

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.187/SCIC/2010

Shri Domic D'Souza,
R/o.H. No.315/4, Trova Vaddo,
Sodiem, Siolim, Bardez – Goa ... Complainant

V/s

The P.I.O./Secretary,
V. P. Sodiem,
Siolim - Goa ... Opponent

Complainant absent.
His representative Smt. Joana Mascarenhas e D'Souza present.
Opponent absent.

ORDER
(12/07/2012)

1. By order dated 17/12/2010, this Commission observed as under :-

“The request of the Complainant is partly granted. The Director/Dy. Director of Panchayat to conduct an inquiry in the matter i.e. whether addition of names of proposer and seconder is subsequent and without following due process of law and to fix responsibility as to who did the same and initiate action against the guilty officer or employee including lodging of F.I.R. and/or suitably penalized as per law.

The inquiry to be completed as early as possible preferably within three months and report compliance.”

2. In pursuance of the same on 17/6/2011 the Dy. Director of Panchayat, North has filed the report. It is observed, in the report submitted, as under:-

“As such I am of the opinion that the then Secretary of Village Panchayat Shri S. A. Naik due to oversight failed to write the name of the proposer and seconder for resolution No.6(3) of the meeting dated 29/12/2010 and that the same was rectified by him by inserting the

names no sooner it was noticed by him. The mistake committed by Shri S. A. Naik was genuine and the same has been rectified. Also the same was discussed in the Panchayat meeting held on 15/1/2010 and the proceedings of the meeting held on 29/12/2010 were confirmed, thus rectifying the said error. A statement recorded of Shri S.A. Naik is also enclosed herewith.”

I have also perused the statement of Panchayat Secretary, Shri S. A. Naik.

3. The complainant has also filed reply to the said report dated 30/06/2011 which is on record. I have carefully perused the reply.

As per the order, it was necessary to ascertain whether the addition of names of proposer and seconder is subsequent and without following due process of law and to fix responsibility.

The Dy. Director of Panchayat observes “Also the same was discussed in the Panchayat meeting held on 15/1/2010 and the proceedings of the meeting held on 20/12/2010 were confirmed, thus rectifying the said error.” This appears to be not correct as copy of proceedings was submitted on 22/1/2010 as per records of this case.

The report does not give the findings as directed in the order. This matter is serious as anything can be added or subtracted as per whims and fancies. That is why proper care is to be taken. Whether legal procedure was followed in rectifying the same etc. is to be seen as observed.

4. In any case the matter is to be referred back to the Dy. Director of Panchayat, North Goa to consider the aspects as mentioned in the order and submit the report afresh.

5. In view of the above, I pass the following order.

ORDER

The matter be referred back to the Dy. Director of Panchayats, North Goa to consider the aspects as mentioned in the order dated

17/12/2010 and submit the report afresh as early as possible preferably within two(2) months from the date of receipt of this order.

Pronounced in the Commission on this 12th day of July, 2012

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