

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Motilal S. Keny State Chief Information Commissioner

**Penalty Case No. 2/2010**  
**In**  
**Complaint No. 61/SCIC/2009**

Mr. Yogesh S. Naik,  
2<sup>nd</sup> Floor, Gurudatta Building,  
Near Jama Masjid,  
Panaji – Goa

..... Complainant.

V/s.

The Commissioner,  
Corporation of City of Panaji,  
Municipal Buidling,  
Panaji – Goa

..... Opponent/Respondent.

Complainant in person.  
Adv. J. Ramaiya for Opponent.

**ORDER**  
**(15.04.2011)**

1. By Order dated 12.03.2010 this Commission issued Show Cause Notice to the Opponent/Public Information Officer to show cause as to why penal action should not be taken against him for causing delay in furnishing information.
2. In pursuance to the said notice the Opponent has filed reply which is on record. It is the case of the Opponent that the information sought by the Complainant was prepared and sent for dispatch by registered post A.D. as per their letter dated 28.08.2009. That although the papers were ready for dispatch on the said date, scrutiny made by the Opponent revealed that it was mailed only on 07.09.2009 and it is seen from the postal receipt bearing No. 288. It is the case of the Opponent that there was no delay in submitting information sought by the Complainant except for lapse on the part of office staff in mailing it on 28.08.2009 when the letter was ready and signed by Assistant Public Information Officer and 07.09.2009 when it was actually dispatched. That although the fault is not directly attributable to this Opponent, yet he being the administrative head of the institution assumes the responsibility and prays that lapse of seven days delay over and above may graciously be condoned considering the fact that there was not deliberate or intentional delay in supplying information sought by the Complainant. It is also the case of the Opponent that non-appearance is on account of communication gap and is not intentional and, therefore, for reasons directly

not attributable to this Opponent. That the Opponent has not acted in malafide manner nor has given any misleading information or refused to furnish any information intentionally, that all information has been furnished to the Complainant. The Opponent also assures that such instances will not reoccur in future and that the Opponent will consider taking suitable action against those responsible for delay. The Opponent prays to discharge the show cause notice and to drop the penalty proceedings.

3. Heard the Complainant and representative of the Opponent and perused the records of the case.

4. At the outset I must say that in the instant case from the very beginning Opponent/PIO has shown utter negligence in attending the Commission as can be seen from the proceedings sheet. I have already mentioned in para 3 of the Order about the same.

5. Admittedly, there is delay in furnishing information. The request for information is dated 30.07.2009. It has now transpired that information was prepared and sent for dispatch by registered post AD as per letter dated 28.08.2009. Exhibit ' A ' on record is the said letter. I have perused the same. I have also perused the letter from Manager, Customer Care Centre, Panaji and postal receipt. As per the same, the said letter was posted on 07.09.2009 and delivered on 09.09.2009. As per letter dated 28.08.2008 it is mentioned 'As per point No. 2, you are requested to provide the subject matter on what the details are required of the log-book/movement register.'

6. From the reply it is seen that letter was signed on 28.08.2009, however, it was posted on 07.09.2009. I have perused postal receipt Exhibit B on record. From the entire material on record it appears there is no delay in sending reply by Public Information Officer but there is a lapse on the part of the office Staff. However, the Public information Officer should be more careful in future in matters concerning R.T.I. in particular. According to Opponent, there was no malafide intention. In this factual matrix of this case this Commission is prepared to accept the same however, Public Information Officer in future should strictly adhere to time limits and procedures stipulated under various provisions of R.T.I. Act.

Once it is accepted that there was no malafide intention and delay was due to lapse of concerned office staff, then the same ought to be construed

to be a reasonable cause within the meaning of proviso to section 20(1) of the R.T.I. Act.

7. The Opponent has assumed responsibility of the said lapse being the Administrative head of the Institution.

This Commission was of the view that suitable action must be taken against the concerned staff so that such acts do not occur in future, However, in para 9 of the reply it is mentioned: "This respondent assures that such instances will not reoccur in future and I will consider taking suitable action against those responsible for the delay."

In view of this assurance this Commission leaves the matter to the Opponent and hope that Opponent to make proper inquiry, fix responsibility and take suitable action as mentioned above.

8. In view of all the above and in the facts and circumstances of the case, the delay is to be condoned and proceedings dropped. Hence, I pass the following Order:

**ORDER**

The Show Cause Notice is discharged and penalty proceedings dropped.

The Penalty case is accordingly disposed off.

Pronounced in the Commission on this 15<sup>th</sup> day of April, 2011.

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