

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

Penalty 22/2010  
in Appeal 60-SCIC/2010

Shri Yeshwant Tolyo Sawant,  
Barazan, Post Bhironda,  
Sattari-Goa.

...Appellant

**V/s**

1. The Public Information Officer,  
The Superintending Engineer,  
Circle I WRD,  
Panaji-Goa .

2. The Assistant Public Information Officer,  
Executive Engineer Works Division I,  
WRD. Panaji-Goa.

3. The First Appellate Authority,  
Chief Engineer, Works Division I,  
WRD, Panaji-Goa.

....Respondents

Appellant Present

Respondent Present

**ORDER**  
**(23-12-2011)**

1. By order dated 2/09/2010 this Commission issued notice under section 20 (1) of the Right to information Act, 2005 to the Respondent No.1/P.I.O. why penalty action should not be taken against him for causing delay in furnishing information.

2. The Respondent No.1 /P.I.O. has filed the reply to the show cause notice which is on record. In short it is the case of the Respondent No.1 that the Appellant is already in receipt of the information sought from the P.I.O./A.P.I.O. which has been acknowledged dated 09/11/2009. That the Appellant had made an application dated 29/09/2009 seeking information/documents which has been furnished to the Appellant on 09/11/2009 on payment of Rs.10/- vide receipt No.190/98 dated 09/11/2009. It is the case of Respondent no.1 that while making a first Appeal, the Appellant before the First Appellate Authority made a statement/Contended that he is already in receipt of the copies of all the 3 letters, however, however the Appellant stated that he wanted copies of the original letters. That letters whichever were available, were furnished vide letter dated 29/10/2009 which was acknowledged by the Appellant. That the Appellant again contended before the first Appellate Authority during hearing on 12/08/2010 that he wants copies of the

original letters. That certified copies of the letters were given and, therefore this Respondent is not liable for penal action. That Appellant vide his letter dated 16/08/2010 addressed to the office of His Excellency Governor of Goa asking for copy of the letter dated 13/04/1999. However P.I.O. of his Excellency vide letter dated 17/08/2010 intimated/replied to the Appellant stating that the letter dated 13/04/1999 does not seem to have received by them as per their records. The letter of office of the P.I.O. of His Excellency itself speaks that the original has not been received. That since original letter was not available the same was not furnished. However certified copies were furnished. According to Respondent No.1 notice under section 20 (1) of the R.T.I. Act is not attracted.

3. The Appellant also filed an application to convert the Appeal into complaint and conduct inquiry. However it is to be noted here that Appeal was disposed off by order dated 2/9/2010 and show cause was issued. In any case I shall deal with the penalty case.

4. Heard the arguments the learned Adv. A Mandrekar argued on behalf of Appellant and the learned Adv. K..L. Bhagat argued on behalf of Respondent No.1 Adv. Shri A. Mandrekar also filed written arguments which are on record.

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

It is seen that the Appellant sought certain information vide letter dated 29/09/2009. According to Respondent No.1 letter dated 29/10/2009 was sent to the Appellant by Registered A/D. It appears that Appellant received information on paying Rs.10/- on 09/11/2009. I have seen that the application dated 29/09/2009 was addressed to Asst. Engineer and not to P.I.O. or A.P.I.O. still information was furnished which was available on record. No doubt there is some delay. However to my mind the P.I.O cannot be blamed for the same.

The information which the appellant was seeking was in connection with his job. No doubt there is slight delay. However appellant suffered. A feeling of helplessness is more damaging and a common citizen falls a pray to such things. Looking at the pros and cons of the matter. I consider that it is a fit case wherein in exercise of the powers conferred on this Commission under section 19(8)(b) of the R.T.I. Act the appellant should be compensated. This Compensation will certainly satisfy the Appellant personally but at the same will help improving the out look and also maintaining records properly.

6. In view of the above I pass the following orders:-

**ORDER**

The Public Authority/ office Superintending Engineer Circle's WRD is hereby directed to pay a sum of Rs.4000/- (Rupees Four Thousand Only) to the Appellant as compensation. The same be paid to the Appellant directly within 20 days from the receipt of the order. The said amount be paid from the funds of Public Authority i.e the said office

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 23<sup>rd</sup> day of December, 2011.

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