

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

**Penalty No.02/2012
In
Appeal No.63/SIC/2011**

Shri Manuel Rodrigues,
R/o. Penha de Franca,
Malim,
Bardez - Goa Appellant.

V/s.

Public Information Officer,
Village Panchayat of Penha de Franca,
Malim,
Bardez – Goa ... Respondent.

Appellant alongwith Adv. G. S. Kubal.
Respondent alongwith Adv. Sudesh Naik.

ORDER
(27.07.2012)

1. By Judgment and Order dated 16.01.2012, this Commission issued notice under Section 20(1) of the Right to Information Act, 2005 to the Respondent/P.I.O to show cause why penal action should not be taken against him for causing delay in furnishing information.

2. I have perused the records. It is the case of the Appellant that information was furnished on 24.01.2012. However P.I.O. states that he furnished within 22 days that is on 30.12.2010. This P.I.O. was transferred and was relieved on 11.05.2011. New P.I.O. has also supported and corroborated that as per records the information was furnished on 30.12.2010. Besides, Xerox copy of outward register is produced. The information furnished on 23.01.2012 is just the copy of information dated 30.12.2010. Appellant has not addressed to these issues.

To proceed further would amount to injustice to Appellant. Appellant should be given an opportunity to counter this. Again, original outward register which has presumptive value is to be checked in the presence of Appellant or his Advocate. Secondly, from 12.05.2011 there is another P.I.O. He too is to be given an opportunity to file his say, if any, in case of sharing liability, if any.

3. Since the Chief Information Commissioner is retiring from 29.07.2012 it is not possible to do this exercise. Hence posted on 07.09.2012 for clarification/arguments, etc.

Needless to say, that no observation on merits of the case is made or be construed as such.

Posted on **07.09.2012 at 10:30 a.m.**

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