GOA STATE INFORMATION COMMISSION
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Penalty 02/2024
In
Appeal No. 366/2023/SIC

Mr. Joseph S. Carneiro,
H.No. 1675, Journalist Colony,
Alto-Betim, Porvorim,
Bardez-Goa 403521. .....Appellant

V/S

1.Shri. Prathamesh Shankardas,
The First Appellate Authority,
The Block Development Officer of Bardez at Mapusa,
2nd Floor, Mamlatdar Building,
Mapusa, Bardez-Goa.

2. Shri. Akhil Mahalker,
Public Information Officer,
Village Panchayat of Siolim-Sodiem,
Siolim, Bardez-Goa. .....Respondents

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 12/02/2024
Decided on: 24/10/2024

ORDER

The Appellant, Joseph S. Carneiro had sought information from Respondent No. 1, Public Information Officer (PIO) under Section 6(1) of the Right to Information Act, 2005 (Act). Being aggrieved by non-receipt of the said information within stipulated time period, the Appellant filed first appeal before the First Appellate Authority (FAA). The said first appeal was accordingly disposed by the concerned authority and directions were given to the PIO to provide inspection of relevant documents and furnish information requested by the Appellant. However, it has been the contention of the Appellant that directions issued by the FAA were not complied with by the PIO and as such the Appellant had to prefer Second appeal before this authority. A detailed hearing was

conducted by this Commission by giving ample opportunities to both the parties to present their view point. It was observed by this Commission that the conduct of the PIO was such that he has no concern to his obligation under the Act, and as such the Commission had found the PIO guilty of contravention of Section 7(1) of the Act and the Commission invoke Section 20 of the Act against the guilty PIO. However, the PIO was given a fair opportunity to be heard before the Commission and showcause notice was issued to the said PIO.

In para 11 (c) of the said order of the Commission dated 19/01/2024. It has been clearly mentioned that if Shri. Akhil Mahalker is transferred from current posting the new PIO shall serve the said notice alongwith the Order and the said Shri. Akhil Mahalker was directed to remain present on 12/02/2024 alongwith the reply to show cause notice. The said Shri. Akhil Mahalker filed his reply to show cause notice on 12/02/2024 and the Appellant was supposed to file his say on 18/03/2024. By that time the earlier State Information Commissioner had demitted the office and as such no further progress happened in this matter.

In the interim, the said Shri. Akhil Mahalker was transferred and Ms. Navanya Goltekar assumed charge as the new PIO of Village Panchayat Siolim-Sodiem. Upon perusal of the reply of the show cause notice, Shri. Akhil Mahalker, then PIO claims that the showcause notice should not lie against him as he was transferred to a different Village Panchayat. He further states that he had handed over the charge to present PIO Smt. Navanya Goltekar on 02/01/2024. However, it may be noted that the order of this Commission dated 19/01/2024 was clear and binding upon the said PIO Shri. Akhil Mahalker as when cause of action arose he was competent PIO for the purpose of this Act.

It is pertinent to note that the PIO was required to furnish the information within period of 30 days under Section 7(1) of the Act and

the reason of non-availability of information had to be supported with any strong reason or explanation thereto. There is no material on record to suggest that the then PIO made any attempts to transfer the original application of the Appellant to concerned authorities, which clearly establishes the failure of the then PIO to perform the duty as well as responsibility bestowed upon him under this Act. Further the current PIO, Smt. Navanya Goltekar was served with showcause notice dated 30/09/2024 to which no specific reply has been filed inspite of having being given ample opportunities and as such the said PIO has not attended previous two hearings. Therefore, in light of above the present penalty matter is disposed with following:-

O R D E R

- The present PIO, Secretary Village Panchayat Siolim-Sodiem is directed to furnish information sought by the Appellant vide his application dated 15/07/2023 **within FIFTEEN DAYS** from the receipt of the order free of cost.

- The present PIO is directed to make necessary attempts to transfer the application of the Appellant to concerned authorities regarding the information which might not be readily available with said Panchayat.

- The then PIO, Shri. Akhil Mahalker was duty bound to provide the necessary information to the Appellant. The then PIO had ample time between 15/07/2023 the date of filing of application by the Appellant till the day he was eventually transferred from the said Panchayat and the charge handed over on 02/01/2024. The then PIO was clearly directed vide Order dated 19/01/2024, wherein the present referred Appeal No. 366/2023/SIC was disposed and specific directions were issued against Shri. Akhil Mahalker. The said Shri. Akhil Mahalker has also not preferred any appeal against

the said order and as such he is guilty of contravention of Section 7(1) of the Act and it has become important to invoke Section 20(1) and 20(2) of this Act. The said Shri. Akhil Mahalker is liable to **pay penalty of Rs. 25,000/- (Rupees Twenty-Five Thousand only) within 1 week of receipt of this order**. This order shall be issued to the PIO of Village Panchayat Siolim-Sodiem as well as Directorate of Panchayat, Government of Goa and both shall make it a point to communicate this order to concerned Shri. Akhil Mahalker.

- Further the present PIO is cautioned to comply with the order of this Commission failing which disciplinary action in addition to penalty shall be initiated as already more than year has lapsed from the time the Appellant made his application.

- The present PIO to file status report/ compliance report of the directions issued in this order and proceedings in this present penalty matter shall stand closed accordingly.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Atmaram R. Barve)
State Information Commissioner