

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Complaint No.65/SIC/2008

Shri Alexinho P. Monserrate,  
Santarbhat, Piedade,  
Divar, Ilhas - Goa  
V/s.

... Complainant.

1) The Public Information Officer,  
Executive Engineer,  
Public Works Division,  
Works Division II, Patto,  
Panaji – Goa

... Opponent No. 1.

2) The Principal Chief Engineer,  
Public Works Division,  
Altinho,  
Panaji – Goa

... Opponent No. 2.

Complainant in person  
Opponent absent.

**Dated: 02.03.2010**

**ORDER**

In the Order dated 15.12.2006 passed in Complaint No. 38/SIC/2006 this Commission made an observation stating that there is no record available before this Commission to find out whether the information provided by Shri Sheldekar, Executive Engineer, Works Division II to the Complainant is false or the Public Works Division has submitted false report to the then Hon'ble Chief Minister and directed the Principal Chief Engineer, Public Works Division to hold a proper enquiry and to take appropriate action against the erring officer – Shri Sheldekar for assuming the powers of Public Information Officer.

2. As this Order dated 15.12.2006 was not complied the Complainant moved a complaint dated 14.01.2008 and by Order dated 29.02.2008 passed in Complaint No. 62/2007-08/PWD the

...2/-

Commission observed that the main issue of false information to the Complainant remained and ordered enquiry by the Directorate of Vigilance and also sent a copy of the Order dated 29.02.2008 to the Secretary, (PWD) for necessary action by the Government. Non-compliance of this Order dated 29.02.2008 led the Complainant to prefer the present Complaint. The grievance of the Complainant in his Complaint dated 27.01.2009 is in respect of action taken by the Secretary, (PWD) rather than enquiry by the Vigilance Department.

3. The controversy about false information originated on one side by the letter dated 11.03.2002 addressed to the Complainant by the Office of the Chief Minister wherein it is stated that the PWD authorities have reported that the work have already been completed and on the other side by the letter dated 16.10.2006 of Public Authority of PWD to the Complainant stating that as the Panchayat itself instructed the Department not to execute the work on a particular portion of the road, the work was completed after execution of the remaining portion of the road as per contract on 21.02.2002. No doubt that the information provided by the Office of the Chief Minister to the Complainant was based on the information given by the PWD authorities. The information is that the work has already been completed. Subsequently, the communication dated 16.01.2006 to the request for information sought on 01.06.2006 the Public Authorities has stated that the Panchayat has instructed the Department not to execute the work on a particular portion of the road and the work was completed after execution of the remaining portion of the road. On reading the contents of the letters dated 11.03.2002 and 16.10.2006 it does not appear to be any contradiction concerning the execution of work. The letter dated 11.03.2002 the PWD stated that the work has been completed and in

the letter dated 16.10.2006 the same authorities has stated that the work has been completed but after leaving the portion for which the Panchayat objected for the execution of work. After all, the author of both the letters dated 11.03.2002 and 16.10.2006 is the PWD authorities concerned with the construction of roads. It is the Village Panchayat who directed the PWD authorities not to execute the work on a particular portion which the PWD authorities did, and after leaving this unattended portion, completed the work on the other remaining portion. The completion of work refers to total work undertaken minus the portion left untouched due to the Village Panchayat's objection. The report of the enquiry of the Vigilance Department which is based on the documents like Estimate, Tender, Measurement Book, Work File, correspondence between the Complainant and the Department, observed that no officer has misled the Chief Minister's office and letter dated 16.10.2006 is clear on the instruction about the portion of the road being left and completion of the remaining portion of the road. The enquiry report also has observed that on instructions from the Village Panchayat, a portion of the road was not taken up for black topping and after reducing the scope of work, as per relevant provisions in the contract agreement (clause 13), the work was certified to be completed. According to the enquiry report the estimate of the portion which has not been black topped was deducted from the total portion mentioned in the contract.

4. Since the letters dated 11.03.2002 and 16.10.2006 did not indicate that there is any contradictory stand on the issue of completion of work and the enquiry report indicates that the black topping was done as per the contract minus the area objected by the Panchayat and even the estimate was reduced to that extent, there is no question of the PWD authorities providing any false

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information to the Complainant. Hence, there are no reasons to proceed further and this Complaint is dismissed.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

