GOA STATE INFORMATION COMMISSION

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

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Appeal No. 196/2023/SIC

Subhash Ganesh Naik,
R/o H. No. 164,
Alorna, Ibrampur,
Pernem Goa 403503. **....Appellant**

V/s

1. The Public Information Officer (PIO),
Pernem Municipal Council,
KTC Bus Stand, Pernem Goa 403512.

2.The First Appellate Authority (FAA),
Additional Director of Municipal Administration,
Dempo Towers 1st Floor,
Patto-Plaza, Panaji-Goa. **....Respondents**

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 09/06/2023
Decided on: 04/12/2024

ORDER

1. Appellant vide his application dated 31/01/2023 has sought certain information from the Public Information Officer (PIO) of Pernem Muncipal Council.

2. However, on account of failure on the part of the PIO to provide the requisite information.

3. The Appellant has filed the first Appeal dated 15/05/2023 before the First Appellate Authority (FAA).

4. The FAA decided the appeal in favour of the Appellant. However, in the said order the FAA did not issue any directions to the PIO.

5. Thereafter aggrieved by the order of the FAA the Appellant has filed second appeal before this Commission on 09/06/2023

6. Appeal memo was collected by the Respondents on 13/07/2023.

7. Thereafter on two consecutive hearings the Respondent No. 1 failed to file reply inspite of assuring the Commission regarding the same.

8. Thereafter reply was filed by the PIO on 31/08/2023 and the matter was fixed for arguments on 30/10/2023

9. Thereafter on 2 occasions the PIO sought adjournment and matter was fixed for arguments on 30/01/2024.

10. Matter was argued by the Appellant on 30/01/2024 and matter was fixed for final arguments on 19/02/2024.

11. The matter was further posted for arguments on 18/03/2024 by this time the Commissions had demitted office and as such the arguments could not be led.

12. However, during this period the matters were been called out by way of virtual hearings and the Respondents has been continuously absent.

13. Matter was taken up on 19/09/2024 upon resumption of regular proceedings of this Commission wherein Advocate for the Appellant was present and Respondent was again absent.

14. Matter was again heard on 14/10/2024 wherein Respondent PIO was again absent and as such showcause notice was issued to the PIO.

15. On 24/10/2024, the Respondent No. 1 appeared and sought time to file the reply to the showcause notice, and the Commission directed the PIO to file reply on or before 06/11/2024.

16. Thereafter the Respondent PIO has failed to file any reply till date and has shown gross negligence towards this matter therefore in the light of above.

17. It has become clear that the conduct of the PIO is that of gross negligence and that of disregard towards the Right To Information

(RTI) Act and the Appellate authorities constituted therein.

18. Such an approach and conduct on the part of the said PIO is deplorable.

19. Such a conduct of the PIO is an impediment in the path of successful implementation of the RTI Act.

20. It is also noteworthy that the name of the PIO at the time when this case of action arose has not been revealed which reeks of malafide intent whereby the process of fixing the liability can be hampered.

21. The concerned PIO in his reply dated 31/08/2023 has cited a couple of judgments to elaborate on the definition of information.

22. However, the PIO has failed to explain as to why there has been no reply communicated to the Appellant in response to his original application dated 31/01/2023.

23. In the light of the above the present appeal is disposed off with the following orders:-

a) The Present Public Information Officer (PIO) of Pernem Muncipal Council is directed to provide the name of the Officer who was entrusted with

performing the duties as PIO of the Pernem Muncipal Council on 31/01/2023 within 7 working days from the receipt of this orders within 7 working days.

b) The present PIO of Pernem Muncipal Council is directed to furnish a reply alongwith pointwise response to the original RTI application of the Appellant dated 31/01/2023 within 7 working days from the receipt of this orders and submit a compliance report to that effect within next 3 working days.

c) Issue showcause notice to the concerned PIO interms of directions at a above as to why penalty as provided under section 20(1) of the RTI Act, should not be imposed against him. Incase the then PIO has been transferred than the present PIO is directed to serve the said notice alongwith this orders to the then PIO and produce such acknowledgement before this Commission alongwith full name address and contact number of the then PIO on before 07/01/2025 accordingly the then PIO is directed to remain present alongwith the reply to the said showcause notice on 13/01/2025 at 11.00 a.m.

d) Registry is directed to initiate penalty proceedings against the then PIO. Proceedings to the present appeal stands closed pronounced in the open court. Copies to be communicated.

24. Accordingly the present second appeal is disposed off and the proceedings stands closed. Formal copy of the order to be communicated to both the parties

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/-

(Atmaram R. Barve)
State Information Commissioner