

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Complaint No.35/2025/SCIC

Aleixinho F. Monserrate,
Santarbhat, Piedade,
Divar, Ilhas Goa 403403 -----Complainant

V/s

1.The Public Information Officer,
The Authority,
Office of the Principal Chief Engineer (Technical Cell),
Public Works Department,
Altinho, Panaji-Goa, 403001.

2.The Public Information Officer,
Works Division II (Roads),
Public Works Department,
Junta House, Panaji-Goa 403001. ----Opponents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Complaint

Complaint received on	23/06/2025
First hearing held on	23/07/2025
Decided on	30/10/2025

Information sought and background of the Complaint

1. Shri Aleixinho F. Monserrate filed a Complaint dated 23/06/2025 to the PIO O/o. Principal Chief Engineer, PWD stating that the Hon'ble Commission passed an order dated 16/04/2025 in Appeal No. 329/2023/SCIC directing the Respondent PIO to furnish proper reply to the Applicant's RTI application dated 15/06/2023 within 10 days from the receipt of the order.

According to the Complainant, there is absolutely no change from the reply given earlier and the reply dated 03/06/2025, complying with the Commission's order, is signed by Shri. Eduardo J. Pereira in his

capacity as the then Executive Engineer-II and the then PIO, who retired from the service on superannuation in March, 2025.

Complainant prayed to impose penalty on the PIO for not providing the information as ordered by the Hon'ble Commission on time and suitability compensate the Complainant for mental torture and anxiety.

FACTS EMERGING IN COURSE OF HEARING

2. Pursuant to the filing of the present Complaint, parties were notified fixing the matter for hearing on 23/07/2025 for which Complainant absent and then Opponent PIO Shri. Eduardo Pereira present along with Shri. Deepak Mandrekar, ASW, PWD and Shri Yogiraj Gawas, Technical Assistant.

Presiding Commissioner directed to ensure the presence of present Opponent PIO and not the previous Opponent PIO, who has retired from the service on superannuation, for the next date of hearing, 21/08/2025.

3. When matter took up for hearing on 21/08/2025, Complainant present and Opponent PIO was represented by authorized person Shri. Deepak Mandrekar, ASW.

Registry has received a letter inwarded on 01/08/2025 from Executive Engineer, Shri Jude Carvalho, wherein two queries of Complainant's RTI application dated 15/06/2023 has been replied.

Presiding Commissioner directed the Opponent PIO's representative to ensure his presence along with submission for the next hearing fixed on 06/10/2025.

4. Matter called out for hearing on 06/10/2025 for which Complainant and Opponent PIO absent. Neither Opponent PIO nor his representative filed any submission till date. Presiding Commissioner directed that Opponent PIO should invariably be present for the next hearing. Matter adjourned for final hearing on 30/10/2025.

5. When matter took up for final hearing on 30/10/2025, Complainant absent and representative of the Opponent PIO present. Registry received a letter from the present PIO (Shri. Jude A.D. Carvalho, Executive Engineer-II) submitting that due to urgent site inspection at two different locations with the officials of the Minister for PWD and Member of Rajya Sabha scheduled on 30/10/2025, he would not be able to attend the hearing on 30/10/2025.
6. **Infact, notice was served to the present PIO for his presence for the hearing and to seek an explanation from him on what ground the then PIO vide letter dated 03/06/2025 furnished information to the Appellant as a compliance to the order passed Commission in Appeal No. 329/2023/SCIC especially when the PIO retired from the service on superannuation in March 2025.**
7. Complying with the direction given by the earlier hearing, to furnish fresh reply to the Appellant by the present PIO himself as the reply furnished by the then PIO after his retirement from the service has no validity, present PIO filed copy of the revised reply furnished to the Appellant vide letter dated 25/08/2025.
8. The Commission vide order dated 06/01/2025 had directed the Respondent PIO to furnish revised reply/information, within 10 days from the receipt of the order, to the Appellant in respect of Point No.1 (action taken on the Complainant's complaint dated 17/04/2023 addressed to the 'Authority', O/o. the Principal Engineer (Technical Cell), PWD, Panaji) and Point No.2 (which Department/Authority is responsible for the verification of the document pertaining to the ownership of land under Goa Telecom Infrastructure Policy 2020).
9. In response to the Complaint dated 23/06/2025 filed by the Complainant challenging the vague and casual reply furnished by the then PIO vide letter dated 03/06/2025 that too after his retirement from the service in March 2025, present PIO vide letter dated 30/07/2025 furnished a reasonable reply/information vide letter dated 30/07/2025.

However, Commission gave oral direction to the present PIO to furnish more specific reply/information with more clarity to the two queries raised by the Complainant in his RTI application dated 15/06/2023. Complying with the oral direction, present PIO furnished an appropriate revised reply/information to the Complainant vide letter dated 25/08/2025.

DECISION

- i. **Since the present PIO has furnished appropriate reply to the RTI queries of the Complainant, the present complaint does not warrant further proceedings. Hence the Commission decided to dispose the matter and proceedings stand closed.**
- ii. **Commission is of the view that the conduct of the then PIO was fit for penal action for failing to comply with the Commission's directions within 10 days from the receipt of the order dated 06/10/2025 and later by giving the reply/information in a casual manner vide letter dated 03/06/2025 after retiring from the service on superannuation in March 2025.**

However, granting the benefit of retirement from the service on superannuation, Commission decided to grant relief to the then PIO from imposing penalty for showing casual and irresponsible attitude towards the Commission order dated 06/01/2025.

- Proceeding stands closed.
- Pronounced in 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/-

(ARAVIND KUMAR H. NAIR)

State Chief Information Commissioner, GSIC

