

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Motilal S. Keny State Chief Information Commissioner

Penalty Case No. 21/2011
In
Complaint No. 599/SCIC/2010

Dinesh B. Vaghela,
Navaguari Apartments,
IInd Floor, NH-17,
Alto, Porvorim-Goa

... Appellant/Complainant.

V/s.

1) Public Information Officer,
Chief Engineer-I,
Public Works Department,
Altinho, Panaji - Goa

... Respondent/Opponent No.1.

2) The Superintending Engineer,
Circle Office IX,
Public Works Department,
Altinho, Panaji - Goa

... Respondent/Opponent No. 1.

Complainant in person.

Shri K. P. Parsekar, representative of Opponent No.1.

Opponent No. 2 absent.

O R D E R

(19.04.2011)

1. By Order dated 08.02.2011 this Commission issued notice under section 20(1) of the R.T.I. Act to the Opponent/Public Information Officer and the Chief Engineer-I, Public Works Department, Altinho, Panaji and to the Superintending Engineer, Circle Office-I, Public Works Department, Altinho, Panaji to show cause why penalty action should not be taken against them for causing delay in furnishing information.

2. In pursuance to the show cause notice the Opponent No. 1 as well as Opponent No. 2 have filed replies which are on record. It is the case of Opponent No. 1 that the Chief Engineer-I, Public Works Department, is not the Public Information Officer under RTI Act and that he was not aware of the letter of the Complainant dated 28.10.2010, letter of SPIO dated 01.11.2010 and also letter of NHAJ dated 22.11.2010 till January 2011. That out of his own volition the Chief Engineer/Opponent No. 1 has given copy of signed M.O.U. to Dy. Director, Administration, SPIO of Public Works Department. That the delay is not attributable to him but on the contrary Opponent No. 1 had on his own endeavored to provide copy of the M.O.U. According to him notice against him be dropped.

It is the case of Opponent No.2 that Opponent No. 2 is not at all liable for any delay. That the Complainant has filed application dated 28.10.2010 and the PIO of PWD vide letter dated 01.11.2010 forwarded copy of the said letter to Opponent No. 2 to furnish the information to her office for supplying to the applicant. That since information was not available with the Opponent No. 2 and since the Opponent No. 2 was aware of the fact that National Highways Authority of India (NHAI) is handling the matter pertaining to national highways, in good faith, he referred the application to their office at Mormugao-Goa vide letter dated 08.11.2010. That the Project Director from NHAI very promptly replied to the Complainant giving him the relevant information about points (a) and (b) to his satisfaction. That the Complainant has not disputed this fact at any stage. That the only information that was remained to be given was certified Xerox copy of the M.O.U./Agreement signed between NHAI and Government of Goa which was neither available with the Project Director nor the Opponent No. 2. That this fact was also reported to the PIO of Public Works Department on 24.10.2010. That at this stage no M.O.U./Agreement was available. However, the only thing available was the initial draft of the proposed Agreement and that the same was furnished to the Complainant and the Complainant accepted the same. That the said Agreement could not be furnished as the same was not available with the Opponent No. 2. Under the circumstances, it is prayed that penalty proceedings be dropped.

3. It is seen that the application is dated 28.10.2010 addressed to the PIO, Office of the Principal Chief Engineer, P.W.D., Altinho. It appears that information was not with the PIO and hence by letter dated 01.11.2010 transferred the same to the Superintendent Engineer, Circle Office IX, P.W.D., Altinho who in turn by letter dated 08.11.2010 transferred to Project Director, N.H.A.I. By letter dated 22.11.2010 the Project Director N.H.A.I. informed the Complainant that they do not have the CDs as sought as the proposed alignment plans are in the process of finalization. Regarding M.O.U. he informed to take from P.W.D. This letter is in time.

Now it is to be seen regarding Agreement. It is seen that by letter dated 06.01.2011 the Superintendent Engineer IX (NH), P.W.D. furnished draft agreement available with Principal Chief Engineer on 06.01.2011. From the

reply it is seen that Opponent No. 1 was not aware about the entire episode. The signed copy was furnished on 25.01.2011.

4. It is seen that information was not available for some time with the concerned departments. The request was being tossed around and no serious effort was made to state clearly. In any case as Complainant states that draft was given. In these peculiar circumstances delay has occurred and the same cannot be pinpointed on a particular official. The Complainant too agrees with this. In the circumstances there is no point in proceeding further with this inquiry in the absence of single defaulter. But at the same time this Commission would caution all the concerned P.I.O. to be alert and vigilant in dealing with the R.T.I. applications/requests of the citizens, in general, in future.

5. In view of the above, I pass the following Order:

ORDER

The show cause notices on Opponent No. 1 and 2 are discharged. The penalty proceedings are dropped.

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 19th day of April, 2011.

Sd/-
(M. S. Keny)
State Chief Information Commissioner