

**GOA STATE INFORMATION COMMISSION**

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

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**Penalty 28/2022  
in  
Appeal No. 265/2021/SCIC**

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

.....Appellant

V/S

1. The Public Information Officer,  
The Secretary,  
Village Panchayat Verla-Canca,  
Verla-Canca, Bardez-Goa.

2. The First Appellate Authority,  
Block Development Officer-I,  
Mapusa, Bardez-Goa. 403507.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 27/09/2022**

**Decided on: 17/02/2023**

**ORDER**

1. While disposing the appeal bearing No. 265/2021/SCIC, the Commission vide its order dated 12/08/2022 directed the Public information Officer (PIO), the Secretary of Village Panchayat Verla-Canca, Bardez-Goa to comply the order of the First Appellate Authority (FAA) and provide the information free of cost to the Appellant as per his RTI application dated 21/06/2021 within the period of fifteen days from the date of receipt of the order.
2. The Commission also directed the show cause to the said PIO, as to why the penalty should not be imposed on him in terms of Section 20(1) and/or recommend disciplinary action against him in terms of Section 20(2) of the Act.
3. Pursuant to the notice, the representative of the PIO, Adv. S.G. Kalangutkar appeared on 27/09/2022 and placed on record the reply of the PIO.

4. Through his reply dated 27/09/2022, the PIO contended that, he was not designated PIO when the hearing was conducted before the FAA and he was unaware of any order passed by the FAA on 03/09/2021.

Further according to him, he has joined in the Village Panchayat Verla-Canca, Bardez-Goa in the month of June 2022 and he was not incharge when the RTI application was filed by the Appellant.

Further according to him, since he was not the designated PIO at relevant time he cannot be held responsible for the lapse in providing the information.

5. According to the incumbent PIO, upon the receipt of the order of the Commission, he immediately made efforts to search the records of the Village Panchayat Verla-Canca. However, he could not trace the records as the same were eaten and attacked by the white ants. The PIO also offered for inspection of records to the Appellant.
6. In order to sort out the issue amicably, the Commission directed the PIO to give inspection of the concerned file to the Appellant on 21/11/2022 between 10:30 am to 11:30 am in the office of the PIO at Verla-Canca, Bardez-Goa, directing the Appellant to remain present for inspection of file on above given date and time and matter was fixed for compliance.
7. During the course of hearing on 09/01/2023, the Appellant appeared and submitted that as per the direction of the Commission, the incumbent PIO granted him the inspection of records on 21/11/2022 and that he is satisfied with the co-operation extended by the incumbent PIO. However, he stressed upon imposing penalty on the then PIO for none

responding his RTI application and denying the information inspite of the direction of the FAA.

8. Since the Appellant is insisting for imposing penalty against the errant officer, the duty cast upon him to provide the name and address of the said errant officer who is responsible for violation of the provision of the Act. However the Appellant failed to do so inspite of fair opportunities.
9. On scrutinising the record, it reveals that Shri. Lourenco Rebeirro, the incumbent PIO complied the order of the Commission and furnished the information in the form of inspection of records. Since he was not designated PIO at the relevant time, he cannot be held responsible for the lapse in providing the information.
10. In the light of above facts and circumstances, the show cause notice dated 23/08/2022 issued in the present penalty proceeding against the PIO is dropped.
  - Proceeding closed.
  - Pronounced in open court.
  - Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner