advocate Rodrigues further stated that, the PIO shall hereafter respond to the applications received under Section 6 (1) of the Act, in accordance with law.
7. Complainant upon receipt of the information, acknowledged the same and endorsed PIO's prayer for withdrawal of showcause notice.
8. In view of the undertaking given by the PIO to respond to the RTI applications in accordance with law, the Commission is of the view that, leniency may be shown to the PIO by withdrawing the showcause notice issued against her.
9. In the background of the facts mentioned above, the present case does not warrant levy of penalty under Section 20 of the Act, on Smt. Pravisha Bhonsle, PIO. Thus, the showcause notice issued against Smt. Pravisha Bhonsle, PIO stands withdrawn and the penalty proceeding is dropped. The matter is disposed and the 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

