

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

**Penalty No.27/2010
In
Appeal No. 153/SCIC/2010**

Mr. Mahesh D. Vaingankar,
304, Madhalawada,
Harmal,
Pernem – Goa

... Appellant.

V/s.

1) Public Information Officer,
Headmaster,
Harmal Panchakroshi High School,
Harmal,
Pernem - Goa

...Respondent No. 1

2) First Appellate Authority,
Director,
Directorate of Education,
Panaji – Goa

... Respondent No. 2.

Complainant absent.

Respondent No. 1 alongwith Adv. S. Parab.

ORDER
(04.04.2012)

1. By Judgment and Order dated 14.10.2010, this Commission issued notice to Respondent No. 1 to show cause why penal action should not be taken against him. The Appellant was further given an opportunity to prove that information furnished is false, incorrect, etc.

2. Initially Appellant through his representative Shri Sadanand Vaingankar appeared. But later on Appellant and his representative remained absent. Respondent No. 1 and his Advocate Shri S. Parab appeared. Adv. Shri Parab advanced arguments. Various opportunities were given to the Appellant but he remained absent.

3. According to the Advocate for Respondent No. 1 there is no delay.

It is seen that by Application dated 13.08.2009 the Appellant sought certain information. By letter dated 11.09.2009 the Respondent No. 1

informed the Appellant that the information asked pertains to Harmal Panchakroshi Shikshan Mandal – Harmal the Society which runs Harmal Panchakroshi Shikshan Higher Secondary School and other institutions and that being Head of the School it is beyond his jurisdiction to furnish information and therefore the application is returned back. Good or bad this reply is in time. It is seen that the Appellant preferred Appeal before First Appellate Authority on 18.09.2009. The hearing of the same was fixed on 07.10.2009 before Director of Education (F.A.A.) on which date the Respondent No.1 agreed to furnish information and furnished the information. By order dated 02.11.2009 the Appeal was allowed and P.I.O. was directed to provide the information to the Appellant within 15 days from today by obtaining the same from Panchakroshi Shikshan Mandal on point No. 1, 2, 4 and 5. It is to be noted here that under R.T.I. only available information is to be furnished. It appears that Respondent received the copy of the order on 10.11.2009 and by letter dated 21.11.2009 the Respondent No. 1 informed the Appellant, that all the information available in the office has been furnished and also informed to approach the appropriate P.I.O.

Again this also appears to be within time as prescribed by the First Appellate Authority. The Appellant failed to show by cogent and clinching evidence on record about the delay.

If we look at the sequence of event I do not find any delay as such. Good or bad the Respondent No. 1 had replied in time.

4. Under Section 20(1) of the R.T.I. Act the Information Commission must satisfy itself that the P.I.O. has without reasonable cause not furnished information within the specified time frame.

5. Another aspect was that Appellant was to prove that the information furnished to him is false, incorrect, etc.

Again Appellant failed to prove the same. Various opportunities were given to the Appellant but he did not remain present.

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

ORDER

The show cause notice issued is discharged. The penalty proceedings are dropped.

Inquiry proceedings also are dropped and disposed off.

The penalty proceedings as well as Inquiry are disposed off.

Pronounced in the Commission on this 04th day of April, 2012.

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