

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri. M. S. Keny, State Chief Information Commissioner

Comp. 583/SCIC/2010

Mr. Domnic D'souza,
H. No. 315/4, Tropa Vaddo,
Sodiem,
Siolim-Goa

... Complainant.

V/s.

Public Information Officer,
Block Development Officer –I,
Mapusa,
Bardez –Goa

... Opponent.

Complainant in person.

Opponent in person.

ORDER
(28.06.2011)

1. The Complainant, Shri Domnic D'Souza, has filed the present appeal praying that a thorough inquiry be conducted into the complaint and necessary order be passed under section 18; that the documents and records be called. That the disciplinary action be initiated against the P.I.O/Opponent under service rules, under section 20 (2) of the R.T.I. Act., that penalty be imposed on the P.I.O./Opponent; that P.I.O. failed in his obligations imposed upon him under section 4(1) (a) and that suitable directions be issued under section 25(5) of the Act.

2. It is the case of the Complainant that the Complainant filed an application dated 21/07/2010, seeking certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Opponent/Public Information officer (P.I.O.) that the P.I.O. vide his letter dated 20/08/2010, furnished the information which was

incomplete at Sr. No.2 (a) of the said letter. That the Complainant filed one more application dated 5/8/2010 before the Opponent seeking for more information. That the Opponent vide letter 9/9/2010 furnished the information to the Complainant beyond the stipulated time frame of the Act. That the Complainant subsequently filed one more application dated 3/10/2010 before the Opponent seeking information. That the P.I.O. failed to furnish the information and received no reply at all from the Opponent. That the Complainant again filed one more application dated 13/10/2010 before the Opponent seeking for more information. That the P.I.O. once again failed to furnish the information. Being aggrieved the Complainant has filed the present complaint on the grounds as set out in the complaint.

3. The case of the Opponent is set out in the reply which is on record. In short it is the case of the Opponent that the applications seeking information were received. The Opponent denies that the information furnished at Sr.2 (a) is incomplete. That the application dated 21/07/2010 was marked to the Head Clerk, Deepa Banaulikar with instructions to put up the information by 3/08/2010 positively. That is application was collected by the Head Clerk and its photocopy was handed over to Shri S.V. Naik, EOVP with instructions to prepare the information and place before the Head Clerk for verification. That the said EOVP Mr. S.V. Naik has drafted the reply dated 20/08/2010 based upon whatever information available in EOVP section under control of Shri S.V. Naik, EOVP. That whatever information/documents

available within office is furnished to the complainant. It is the case of the Opponent that Shri S.V. Naik, EOVP, is using the services of 2 LDCs namely, Shri Dhananjay Harmalkar and Shri Damodar Gaude and one steno typist Mrs. Rashmi Naik and hence the claim of Shri S.V. Naik, that he is working without any assistant is false. That upon inquiry with the said staff they have submitted in writing vide their letter dated 16/02/2011, that they have never refused any work allotted to them by Shri S.V. Naik, EOVP. It is further the case of the Opponent that the Opponent had sought assistance from Shri S.V. Naik, EOVP for making the information ready and hence Shri S.V. Naik, EOVP, is a deemed P.I.O. as per section 5(5) of the R.T.I. Act and as such liable for delay in providing the information. That information was furnished to the Complainant which was received by Smt. Joan Mascarenhas e D'Souza, wife of the Complainant, however, there is a delay of 7 days in furnishing the information and that the delay is on the part of Shri S.V. Naik, EOVP as deemed P.I.O. The Opponent denies that information was denied by the Opponent. That the Opponent denies all the allegations made by the Complainant. That large number of applications have been filed by the Complainant and most of them are disposed by the opponent in time.

4. Heard both sides Complainant and the Opponent. Written arguments of the Complainant are also on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point

that arises for my consideration is whether the reliefs prayed for are to be granted or not.

It is seen that the Complainant filed four applications, i.e. dated 21/07/2010, 05/08/2010, 03/10/2010 and 13/10/2010. In case of first application reply is in time. There is delay of four days in furnishing information in respects of second application. According to the Complainant no reply is furnished to the third application and there is delay of 7 days in furnishing information in respect of fourth application.

In this case information is furnished. The only thing is that there is delay of 4 days in case of one application and 7 days in case of another application.

6. P.I.O. through the reply has explained that delay was on account of deemed P.I.O.. I have referred to the reply in details herein above. As per the same deemed P.I.O. Shri S.V. Naik, EOVP did not furnish the information in time. It is to be noted here that, R.T.I. Act in general is a time bound programme between the administration and the citizen requesting information and every step will have to be completed within the time for presentation of request and disposal of the same, presentation of First Appeal and disposal by the First Appellate Authority. In short under R.T.I. delay is inexcusable. However in this case it appears that Memo has been issued to deemed P.I.O. and others. However, the concerned officer to see that inquiry is properly conducted and brought to its logical conclusion and/or suitably penalized as per law.

Since action is initiated by B.D.O. the same be continued. Director of Panchayat to see that enquiry started by issuing 'memo' by B.D.O. is held properly and the guilty/concerned official is suitably punished.

7. In view of all the above, I pass the following Order:-

ORDER

Complaint is partly allowed. The inquiry which is started by issuing Memo be continued and brought to its logical conclusion. Director of Panchayat to see that the inquiry started by issuing Memo is held properly and the guilty/concerned official is suitably punished. The inquiry to be completed as early as possible but preferably within 2 months.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 28th day of June, 2011.

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

