

**GOA STATE INFORMATION COMMISSION AT  
PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Appeal No. 283/SCIC/2008**

Shri Kashinath Shetye  
R/o. Bambino Building  
Alto Fondvem, Ribandar  
Tiswadi - Goa

...**Appellant.**

V/s.

- 1) The Public Information Officer  
Executive Engineer (Planning)  
Electricity Department  
Panaji – Goa
- 2) The Deemed Public Information Officer  
Dy. Director (Admn)  
Office of the Chief Electrical Engineer  
Electricity Department, Panaji-Goa

...**Respondents.**

**ORDER**

(Per Afonso Araujo)

By Judgment and Order dated 27.04.2009 the Deemed Public Information Officer, Deputy Director (Administration), Office of the Chief Electrical Engineer was directed to provide information under the Right to Information Act, 2005 (for short 'The Act') enumerated in the letter dated 25.07.2008 to the Appellant within a period of 15 days and submit report of compliance on 22.05.2009. On the hearing of 22.05.2009 the Deemed Public Information Officer – Shri E. G. Chodankar appeared and made a statement that he has transferred this information to Shri Shrikant Mahalunkar, Shri Vasco Dias and Shri Shashikant Naik. Accordingly, due to this statement a show cause notice was issued to these officers returnable on 10.06.2009. On the hearing of 10.06.2009 Shri Shrikant Mahalunkar, Shri Vasco Dias and Shri Shashikant Naik appeared and stated that no information has been transferred to them in the Appeal but on the Appeal No. 284/SCIC/2008.

2. It may be pointed out here that the information sought by the Appellant in his request dated 25.07.2008 was addressed to the Public Information Officer-Executive Engineer (Planning), Electricity Department, Panaji. In the records there is a letter dated 28.07.2008 of the Public Information Officer-Executive Engineer (Planning), addressed to the Deputy Director (Administration), Office of the Chief Electrical Engineer to furnish the required information u/s. 5(4) of the Right to Information Act 2005. The Appellant preferred an appeal on 14.01.2009 before the First Appellate Authority and the Public Information Officer – Executive Engineer (Planning) was the Respondent in First Appeal and an order was passed on 23.01.2009 directing the Public Information Officer-Executive Engineer (Planning) to provide the information within a week. It is strange that inspite of the fact that the Respondent – Public Information Officer, Executive Engineer (Planning) sought assistance of the Deputy Director (Administration) u/s. 5(4) Act, the same was not brought to the notice of the First Appellate Authority. Moreover, the Appellant not only failed to make the Deemed Public Information Officer as party in the First Appeal but also in the Second Appeal before this Commission. It was only at a late stage of the hearing of the Second Appeal to be more precise, at the stage of conclusion of the arguments that the name of Shri E. G. Chodankar as Deemed Public Information Officer was brought out.

3. For all purposes the order of First Appellate Authority should have been directed to Shri E. G. Chodankar, Deputy Director (Administration) as his assistance was sought u/s. 5(4) of the Act to provide the information rather than the Public Information Officer – the Respondent No. 1. In the absence of deemed Public Information Officer being a party in the First

Appeal and only in the order dated 27.04.2009 the Commission directed the said Public Information Officer to provide the information sought, the delay in providing the information cannot be attributed to him. However, the Deemed Public Information Officer acted in a most irresponsible manner by making a wrong statement that the information sought was made over to Shri Shrikant Mahalunkar, Shri Vasco Dias and Shri Shashikant Naik. Those officers when appeared before this Commission on 10.06.2009 in pursuance of the show cause notice stated that no communication was received by them from the Deemed Public Information Officer in the Appeal No. 283/SCIC/2008 but only in Appeal No. 284/SCIC/2008.

4. Due to the conduct of the Deemed Public Information Officer in making a wrong statement ends of justice will be met by taking a lenient view and imposing a penalty of Rs. 1000/-. The amount be paid by Shri E. G. Chodankar personally to the Accounts Officer in the Electricity Department. A copy of this order be sent to the Chief Electrical Engineer, Electricity Department to recover the amount in case the same is not paid by Shri E. G. Chodankar.

The obligation under the Act to provide the information to the Appellant is not concluded. The Deemed Public Information Officer Shri E. G. Chodankar to provide the information sought in the letter dated 25.07.2008 to the Appellant.

Pronounced in the open Court on this 23<sup>rd</sup> day of June 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

No.GSIC/Appeal No. 283/SCIC/2008/  
Goa State Information Commission  
Shrama Shakti Bhavan, Gr. Floor  
Patto Plaza, Ground floor,  
Panaji – Goa.

Dated: 24.06.2009.

To

Ref: Appeal No. 283/SCIC/2008.

Sir,

Please find enclosed herewith copy of Judgment and Order dated 23.06.2009 passed by the Commission in the above appeal for your information and necessary action.

Yours faithfully,

(Pratap Singh Meena)  
Secretary

Encl: As above.