

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Penalty Case No. 26/2010
In
Appeal No. 157/SCIC/2010

Mr. J. T. Shetye,
C/o. Mapusa Jana Jagruti Samiti,
H. No. 35, Ward No. 11,
Khorlim – Mapusa

... Appellant/Complainant

V/s.

1) Public Information Officer,
Mamlatdar of Bardez,
O/O. Mamlatdar Bardez,
Mapusa – Goa

... Respondent/Opponent No.1.

2) First Appellate Authority & SDO,
Office of Dy. Collector & SDO,
Mapusa – Goa

...Respondent/Opponent No. 2.

Appellant/Complainant in person.

Shri R. Mayenkar, representative of Respondent/Opponent No. 1.

ORDER
(19.10.2011)

1. By Order dated 14.10.2010 this Commission issued notice under section 20(1) of the Right to Information Act, 2005 to the Respondent No.1/Public Information Officer (P.I.O.) to show cause why penalty action should not be taken against him for causing delay in furnishing information.

2. In pursuance of the said notice Respondent No. 1 appeared and has filed the reply which is on record. In short it is the case of the Respondent No. 1 that the Appellant vide application dated 11.02.2010 has sought information in respect of the letter dated 05.01.2009 filed by Mapusa Jan Jagruti Samiti. That this application as referred to the Circle Inspector of their office vide memorandum dated 15.02.2010 with a direction to issue necessary information. That the concerned Circle Inspector vide reply dated 21.04.2010 issued the information which has been sought by the Appellant. That the Appellant was informed and he collected the information on the same day, i.e. on 21.04.2010. It is the case of Respondent No. 1/P.I.O. that the application filed by the Appellant was referred to the Circle Inspector for issuing information. That all

efforts were made to locate the letter in respect of which the information was sought. That the delay was caused as the said Circle Inspection could not issue the same in time as the information sought by the Appellant was vague and was in the nature of inquiry from the P.I.O. That the P.I.O. issued information immediately on receiving the same and that there was no any intentional or deliberate delay on the part of P.I.O. According to the Respondent that the notice issued be withdrawn and proceedings be dropped.

3. Heard the arguments of Appellant as well as Respondent No. 1/P.I.O. According to the P.I.O. the delay was on account of subordinate officers and that the Appellant has not alleged any deliberate or intentional delay in the matter. During the course of arguments the Appellant admits that delay was not intentional.

4. In order to attract provisions of section 20 delay should be deliberate and intentional. Since Appellant admits that it was not intentional or deliberate there is no point in proceeding further. From the reply also it appears that the said information was with Circle Inspector and that the same had to be procured and furnished to the Appellant. In any case in the factual matrix of this case the delay, if any, is liable to be condoned. Hence, I pass the following Order:-

ORDER

The show case issued is withdrawn and proceedings are dropped.

Penalty proceedings are accordingly disposed off.

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

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

