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

Tel No. 0832-2437880/2437208 email: spio-gsic.goa@nic.in
website:www.gsic.goa.gov.in

Shri. Atmaram R. Barve State Information Commissioner

Appeal No. 96/2024/SIC

Shri. Subodh Prabhu, PIO,
Village Panchayat of Nerul/ Secretary,
Nerul, Bardez- Goa 403114. ----------**Appellant**

V/s

1.Shri. Vilford S.F. D'Costa,
r/o. H.No. 748, Porta Vaddo,
Siolim, Bardez-Goa.

2. First Appellate Authority (FAA),
Block Development Officer-II,
2nd Floor, Govt. Complex Bldg.,
Behind Bardez Bazar, Mapusa,
Bardez-Goa. **----------Respondents**

Filed on: 02/04/2024
Disposed on: 20/01/2025

ORDER

1. This present second appeal dated 2/04/2024 is filed by Shri. Subhodh Prabhu the Public Information Officer (PIO) of Village Panchayat of Nerul, Bardez-Goa.

2. The said second appeal is against the order dated 19/03/2024 passed by the First Appellate Authority (FAA) i.e. Block Development Officer (BDO) - II, Bardez-Goa.

3. The said first Appeal has arisen out of the Right to Information application dated 14th December, 2023 filed by Shri. Vilford S. P. D'Costa before the Public Information Officer (PIO), Village Panchayat of Nerul/Secretary.

4. Vide reply dated 11th January, 2024 the said PIO informed the Applicant Shri. Vilford D'costa that the information sought by him is very old and as such it

will require more time as the PIO was handling other office related work.

5. Thereafter, the applicant Shri. Vilford D'Costa preferred the first appeal wherein the First Appellate Authority after hearing both the parties directed the PIO to furnish information to the Applicant within 15 days from 19th March, 2024.

6. Thereafter, being aggrieved by the order of the First Appellate Authority the PIO preferred this second Appeal.

7. This second appeal was filed during the period when the former Commissioner had demitted Office and as such notices were issued to the parties on 6th November, 2024 and the matter was taken up from 10th December, 2024 onwards.

8. Both the parties put forth their contentions while debating upon the maintainability of the present second appeal.

9. Advocate for the Appellant PIO cited the order passed by the High court of Karnataka at Bangaluru in writ petition no. 24537 of 2018.

10. Advocate for the Respondent also proceeded with his counter argument on the aspect of maintainability of the second Appeal.

11. Upon perusal of the appeal memo its annexures as well as the arguments proceeded. This Commission is of the considered opinion that:-

    a) Second Appeal is a remedy under the Right to Information Act, available to the information seeker to uphold his right interms of the RTI Act, 2005.

b) The conduct of the PIO in this matter is objectionable and that of gross disregard towards the letter and spirit of the RTI Act.

c) Issuing reply to the RTI applicant towards the fag end of the stipulated time period of 30 days by citing reasons that the information sought is very old appears to be inherently flimsy in nature. Further, not specifying the time limit for furnishing such information also appears to be aimed at denying information to the Applicant herein.

d) The PIO has also failed to provide any clarification as to how old is the information sought by the Applicant in so far as the RTI application is concerned.

e) The Public Information Officer (PIO) has failed to discharge his duties in terms of section 7 (1) of Right To Information Act 2005.

Therefore in view of the above, the said PIO has been found to be in gross disregard towards his duties and entrusted by the RTI Act and also towards the authorities empowered therein.

There appears to be no action on the part of the PIO to even remotely suggest that any effort was made to trace or furnish the information to the RTI applicant and as such this conduct amounts to denial of the information.

Therefore the present second appeal is dismissed with the following orders:-

a. The PIO is directed to immediately furnish the said information to the Respondent No. 1 in this matter on or before 10th February, 2025 free of cost and furnish a compliance report on or before 12th February, 2025.

b. Registry to issue Show cause notice to the PIO seeking clarification why penalty should not be imposed on him for denial of information as well as delaying the matter by way of preferring a second appeal instead of complying with the order of the First Appellate Authority; thereby attracting penalty under section 20 of this Act.

c. PIO Shri. Subodh Prabu shall remain present in-person alongwith reply to the above mentioned show cause notice on 12/02/2025 at 11.00 a.m. failing which penalty & disciplinary proceedings shall be initiated by this Commission.

d. Registry to also serve a copy of this order on to the Director, Directorate of Panchayats who shall ensure compliance of this Order from the said PIO Shri. Subodh Prabhu.

e. The Director, Directorate of Panchayat to ensure that fees of the Advocate engage by the PIO shall not be paid from the Panchayat funds or the State exchequer and if done so necessary disciplinary proceedings shall be initiated against the PIO.

Appeal dismissed accordingly.

No order as to 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