

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Penalty 03/2024 in Appeal 273/2023/SCIC

Shri Linus D’Lima,
B-2-13, Bhavani Nagar,
Marol Maroshi Road,
Andheri East, Mumbai,
400059.

..... Appellant

v/s

1. The Public Information Officer,
The Secretary/Ms. Navanya Goltekar,
Village Panchayat, Aldona,
Bardez, Goa 403508.

2. First Appellate Authority,
Block Development Officer,
Mr. Prathamesh Shankardas,
Govt. Office Complex,
Mapusa, Bardez Goa,
403507.

..... Respondents

Shri Aravind Kumar H. Nair - State Chief Information Commissioner

RELEVANT FACTS EMERGING FROM THE PENALTY 03/2024

RTI application filed on	- 11-11-2022
PIO replied on	- Nil
First Appeal filed on	- 12-05-2023
First Appellate order on	- Nil
Second appeal received on	- 08-08-2023
Decision of the Second Appeal on	- 06-02-2024
Show Cause first hearing on	- 22-03-2024
Penalty 03/2024 in A-273/2023/SCIC	-
Decision on	- 17-12-2024

FACTS IN BRIEF:

1. The Commission vide its Order dated 06/02/2023 in Appeal No. 273/2023/SCIC had come to the conclusion that the Public Information Officer (PIO) Ms. Navanya Goltekar of the Village Panchayat, Aldona, Bardez Goa had erred in not furnishing the information to the Appellant under the Right to Information Act, 2005 (hereinafter to be referred as ‘Act’). It has also observed that the

then PIO had also failed to comply with the direction of the First Appellate Authority (FAA), to furnish the information which led to the Appellant to approach the Commission by way of the second appeal, seeking the information.

2. Pursuant to the Order dated 06/02/2024, notice u/s 20(1) of the Act was issued to the Respondent No. 2, Ms. Navanya Goltekar to show cause as to why penal action should not be taken against her, for not furnishing the information. The order had direction to the Respondent PIO to file her reply to the show cause notice on 22/03/2024.
3. During the first date of hearing on 22/03/2024, Appellant Shri Linus D'Lima (Mumbai) and Respondent PIO, Navanya Goltekar appeared virtually and the matter was postponed to 20/06/2024. Since the post of SCIC and SIC remained vacant from March 02, 2024 to September 17, 2024, no effective hearing held on the matter.
4. When the matter called out for hearing by the incumbent SCIC on 20/09/2023, Adv. Rui Ferreira appeared on behalf of the appellant and then PIO Navanya Goltekar appeared and sought time to file reply, which was granted by the Commission.
5. Adv. Rui Ferreira appeared on behalf of the appellant for the hearing held on 20/11/2024 but Respondent PIO was absent. Her reply dated 07/10/2024 was furnished to the advocate. Notice was issued to the Respondent PIO for her presence on the next date (December 07, 2024) of hearing, as the Commission wanted to hear her say before disposing the matter, merely based on her reply to show cause notice.
6. In her reply dated 07/10/2024 to the show cause notice PIO, Navanya Goltekar submitted that she was Secretary (PIO too) of Village Panchayat Aldona for the period from 04/06/2022 to 20/12/2023 and

thereafter she was transferred to Village Panchayat Siolim-Sodiem. According to her, the show cause notice in the penalty proceedings was received by Village Panchayat Aldona on 15/02/2024 and the same was not communicated until she inquired in the month of June 2024, following intimation received from the Commission about the present proceedings.

7. In her defence, the PIO, Navanya Goltekar submitted that the first appeal was filed by the appellant on 12/05/2023 only after the information sought by the appellant vide his RTI application dated 11/11/2022 was not furnished. She further stated that considering the date of RTI application and the date of first appeal, the first appeal was barred by limitation and therefore, First Appellate Authority should not have entertained the first appeal. Moreover, the appellant had filed similar application under RTI on 04/07/2023, seeking certified copy of the site inspection notice dated 06/08/2022 and the said information was provided by her vide letter dated 20/07/2023. The Respondent in her reply to the show cause notice further states that she has already furnished the information to the appellant on 03/02/2024, in response to his application dated 11/11/2022.
8. The order dated 06/02/2024 of the Commission, had pointed out that the RTI application dated 11/11/2022 of the Appellant was not responded by the PIO within the stipulated time period of 30 days. The order emphasised that Section 20 of the Act, clearly lays down that in case the information has not been supplied to the information seeker within the time limit, without any reasonable cause, then the Commission shall impose penalty. The order further stated that the PIO has deliberately delayed in furnishing the information and therefore it is a fit case for imposing penalty under Section 20 of the Act for dereliction of her duty.

Facts emerging in course of hearing.

9. During the hearing on the current penalty appeal, advocate for the appellant submitted that the appellant had filed his RTI application dated 11/11/2022 and received the information (site inspection report) on 05/08/2023, i.e. more than 250 days after filing the RTI application and prayed before the Commission to impose maximum amount of penalty on the PIO.
10. The PIO on her part could not place any reasonable or sufficient ground to justify the inordinate delay in furnishing the information to the appellant vide his RTI application dated 11/11/2022. PIO stated that she had prepared the reply in due course of time but her subordinate staff failed to dispatch the same on time and she didn't get required support from her subordinate staff to effectively discharge her duties as PIO. Commission reminded her that even though there is some substance in this statement, it is not at all a valid ground to justify the inordinate delay in furnishing information to the appellant.
11. Commission has the opinion that if Navanya Goltekar, being PIO of Aldona Village Panchayat did not receive constructive support from subordinates to discharge her duties effectively, same should have brought into the notice of her superiors.
12. **All HODs of the Public Authorities should note that the appointment of an officer as a PIO is an additional duty apart from the normal office duty in a public authority and it is the responsibility of the HoDs to ensure proper working environment for a PIO to attend the RTI applicants with full commitment and dedication.**

13. It is a fact that the PIO in this matter has furnished required information to the appellant but after an inordinate delay. In this case, PIO could have easily furnish the information as the appellant vide RTI application dated 11/11/2022 sought information on site inspection carried out in his ancestral property by the PIO herself at her capacity as Secretary, Aldona Village Panchayat.

DECISION

As the Appellant's lawyer was insisting for imposing penalty on the PIO for causing inordinate delay in furnishing information and the PIO failed to justify the delay by placing proper grounds, the Commission has come to the conclusion that maximum penalty is warranted against the PIO. However, taking a liberal approach towards the PIO, the Commission impose a penalty of **Rs. 3,000/- (Rupees Three Thousand Only)** on PIO Ms. Navanya Goltekar, with a clear warning to attend the RTI applications appropriately and to address such applications within the time frame specified under the RTI Act, 2005.

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

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

Copy to:

The Director, Directorate of Panchayats, Panaji..... to ensure that the said amount is recovered in a single instalment, from monthly salary of PIO, Village Panchayat Secretary Ms. Navanya Goltekar and comply/intimate the same to this Commission by February, 07, 2025 without fail.