

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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**Shri. Atmaram R. Barve**

State Information Commissioner

**Appeal No. 372/2023/SIC**

Prof. Agnelo D'Souza,  
R/o. B-301, Gundecha Symphony,  
Veera Desai, Rd. Andheri (W),  
Mumbai, 400053.

**.....Appellant**

V/S

1. The Public Information Officer (PIO),  
The Secretary, Assagao Panchayat,  
Village Panchayat Assagao,  
Bouta Waddo, Assagao, Bardez-Goa 403507.

2. Block Development Officer Mapusa I & II,  
Administrative Building Mapusa,  
Bardez-Goa 403507.

**.....Respondents**

**Filed on: 10/11/2023**  
**Disposed on: 07/02/2025**

**ORDER**

1. The present second appeal arises out of the Right to Information Application dated 09/03/2023 made by Prof. Angelo D' Souza and addressed to the Public Information Officer (PIO) at the Office of the Directorate of Panchayat, Govt. of Goa.
2. The said application was transferred by the PIO concerned under section 6(3) of the Right to Information Act (for short 'the Act') to the PIO of Village Panchayat Assagao, Bardez-Goa Shri. Rajesh Asolkar on 16/03/2023
3. Thereafter, citing the grounds that no information has been provided to him the Appellant herein preferred the First Appeal on 20<sup>th</sup> June, 2023.

4. Citing the grounds that the First Appellate Authority (FAA) has not decided the matter and that information sought by him has not been furnished the appellant herein preferred the present second Appeal on 31/10/2023.
5. Thereafter, notices were issued on 28/11/2023 and the matter came up for hearing from 20/12/2023 onwards.
6. On the hearing dated 31/01/2024, the Advocate for the Respondent PIO undertook to furnish the information to the Appellant herein and also to submit the compliance report on the next date of hearing that is 05/03/2024.
7. Thereafter, on account of the former State Information Commissioner, demitting office there was no progress in the matter and regular proceedings commence from 14/10/2024 onwards. Wherein a showcase notice was issued to the PIO Shri. Rajesh Asolkar for not making any attempts to file reply in this matter and reply to the show cause notice was to be filed on 11/11/2024.
8. The Respondent PIO, failed to file reply to the Show cause notice on the date specified and as such was directed to file the said reply on or before 15/11/2024.
9. Subsequently, the said PIO provided a reply to the show cause notice on 14/11/2024 citing various reasons for the delay.
10. In the mean-time the PIO filed the reply to the Appeal memo on 30/10/2024 i.e. after nearly a passage of 10 months citing various grounds for the delay however,

not throwing any light on why no response was ever issued to the Appellant herein.

11. The Appellant in the meantime issued correspondence to this Commission that on account of his old age and also on medical advice he cannot physically hearings before this Commission and that the matter be expedited.

12. On the present day of hearing the Advocate for the Respondent PIO has submitted a memo refereeing to a letter dated 04/02/2025 issued by the PIO of Village Panchayat Assagao to the Appellant herein asking him to visit the Office of the Village Panchayat during office hours for inspection of the records.

13. Upon perusal of the Appeal memo as well as all other material on record this Commission is of the considered opinion as under:-

- a) The conduct of the PIO Shri. Rajesh Asolkar in the instant matter is evidently against the spirit of the Right to Information Act, 2005; in so far as his various acts and omissions are concerned namely ; not furnishing information within first 30 days from receipt of the application, not honoring submissions made before the Commission pertaining to furnishing of the information, issuing reply to the Appeal memo after 10 long months and not replying to the show cause notice are concerned.

- b) The reasons cited in the reply are completely unacceptable and cannot be considered an excuse from escaping the duty on the part of the PIO to respond promptly to the RTI application.
- c) Issuance of memo after nearly two years from the Appellants original RTI application and terming the information as voluminous appears to be a farfetched conclusion solely aimed at delaying the matter further.
- d) The delay on the part of the PIO is not supported by any valid proof to even remotely suggest that any attempts were made to trace such information or to even inform the Appellant herein that the information sought by him is voluminous in nature, within a reasonable time limit, thereby making it very clear that the said information has been denied against the duties entrusted under section 7 of this Act.
- e) The delay of nearly two years in this matter in so far as furnishing the information in whole or in part is concerned cannot be justified by the PIO herein in any manner whatsoever.
- f) In the normal course the PIO's are given relief from penalty by way of issuance of showcause notice but in this instant matter the conduct of the PIO calls for an exemplary action.

14. Therefore, in view of the above the present second appeal is disposed with the following orders:-

- a) The present second appeal is allowed.
- b) The acts of the Public Information Officer, Shri. Rajesh Asolkar are found to be attracting penalty under section 20 (1) of the Right to Information Act and as such a maximum penalty of **Rs. 25000/- (Rupees Twenty five thousand only)** is levied against him for his inordinate delay and non responsive approach in this matter.
- c) The Director – Directorate of Panchayats, Govt. of Goa, shall ensure that the said penalty is recovered from Shri. Rajesh Asolkar on or before 28/02/2025 and submit a compliance by 5<sup>th</sup> March, 2025.
- d) The PIO, Shri. Rajesh Asolkar is directed to provide information sought by the Appellant herein on or before 28<sup>th</sup> February, 2025 by providing inspection as well as certified true copies of the documents therein free of cost, without assigning any further reasons or without causing any further delay as already a time span of 2 years has lapsed and a grave prejudice would be caused to the right of the information seeker in this matter. A compliance report to that effect

shall also be submitted by the PIO to this Commission.

- e) The Appellant herein is also directed to facilitate concluding the matter by way of either physically remaining present at the office of the Village Panchayat Assagao to inspect and collect the said documents or by assigning any authorized representative for the same on his behalf.
- f) Registry to issue showcause notice seeking clarification from Shri. Rajesh Asolkar as to why disciplinary proceedings should not be initiated against him and he shall remain present alongwith the reply to the said showcause notice as well as the compliance report mentioned hereinabove.
- g) Registry to ensure that authenticated copies of this order are communicated in a time bound manner to all the concerned parties referred in this order and also to ensure that the said order is communicated to the Appellant herein by way of email.
- h) Registry to initiate disciplinary proceedings against the PIO incase of failure to comply the above directions.

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