

GOA STATE INFORMATION COMMISSION
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Appeal No. 40/2025/SIC

Shri. Krishna Raghunath Pandit,
H.No. 884/11, Devashri Bhuvan,
Porvorim, Bardez-Goa.

.....Appellant

V/S

1.The Public Information Officer,
Superintendent,
Directorate of Panchayats,
Myles High, Patto,
Panaji-Goa.

2. The First Appellate Authority,
Dy. Director (Administrator),
Directorate of Panchayats,
MylesHigh, Patto,
Panaji-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 18/02/2025

Decided on: 19/05/2025

ORDER

1. The present Second Appeal arises out of the Right to Information (RTI) application dated 05/11/2024 made by Shri. Krishna R. Pandit, Appellant herein and addressed to the Public Information Officer (PIO) at Directorate of Panchayats, Government of Goa.
2. Vide Memorandum dated 02/12/2024, the said PIO, Smt. Neha Bandekar informed the Appellant herein that, a separate Memorandum dated 08/11/2024 was issued to the Head Clerk of Establishment Section of Directorate of Panchayats seeking the information desired by the Appellant

herein and that the said officer has not provided the information.

3. Thereafter, citing various grounds, the Appellant herein preferred First Appeal before the appropriate authority vide First Appeal dated 17/12/2024.
4. The First Appellate Authority (FAA) vide its order dated 14/01/2025 partly allowed the First Appeal and directed the PIO to provide relevant information to the Appellant herein within 15 days from the receipt of the said order.
5. Thereafter, citing various grounds of non-receipt of the information inspite of order of the FAA, the Appellant herein preferred Second Appeal before this Commission on 18/02/2025.
6. Notices were issued on 20/03/2025 and matter came up for hearing from 24/04/2025 onwards, wherein the PIO has filed her reply.
7. It is pertinent to note that, the said PIO has cited the non-cooperation of the concerned Head Clerk as a grounds for her inability to furnish information to the Appellant herein and has sought that the said Head Clerk/ APIO may be made a party in the present Second Appeal proceeding.
8. Upon perusal of the appeal memo as well as the reply filed by the Respondent PIO, it is clear that the PIO is taking the refuge of the fact that concerned Head Clerk to whom Memorandum was issued by the PIO has not furnished necessary information.

9. Such an excuse is unacceptable as the PIO if so convinced about the fact that the said information is held by another authority i.e. APIO, then in such case, the PIO ought to have transferred the said RTI application under Section 6(3) of the RTI Act.
10. Even in the light of the directions issued by the FAA, the said PIO has failed to furnish the information to the Appellant herein which directly amounts to denial of the information.
11. Therefore, in light of above, the present Second Appeal is disposed with following order:-
- a) The present Second Appeal is allowed.
 - b) The Respondent PIO, Smt. Neha Bandekar is directed to furnish necessary information to the Appellant herein on or before 30/06/2025 free of cost and submit the compliance report to that effect by remaining present in person before this Commission on **03/07/2025 at 11.00 am.**
 - c) The PIO, Smt. Neha Bandekar shall take all the necessary assistance from concerned sections of her department in order to implement the above direction. The PIO is further directed to record the minutes of the proceeding on the date of compliance and take signature of the Appellant herein as well as the necessary staff/ officers whose assistance is availed at the time of compliance of this order.
 - d) The Director, Directorate of Panchayat, is hereby directed to initiate inquiry proceeding against the

concerned Head Clerk of Establishment Section of Directorate of Panchayats for non-cooperation towards the PIO in terms of discharging her duties and upholding the letter spirit of the RTI Act. Such report alongwith proposed action against the said Head Clerk shall be completed before 30/06/2025 and the said report shall be submitted before this Commission on 03/07/2025 at 11.00 am.

e) Registry to issue show cause notice to the PIO, Smt. Neha Bandekar seeking clarification as to why action should not be initiated under Section 20(1) of the RTI Act and the PIO shall respond to the same by remaining present in person on **03/07/2025 at 11.00 am.**

f) No order as to cost.

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