

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Penalty Case No. 10/2008 in
Appeal No. 53/SCIC/2008

Shri. Atmaram Dinanath Naik,
H. No. 54, Ast Kamarl,
Curchorem – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Chief Officer,
Curchorem Cacora Municipal Council,
Curchorem – Goa.
2. First Appellate Authority,
The Director,
Municipal Administration/Urban Development,
Panaji – Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 12/12/2008.

Appellant in person.

Respondent No. 1 in person.

ORDER

This order disposes off the show cause notice issued to the Respondent No. 1 by the Commission's notice-cum-order dated 29/09/2008 in the second appeal No. 53/SCIC/2008. The details are already recorded in the main order. Briefly stated, both the Respondents have confused the present request dated 12/03/2008 of the Appellant requesting the Respondent No. 1 to give him 5 documents with Appellant's earlier request dated 20/10/2007. The matter is about the Appellant who had a house registered in his name and was paying the house tax himself but was suddenly removed from the taxation register. To the pointed questions of the Appellant as to the details of deletion alongwith the documents, the Respondent No. 1 avoided any reply stating that the documents are not available.

2. It has come on record from the reply of the Respondent No. 1 to present show cause notice that the Appellant's name was registered at House No.54 from 1986-87 till 1995-96 and that in 1996-97 the same

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house is registered in the name of Shri. Somnath Naik. However, even today, the 5 documents requested by the Appellant were not given. The Public Information Officer has also not participated in the inquiry except by way of filing the reply. In the reply to the show cause notice, the Respondent No. 1 stated that she (Mrs. Laura Britto) has taken over as the Chief Officer of Curchorem Municipal Council only w.e.f. 18/09/2008. Though, the order in the main second appeal was passed on 29/09/2008 the present incumbent came to know of the proceedings on 30/10/2008. It is the responsibility of the previous Chief Officer not only to reply to the request dated 12/03/2008 in time but also to have informed the present incumbent about all the pending appeals including the present RTI appeal to his successor. In her reply, she has also stated that she has appeared before this Commission on 14/10/2008 whereas no such hearing took place on that day. In fact, the hearing took place on the penalty matter on 15/10/2008 wherein she requested further time to reply to the notice. Her claim that she is not aware of the order of the Commission cannot be accepted.

3. On 23/10/2008 again, there was no reply filed by the Respondent No. 1. One Advocate appeared on her behalf but there is no vakalatnama and finally, a reply was submitted after the hearing was over on that day in which no point raised in the main order was replied, namely, reason for not giving the documents requested. As the responsibility lies on the previous Chief Officer Shri. John Fernandes which was not discharged by him and who was not served the show cause notice. The present show cause notice against Mrs. Laura Britto is discharged. However, she is warned to be more careful in future in dealing with the RTI applications. The documents requested by the Appellant should be given to him within the next 10 days. The case stands disposed off in the above terms.

Pronounced in the open court on this 12th day of December, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

