

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 294/2023/SIC

Tome Joao de Souza,
Primos Park, Block A, S1,
Corlim, Tiswadi-Goa 403110.

..... Appellant

V/s

1. The Public Information Officer (PIO),
The Executive Engineer, Works Div-III,
Public Works Department (PWD),
St. Inez, Panaji-Goa.

2. The First Appellate Authority (FAA),
SSW, PWD, Altinho,
Panaji-Goa.

..... Respondents

Filed on: 17/08/2023

Decided on: 13/01/2025

ORDER

1. The present second appeal arises out of the RTI application dated 07/10/2022 made by Shri. Tome Joao de Souza addressed to the Public Information Officer (PIO) at the Office of the Executive Engineer Works division III of Public Works Department (PWD), Govt. of Goa.
2. In response to the same the Executive Engineer Shri. Jose Thomas Landes informed the appellant herein that the information sought by him is not traceable.
3. Thereafter the Appellant herein preferred the first appeal before the Superintending Surveyor of Works (PWD) on 14th June 2023.
4. The First Appellate Authority (FAA) disposed off the First Appeal on 13th July, 2023 directing the Respondent PIO to

furnish certified copies of the information to the Appellant herein.

5. Thereafter, on the grounds that the order of the FAA having not been obeyed by the PIO the Appellant preferred this second appeal before this Commission on 17th August, 2023.
6. Notices were issued by this Commission on 5th September, 2023 and matter was heard from 28th September, 2023 onwards.
7. On 28th November, 2023 the Respondent PIO offered to present information to the Appellant. However, the Appellant refuse to accept the same citing that there was an absence of pointwise reply on the part of the PIO.
8. The PIO was directed by this Commission to file a pointwise reply and furnish information to the Appellant and the matter was fixed for hearing on 08th January, 2024.
9. On the hearing dated 24th January, 2024 the Respondent provided enclosures of information and the Appellant sought time to verify and acknowledge the same. Further, the PIO was directed by this Commission to file an additional reply in so far as the non traceable information was concerned.
10. Thereafter, on the hearing dated 12th February, 2024 the PIO was directed to provide inspection of the documents to the Appellant on 19th February, 2024.

11. Thereafter, on account of State Information Commissioner demitting office, proceedings in this matter resumed from 24th September, 2024 onwards.
12. Thereafter, vide reply dated 11th December, 2024 the Respondent PIO furnished a set of information to the Appellant through the means of this Commission.
13. Thereafter, both the parties were heard and the Appellant contended that the information has been satisfactorily provided to him by the PIO.
14. Upon considering the Appeal memo the annexures thereto as well as submissions on the part of both the parties. This Commission is of the reasoned opinion as under:-
 - a) The conduct of the PIO Shri. Jose Thomas Lendes is against the spirit of the Right to Information Act (RTI Act).
 - b) The PIO Shri. Jose Thomas Lendes has failed to discharge his duty in terms of section 7 (1) of this Act.
 - c) The reply of PIO, Shri. Jose Thomas Lendes dated 04th November, 2022 is false, misleading and is aimed at causing prejudice to the right of the Appellant herein to seek information.
 - d) Failure to comply with the directions of the First Appellate Authority (FAA), also reeks off blatant

disregards towards the Right To Information Act, as well as authorities constituted therein.

e) Ultimately, providing information to the seeker after two long years has to be definitely considered as an unreasonable delay.

15. In view of the above, this Commission has observed that there is gross negligence and inordinate delay on the part of the PIO in terms of disposing the request of the information seeker; and as such the PIO has attracted actions under section 20 (1) of the Right to Information Act.

16. Therefore the present second Appeal is disposed with the following orders:-

a) The Registry to issue a showcause notice to the Public Information Officer Shri. Jose Thomas Lendes so as to seek clarification on why no disciplinary action should be recommended against him and why a maximum penalty should not be imposed upon him.

b) The Public Information Officer (PIO) to remain present in person, with the reply to this showcause notice on 10th February, 2025 at 11.00 a.m. failing which necessary penal and disciplinary action to be initiated.

c) Thus proceedings in this matter stands closed and appeal disposed off without cost.

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