

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.06/SCIC/2012**

Shri Gajanan D. Phadte,  
898, Nila Niwas,  
Alto Torda,  
Porvorim P.O. – 403 521

... Appellant.

V/s.

1. The Public Information Officer  
Mamlatdar of Bardez,  
Mapusa-Goa
2. The First Appellate Authority,  
Dy. Collector & S.D.O.,  
Bardez, Mapusa-Goa

... Respondents

Appellant present.

Respondent No.1 and 2 absent.

Shri R. Mayenkar representative of Resp. No.1 present.

**J U D G M E N T**  
**(26/04/2012)**

1. The Appellant, Shri Gajanan D. Phadte, has filed the present appeal praying that maximum penalty of Rs.25,000/- be imposed on respondent No.1 as provided in Sec.20(1) of the R.T.I. Act, 2005; that disciplinary action be initiated against respondent No.1 under Service Rules applicable for not furnishing information as ordered by F.A.A./Dy. Collector, Bardez; that appellant be compensated and that F.I.R. be filed for willfully disobeying the order of F.A.A. and committing offences punishable under I.P.C.

2. The case of the appellant as set out in the Memo of Appeal is as under:-

That the appellant, vide application dated 09/09/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information officer(P.I.O.)/respondent No.1. That the P.I.O. neglected to provide information

within prescribed time limit and hence appeal was filed before the First Appellate Authority(F.A.A.). That the F.A.A. ordered to give information within 15 days. That the P.I.O./Mamlatdar of Bardez willfully neglected to comply order of F.A.A./Dy. Collector and avoided to provide information. Being aggrieved the appellant has filed the present appeal.

3. In pursuance of the notice issued Shri R. Mayenkar, the representative of Respondent No.1 appeared and sought some time. However, to-day also no reply is filed and hence I shall proceed on the basis of records.

4. Heard the appellant as well as the representative of the respondent No.1 and perused the records.

It is seen that the appellant, vide application dated 9/9/2011 sought certain information. The information consisted of 4 points/items i.e.Sr. No.1 to 4. It is the case of the appellant that no information was furnished and hence the appellant preferred the appeal before the First Appellate Authority. The F.A.A. passed the order as under :-

*“The respondent/P.I.O. is directed to furnish the relevant information within 15 days”.*

Since this order is not complied with, the appellant landed before this Commission. In fact the present appeal is for not complying order of F.A.A.

5. It is to be noted here that the order of F.A.A. is not challenged so the same stands. The respondent No.1 has to comply with the same.

6. The appellant contends that there is delay in furnishing the information. According to Shri Mayenkar, there is no delay.

It is seen that the request for information is dated 9/9/2011. According to appellant no information is furnished. Order of F.A.A. is 08/11/2011 and the same is not complied with till to-day. Apparently there is some delay. However, the P.I.O./respondent No.1 is to be given an opportunity to explain about the same in the factual backdrop of this case.

7. In view of all this, I am of the opinion that respondent No.1/P.I.O. should comply the order of the F.A.A. and/or should furnish the information. The respondent No.1 should be heard on the aspect of delay. Hence, I pass the following order.

### **ORDER**

The appeal is allowed. The respondent No.1 is hereby directed to furnish the information sought by the appellant vide his application dated 09/09/2011 and/or comply the order of the F.A.A. dated 8/11/2011, within 20 days from the date of receipt of this order.

Issue notice U/s.20(1) of Right to Information Act, 2005 to the P.I.O./respondent No.1 to show cause why penal action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before **26/06/2012**. The P.I.O./respondent No.1 shall appear for hearing.

Further inquiry posted on **26/06/2012** at **10.30 a.m.**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 26<sup>th</sup> day of April, 2012.

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