

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Penalty No.13/2023

In

Appeal No. 214/2022/SIC

Mr. Leslie Steven De Souza,
H. No. E/8, 158. Opposite the Court,
Altinho Mapusa Bardez,
Goa 403507.

-----Appellant

v/s

1.The Public Information Officer,
Mapusa Municipal Council,
Mapusa, Bardez-Goa 403507.

2. The First Appellate Authority,
Mapusa Municipal Council,
Mapusa, Bardez-Goa 403507.

----Respondents

Relevant dates emerging from penalty proceeding:

Order passed in Appeal No. 214/2022/SIC	: 27/02/2023
Show cause notice issued to PIO	: 13/03/2022
Beginning of penalty proceeding	: 03/04/2023
Decided on	: 22/05/2023

ORDER

1. The Penalty proceeding against Respondent Shri. Prashant Narvekar, PIO, Mapusa Municipal Council has been initiated vide Show Cause Notice dated 13/03/2023 issued under Section 20(1) of the Right to Information Act (hereinafter referred to as the 'Act') for not furnishing the information to the appellant.
2. The Commission has discussed complete details of this case in the order dated 27/02/2023. Nevertheless, the facts are reiterated in brief in order to appraise the matter in its proper perspective.
3. The brief facts of this appeal are that the appellant vide application dated 02/05/2022 had sought information from PIO on five points. Upon not receiving any reply within the stipulated period, he filed appeal dated 26/05/2022 before the FAA. The said appeal was not

heard by the FAA within the mandatory period, hence aggrieved appellant preferred second appeal.

4. The Commission after due proceeding disposed the appeal vide order dated 27/02/2023. It was held that the approach of PIO towards the Act and towards the authorities constituted under the Act is arrogant and irresponsible. It was also held that the PIO is guilty of not honouring the provisions of the Act, which resulted into non furnishing of the complete information to the appellant. With these findings, the Commission directed the PIO to show cause as to why action as contemplated under sub section (1) of section 20 of the Act should not be initiated against him.
5. Pursuant to the notice, Shri. Prashant Narvekar and Shri. Rajendra Bagkar, the present PIO appeared in person. Shri. Narvekar filed reply dated 18/04/2023 alongwith enclosures. Appellant stayed away from the penalty proceeding.
6. Shri. Prashant Narvekar stated that, he was on earned leave on the day of the application and Shri. Vyankatesh Sawant, Municipal Engineer, Grade- II, Corporation of City of Panaji was looking after the work of PIO during the leave period of Shri. Prashant Narvekar. PIO further stated that, the applicant was allowed to inspect the available documents and all available information was furnished by the then PIO. Hence, he is not liable for punishment under Section 20 of the Act.
7. Upon perusal it is seen that, the appellant was not furnished the information which he had sought vide application dated 02/05/2022 and being aggrieved by non furnishing of the information as well as non hearing of the first appeal he was compelled to file second appeal. The Commission relying on the available records and details provided by the appellant and respondents, while disposing the appeal, issued showcause notice against Shri. Prashant Narvekar. Now, during the penalty proceeding it has been found that

Shri. Vyankatesh Sawant was holding additional charge as PIO of Mapusa Municipal Council on the day of receipt of the said application and Shri. Prashant Narvekar being on leave was not responsible to respond to the application. Hence, no action against Shri. Prashant Narvekar can be justified. Thus, explanation furnished by Shri. Prashant Narvekar needs to be accepted and showcause notice issued against him is required to be withdrawn.

8. In the background of the above mentioned findings, the Commission concludes that though the showcause notice under Section 20 (1) was issued against Shri. Prashant Narvekar, the present case does not warrant levy of penalty under Section 20 of the Act against Shri. Prashant Narvekar.
9. Thus, the Show Cause notice issued against Shri. Prashant Narvekar 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