

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.466/SCIC/2010

Shri Vishnu J. Phadte,
H. No.717/1 and 717/2,
Post Vagator, Shapora,
Badem, Bardez – Goa

... Complainant

V/s

The Public Information Officer,
Panchayat Secretary,
Assagao Panchayat,
Assagao, Bardez-Goa

... Respondent

Complainant present.
Opponent present

ORDER
(21/11/2011)

1. By order dated 16/12/2010 it was observed as under :

“Complaint is partly allowed. The Collector, North Goa to conduct an inquiry regarding misplacement/missing of the said complaint/application/file and to fix responsibility for misplacement of the said file/information and initiate action against the delinquent officer/officials including lodging of F.I.R. and/or suitably penalized as per law. The inquiry is to be completed as early as possible preferably within three months and report compliance.”

Accordingly order was sent to the Collector, North.

2. That the Collector, North informed that it would not be possible. It is also submitted that Director of Panchayat being the Appointing and Disciplinary Authority is therefore, higher authority for the secretaries of the Village Panchayat and the Director of Panchayat is an independent Department. That the Collector, North Goa District does not have any administrative control over the said department or the secretaries of

village panchayats. According to the Collector, the said order be reviewed and the direction be issued to the Director of Panchayat instead of Collector, North.

3. This Commission has held that it cannot review the order. In any case in the case at hand there is no review of the order instead a small correction can be made so that inquiry in the matter can be completed. With this view, notice was issued to the parties i.e. the Complainant and the opponent and accordingly they are present.

The parties state that they have no objection if inquiry is made by Director of Panchayat or any other officer.

In view of this instead of 'Collector North' 'The Director of Panchayats, is to be substituted. That is to say the Director of Panchayat to conduct the inquiry instead of 'Collector of North' and order should be read as under :-

*"Complaint is partly allowed. The **Director of Panchayat** to conduct an inquiry regarding misplacement/missing of the said complaint/application/file and to fix responsibility for misplacement of the said file/information and initiate action against the delinquent officer/officials including lodging of FIR and/or suitably penalized as per law. The inquiry to be completed as early as possible preferably within 3 months and report compliance".*

There is no need to change the main order, instead the present order be appended to the main order.

4. The Director of Panchayat is hereby requested to conduct the inquiry as mentioned above. A copy of the order dated 16/12/2010 and the present order be sent to him and he is requested to conduct inquiry etc and report compliance.

5. Accordingly the necessary correction is made.

Pronounced in the Commission on this 21st day of November, 2011.

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