

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

Penalty No. 22/2025
In
Appeal No. 100/2023/SIC

Narayan R. Naik,
H.No. 122, Gina, Rua De Maria,
Nera Gomantak Bakery,
Sancoale, Goa 403710.

..... **Appellant**

V/s

1. The Public Information Officer.
Mormugao Municipal Council,
Vasco-da-Gama, Goa 403802.

2. The First Appellate Authority,
Mormugao Municipal Council,
Vasco-da-Gama, Goa 403802.

..... **Respondents**

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 19/05/2025
Disposed on: 15/12/2025

O R D E R

1. The present penalty proceedings arise out of proceeding in Appeal No. 100/2023/SIC and resultant order dated 04/04/2025 passed by this Commission.
2. This Commission had directed the Public Information Officer (PIO) of Mormugao Municipal Council Shri. Uday Wadkar or any other person presently discharging duties as under:-
 - a. "The PIO Shri. Uday Wadkar or any other person presently discharging duties as the PIO is directed to forthwith reassess the RTI application made by the Appellant herein dated 30/11/2022 and provide a pointwise reply within 15

days from the receipt of this order or 12th May 2025 whichever is earlier.

- b. The PIO, Shri. Uday Wadkar or any other person presently discharging duties as the PIO is directed to refund the amount of Rs. 94/- (Rupees Ninety-Four only) to the Appellant as the said information was provided beyond the stipulated time period.
- c. The Director of Municipal Administration, Govt. of Goa is hereby directed to conduct an inquiry pertaining to the inconsistency in providing the information on the part of the PIO is concerned. The said inquiry to be completed on or before 12/05/2025 and compliance report towards the same shall be submitted to this Commission on or before 19/05/2025.
- d. The registry to issue showcause notice to the relevant PIO seeking clarification as to why no action should be initiated in terms of Section 20(1) of the RTI Act 2005. The relevant PIO to remain present alongwith reply to the showcause notice and compliance report interms of the orders above on 19/05/2025 at 11.00 am before this Commission.
- e. The Government of Goa through its Chief Secretary is directed to carry out necessary amendments in the Rules under the Right to Information Act, 2005 so that role and responsibility of First Appellate Authorities can be more elaborately defined and enforced.”

3. Thereafter the matter was on 19/05/2025, wherein the advocate for Appellant highlighted non-compliance of the order of this Commission.

4. The reply to the show cause notice submitted by the PIO, Shri. Uday Wadkar in this matter on 19/05/2025 was not supported with any documentary evidence to suggest that any efforts were made to comply with the directions of this Commission and the same point was also highlighted by the advocate for the Appellant.
5. This Commission was very clear in so far as directing the relevant PIO to reassess the Appellant's RTI application on or before 12/05/2025. However, at para 17 of the reply to the showcause notice the relevant PIO, Shri. Uday Wadkar makes an audacious attempt to simply pass on the responsibility on to the present PIO, Smt. Poonam Naik.
6. Thereafter, several opportunities were given to the relevant as well as the present PIO to put forth their contentions to which they have chosen to put forth their submissions without any valid documentary evidence in support of same thereby making it difficult for this Commission to establish the aspect of positive compliance of its directions.
7. It is contended in the reply dated 22/09/2025 to main complaint notice that the present PIO, Smt. Poonam Naik was on Child Care Leave between 01/04/2025 to 30/05/2025.
8. However, thereafter there is no reliable documentary evidence to even remotely suggest that even the present PIO, Smt. Poonam Naik made any attempts to comply with the directions dated 04/04/2025 passed by this Commission.
9. Both the PIO's namely Shri. Uday Wadkar as well as Smt. Poonam Naik have been party to the proceeding at the Second Appellate stage as well as during the hearing on penalty proceeding and have acted against the letter and spirit

of their roles and responsibilities entrusted by the RTI Act, 2005.

10. The acts of both the above named PIO's in the considered opinion of this Commission are to be seen as causing malafide denial of the information and also not complying with the directions of this Commission which is an Appellate Authority constituted under the RTI Act, 2005, thereby attracting the provisions of Section 20(1) and 20(2) of the RTI Act, 2005.
11. Therefore in view of the above, the present penalty proceeding is disposed off with following order:-
 - a. The Director, Directorate of Municipal Administration, Government of Goa is hereby directed to forth with the recover penalty to the tune of **Rs. 25,000/- (Rupees Twenty-Five Thousand only)** from the salaries and allowances payable to Shri. Uday Wadkar who was the relevant PIO when the cause of action arose in this matter.
 - b. The Director, Directorate of Municipal Administration, Government of Goa is hereby directed to forth with the recover penalty to the tune of **Rs. 25,000/- (Rupees Twenty-Five Thousand only)** from the salaries and allowances payable to Smt. Poonam Naik; the present PIO in this matter.
 - c. The Director, Directorate of Municipal Administration, Government of Goa shall complete recovery of said penalty amount on or before 15/01/2026 and submit compliance report to that effect on 21/01/2026 through any duly authorized representative.

d. The present PIO, Smt. Poonam Naik is directed to reassess the Appellant's RTI application afresh and provide pointwise reply to the same on or before 15/01/2026 and submit compliance report to that effect on **21/01/2026 at 11.00 am** by remaining present in person before this Commission; failing which no further opportunity will be provided to the PIO and this Commission shall recommend disciplinary action against the same.

e. Registry to forth with furnish copies to all concerned parties with the name and directions mentioned in this order.

- No order as to cost for submission of compliance of the directions of this Commission on 21/01/2026.
- Parties to be provided authenticated copies of the order.
- 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