

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. 426/2023/SIC

Mr. Devidas Gopinath Panjekar,
R/o. Podwal,
Khorjuem, Aldona,
Bardez-Goa 403508.

..... **Appellant**

V/s

1. The Public Information Officer (PIO),
Village Panchayat of Aldona,
Bardez-Goa 403508.
2. The First Appellate Authority (FAA),
Block Development Officer,
Mapusa, Bardez-Goa

..... **Respondents**

Filed on: 14/11/2023

Disposed on: 03/02/2025

ORDER

1. The present second Appeal arises out of Right to Information application dated 26/08/2023 made by the Appellant herein Shri. Devidas Gopinath Panjekar and addressed to the Public Information Officer (PIO) at the Village Panchayat Aldona wherein the Appellant has sought certified copy of the Minutes book of Village Panchayat board meeting from 1/07/2023 till the date of Right to Information application.
2. Vide reply dated 25/09/2023 the Public Information Officer (PIO) Smt. Navanya Goltekar provided him the information in terms of his RTI application, within the stipulated time period of 30 days.

3. Aggrieved by the said reply the Appellant herein preferred the first appeal on 28/09/2023.
4. Thereafter, in view of no response received from the First Appellate Authority (FAA) the Appellant herein preferred the second appeal dated 14/11/2023.
5. It is contended by the Appellant that the Public Information Officer has provided incomplete and misleading information and that the First Appellate Authority (FAA) has failed to even hear his matter.
6. Notices were issued on 20/12/2023 and proceedings commenced from 18/01/2024 onwards.
7. The PIO was present in person on the first two dates of hearing i.e. 18/01/2024 and 08/02/2024 respectively wherein she sought time to file her reply.
8. Thereafter, on account of the former State Information Commissioner demitting office there were no physical hearings from 14/03/2024 onwards and regular proceedings commenced from 10/10/2024 onwards.
9. In the mean time after nearly seven months the PIO filed her reply to the Appeal Memo on 01/08/2024 and copy of the same was received by the Appellant on 10/10/2024, wherein she contended that complete information has been provided to the Appellant herein.

10. The Appellant herein filed written submissions dated 12/11/2024 and contended that, the Respondent PIO has misrepresented the facts and tried to misguide this Commission.
11. It was observed by this Commission that the Respondent PIO has been consecutively remaining absent in the proceedings and as such a notice was issued to the PIO to remain present on 20/12/2024 failing which the matter would be decided in her absence.
12. On 20/12/2024 the Respondent PIO was represented by her Advocate and it was made clear by this Commission that this matter would be taken up for final hearing on the next date.
13. Both the parties put forth their oral arguments.
14. Upon perusal of the Appeal memo, replies and other material on record, this commission is of the considered opinion as under:-
 - a) Primafacie the Public Information Officer Smt. Navanya Goltekar has provided a timely response to the Appellant within the stipulated time frame of 30 days.
 - b) There has been gross negligence and nonperformance on the part of the First Appellate Authority in so far as providing a fair hearing to the Appellant herein is concerned.

- c) The act of the First Appellate Authority has caused a severe prejudice to the right of the information seeker in this case.
- d) The conduct of the PIO before this Commission is highly objectionable in so far as not filing reply for nearly 7 months, continuous absence in the proceedings etc. are concerned.
- e) Reasonably, when the information seeker has sought certified copies of the minutes book of the Panchayat it cannot merely be limited to providing record of the attendees and rather such information should cover the minutes of the discussions held in such meetings.

15. The PIO has failed to even make an attempt to oppose the contentions of the Appellant herein by way of any detailed reply or submissions there under before this Commission.

16. Therefore, in view of the above the PIO, Smt. Navanya Goltekar is found to have provided incomplete information to the Appellant herein which is against the spirit of section 7 of the Right To Information Act, 2005.

17. Hence, the present second Appeal is disposed off with the following orders:-

- a) The present second Appeal is allowed.

- b) The Public Information Officer (PIO) Smt. Navanya Goltekar is directed to issue a physical inspection of the concerned minutes book and provide certified copies of the relevant information to the Appellant herein free of cost on 28/02/2025 during working hours.

- c) In case Smt. Navanya Goltekar has been transferred to any other Panchayat, she should seek the assistance of the present PIO of Village Panchayat Aldona and comply with the directions above.

- d) The present PIO of Village Panchayat Aldona is also directed to provide complete assistance in terms of the directions above.

- e) The Director-Directorate of Panchayats Government of Goa shall conduct an inquiry into the matter with respect to the conduct of the First Appellate Authority in the instant matter and submit an inquiry report on or before 20/03/2025.

- f) Registry to ensure that showcause notice is issued to Smt. Navanya Goltekar as well as the present PIO of Village Panchayat Aldona seeking clarification as to why no penalty or disciplinary proceedings should not be initiated. Both to remain present along with the reply to the show cause notice on 03/03/2025 at 11.00 a.m. failing which necessary penalty and disciplinary proceedings to be initiated.

g) Director, Directorate of Panchayat, Govt. of Goa to ensure that the Advocate engaged by the PIO Smt. Navanya Goltekar is not paid from Panchayat funds or from the state exchequer.

h) All the parties concerned to be served with authenticated copies of this order.

Appeal disposed off with no order as to cause.

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