GOA STATE INFORMATION COMMISSION

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Complaint No. 22/2023/SIC

Ms. Sharlet Fernandes,
Francisco Costa Ward 317,
Utorda-Majorda,
Salcete-Goa 403713. .....Complainant

V/S

1.The Public Information Officer (PIO) /Superintendent,
Village Panchayat of Majorda-Utorda-Calata,
Majorda-Goa 403713.

2. The First Appellate Authority (FAA),
Block Development Office,
3rd Floor, Our Lady of Guia Bldg.,
Vasco-Mormugao-Goa. .....Opponents

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 01/08/2023

Decided on: 20/12/2024

O R D E R

1. The instant complaint in question was filed by the Complainant Smt. Sharlet Fernandes on 01/08/2023. Thereafter the Complainant filed an application for correction of prayers on 31/08/2023 and the said application was allowed.

2. It is the contention of the Complainant that Public Information Officer (PIO) of Village Panchayat Majorda-Utorda-Calata Shri. Custodio Faria has failed to discharge his duties in terms of providing requisite information to the Complainant within the stipulated time period.

3. This Complaint arises out of the original Right To Information (RTI) application of the Complainant dated 13/02/2023.

4. After passage of the stipulated 30 days time period the Respondent PIO failed to provide information to the Complainant herein and as such the Complainant had to prefer the first Appeal before the Competent authority on 27/04/2024.

5. The First Appellate Authority (FAA) allowed the Appeal and directed the PIO to furnish the information to the Complainant within 10 days of receipt of this Order.

6. However, on the grounds of non compliance of the said order the present complaint was filed. In the mean time the Respondent PIO filed affidavit in reply dated 3rd February, 2024.

7. However, immediately thereafter on account of the Commissioners demitting office, there was no progress in this matter and upon resumption of regular proceedings the matter has been taken up since 16/10/2024.

8. Both the parties have made their written submissions, rejoinders etc to throw more lights on the facts of this matter.

9. It is the contention of the PIO, in response to the prayers of the Complainant, that there is the lapse on the part of the FAA in terms of not communicating its order dated 30/05/2023.

10. However, the Complainant reiterated that there is a denial of the information as well as delay in furnishing the information. The information sought by the Complainant was eventually provided by the PIO on 30th August 2023 and received by the Complainant on 2nd September, 2023.

11. Having heard both the parties extensively and upon perusal of the written arguments this Commission desires to record the following observations:-

a. The conduct of the Public Information Officer appears to be that of disrespect and disregard towards Right To Information Act.

b. It is observed that the Public Information Officer was duly represented by the lawyer in the proceedings before the First Appellate Authority and the same was present when the order in the instant first appeal was passed. Therefore the claim of the Respondent PIO of not been aware of such orders is not backed with strong reasoning.

c. The First Appellate Authority also has shown negligence by way of not communicating its order on to the PIO in the normal course of time.

12. In the light of the above this Commission is convinced that the said PIO has shown unreasonable delay on two counts that is.

a) Not providing information to the seeker within 30 days of the RTI application and
b) Non compliance of the order of First Appellate Authority within 10 days of such orders.

13. There appears to be delay of 90 days from the date of the order of the First Appellate Authority and the day when actually the information was furnished to the seeker and hence the PIO has attracted penalty under section 20(1) of the RTI Act, 2005 at the rate of Rs. 250/- per day thereby

amounting to Rs. 22,500/- (Twenty two thousand five hundred only).

14. As a matter of fact it is not denied that information has been withheld or denied by the PIO in any manner. However, there is a delay on the part of the PIO in furnishing the same.

15. Therefore the present complaint is disposed off with the following orders:-

1. Respondent PIO Shri. Custodio Faria is liable to pay a penalty of Rs. 22500/-
2. The Director, Directorate of Panchayat Govt. of Goa to ensure that the said amount is recovered from the PIO within 10 days of receipt of this Order and submit compliance of the same within 2 working days thereafter.
3. The Director, Directorate of Panchayat to also ensure that the Advocate engaged by the Respondent PIO is not paid from the Government treasury and that the Respondent PIO to bare such expenses privately.
4. The Director, Directorate of Panchayat Govt. of Goa to ensure that the First Appellate Authorities under its ambit are duly trained and sensitized about their responsibilities in terms of the Right to Information Act.
5. Registry to ensure that authenticated copies of this order are issued to the Complainant, Opponents as well as to the Director, Directorate of Panchayat as well as the Director, Directorate of Accounts, Govt. of Goa, to ensure recovery of the Penalty levid upon the Public Information Officer.

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