

GOA STATE INFORMATION COMMISSION

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

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Penalty No. 59/2023

In

Appeal No. 262/2023/SIC

Thomas L. Sequeira,
R/o. 245, Premeiro Vaddo,
Corjuem, Aldona,
Bardez-Goa 403508 ...Appellant
V/s

The Public Information Officer (PIO),
The Secretary Village Panchayat Aldona,
Aldona, Bardez-Goa ... Respondent

Shri. Atmaram R. Barve State Information Commissioner

Disposed on: 07/11/2024
Order dictated on : 02/01/2025

O R D E R

1. The instant penalty proceeding have arisen out of the order of this Commission dated 22/12/2023 in Appeal No. 262/2023/SIC.
2. The appellant Shri. Thomas L. Sequeira had filed his original RTI (Right to Information) application on 27/03/2023 and on account of the failure on the part of the Public Information Officer (PIO) Smt. Navaynya Goltekar to provide any response in the matter within the stipulated time period the appellant herein had to file the first Appeal on 8/05/2024.
3. The First Appellate Authority (FAA) disposed the said first appeal on 19/06/2023 with directions to the PIO

to provide the information within 5 days of the said order.

4. Thereafter the Appellant had to prefer second appeal before this Commission which was ultimately decided on 22/12/2023 wherein the PIO was directed to provide information to the Appellant within 10 days of the said order and was also issued the showcause notice as to why penalty under section 20 (1) of the RTI Act should not be imposed against her and she was directed to remain present at this Commission on 22/01/2024 alongwith the reply to the showcause notice.
5. The Appellant thereafter was allowed to inspect the records however, no reply was received by the Appellant from the PIO.
6. On account of the Public Holiday matters were not taken up on 22/01/2024.
7. However, on 23/01/2024 a reply to the showcause notice was submitted by the said PIO Smt. Navanya Goltekar.
8. Thereafter, the matter was heard on 1st February 2024 wherein Appellant as well as Respondents were absent and the reply to the showcause notice was taken on record.
9. Thereafter, on account of the previous Commissioner demitting office the matter was periodically called out

and fresh dates of hearing were issued, till resumption of regular proceedings.

10. However, the said PIO Smt. Navanya Goltekar never remained present.
11. Upon resumption of regular proceedings the matter was taken up on 15/10/2024 were again the said Respondent was again absent.
12. On 23rd October, 2024 Shri. Rajat Narvekar the current PIO of Village Panchayat Aldona remained present.
13. However, the penalty proceedings are against Smt. Navanya Goltekar and the same remained absent yet again.
14. It has been the contention of the Appellant herein that the copy of the reply to the showcause notice filed by the Respondent PIO was received by him as late as 28/10/2024.
15. The Appellant has also highlighted that the said PIO has not furnished complete information and has failed to provide any justification towards her actions.
16. Upon perusal of the facts in this matter and also the reply filed by the Respondent PIO it is evident that there is failure on the part of the PIO to act in accordance to the orders of this Commission.

17. The conduct of the said PIO is highly objectionable and is that of complete disregard towards the letter and spirit of the RTI Act.
18. Continuous absence in the current penalty proceedings and attempts of shifting the onus on to the subordinate staff at the Village Panchayat are nothing but attempts on the part of PIO Smt. Navanya Goltekar to escape the responsibility.
19. The Commission vide its order dated 22/12/2023 has already concluded that the PIO Smt. Navanya Goltekar is guilty of not furnishing the complete information to the Appellant.
20. However, a fair opportunity was given to her before imposing any penalty.
21. The conduct of the said PIO in terms of providing incomplete information to the Appellant as well as non appearance before this Commission, if not addressed shall set a bad precedent and as such the same needs to be dealt with an exemplary penalty so that other PIO's do not take the RTI Act, and the authorities constituted therein for granted in any manner whatsoever.
22. In the light of the above the instant penalty proceedings are disposed off with the following orders:-

- a) The present PIO is directed to furnish the complete information sought by the Appellant herein in terms of his original application dated 27/03/2023 on or before 20/01/2025 and take assistance from Smt. Navanya Goltekar and/or any other staff if need be.
- b) Smt. Navanya Goltekar is hereby levied a penalty of Rs. 25000/- (Rupees twenty five only) in terms of section 20 (1) of the RTI Act
- c) The Director, Directorate of Panchayats Govt. of Goa to ensure that the said amount be recovered from Smt Navanya Goltekar and compliance of the same to be submitted to this Commission on or before 15/01/2025.
- d) Authenticated copies of this Order to be communicated to the Appellant, Director, Directorate of Panchayats, the present PIO of Village Panchayat Aldona respectively.
- e) The Director, Directorate of Panchayat as well as the Present PIO of Village Panchayat Aldona to ensure that the copy of this order is received by Smt. Navanya Goltekar within reasonable time.

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

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...Appellant

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State Information Commissioner

ADDENDUM

On the 22nd paragraph at sub para (b) of the Order disposed on 07/11/2024 in Penalty No. 59/2023 In Appeal No. 262/2023/SIC necessary addition may be done i.e. 'Smt. Navanya Goltekar is hereby levied a penalty of Rs. 25000/- (Rupees twenty five Only) in terms of section 20 (1) of the RTI Act' the word 'thousand' may be added after 'twenty five'; the order stands corrected to that extent.

Rest contents of the Order remains the same.

Sd/-

(Shri. Atmaram R. Barve)

State Information Commissioner
Goa State Information Commission
Panaji-Goa

Date:- 14/01/2025

Place:- Panaji-Goa