

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Penalty Case No. 08/2009 in  
Appeal No. 284/SCIC/2008

Mr. Kashinath Shetye,  
R/o. Bambino Building,  
Alto Fondvem, Ribandar,  
Tiswadi – Goa.

... Appellant.

V/s.

1. Public Information Officer,  
The Dy. Director (Admn.),  
Office of Chief Electrical Engineer,  
Electricity Department,  
Panaji – Goa.
2. Shri Shrikant Mahalunkar,  
Head Clerk,  
Office of Chief Electrical Engineer,  
Electricity Department,  
Panaji – Goa.
3. Shri Vasco Dias,  
Head Clerk,  
Office of Chief Electrical Engineer,  
Electricity Department,  
Panaji – Goa.
4. Shri Shashikant Naik,  
Head Clerk,  
Office of Chief Electrical Engineer,  
Electricity Department,  
Panaji – Goa.

... Respondents.

## **ORDER**

By Order dated 27/04/2009 passed in the Appeal No. 284/SCIC/2008, the Public Information Officer, Dy. Director (Admn.) was directed to give effect to the request of the Appellant dated 25/07/2008 and as the said Dy. Director made over this request for information to the Respondent No. 2, 3 and 4, accordingly, by Order dated 22/05/2009 a show cause notice was issued to the Respondent No. 2, 3 and 4. In their respective replies, the Respondent No. 2, 3 and 4 has stated that the copy of the Judgment dated 27/04/2009 was received by them on 19/05/2009

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and that they requested for extension of time for three months as the information was bulky and required to make available by searching various files and that the Office Superintendent by note dated 22/05/2009 has furnished the proforma given by the Appellant and also intimated that the request has been made to the Commission to grant 90 days time to furnish the information.

2. The information sought by the Appellant in the request dated 25/07/2008 was not provided within the period of 30 days and consequently the Appellant approached the First Appellate Authority on deemed refusal and preferred the Appeal on 14/01/2009. It is strange that the Appellant who is the information seeker and should always be eager and vigilant to obtain the information, did not prefer the First Appeal as soon as the deemed refusal came into operation but awaited for a period of six months and then preferred the First Appeal. Besides, the Appellant did not submit any application for condonation of delay and First Appellate Authority entertained the First Appeal without dealing with this aspect of delay, and by Order dated 23/01/2009 disposed the First Appeal with a direction to the Public Information Officer Executive Engineer (Plg.) to provide information sought within a week.

3. In compliance of the Order of the First Appellate Authority, the Public Information Officer – Executive Engineer (Plg.) by communication dated 03/02/2009 provided the information sought to the request dated 25/07/2008 but instead of addressing the communication to the Appellant, it was addressed to the Public Information Officer, Dy. Director (Admn.). It may be pointed out here that the Public Information Officer- Executive Engineer (Plg.) has sought assistance from the Public Information Officer

– Dy. Director (Admn.) that is the Respondent No. 1 for the purpose of obtaining the information sought. The Respondent No. 1 was never made the party before the First Appellate Authority and even Second Appeal was filed against the Public Information Officer – Executive Engineer (Plg.) and not against Respondent No. 1. It was only at the time of concluding stage of the arguments that it was made known to the Commission that the assistance was sought by the Public Information Officer – Executive Engineer (Plg.) from the Respondent No. 1. Accordingly, by Order dated 27/04/2009 this Commission directed the Deemed Public Information Officer – Respondent No. 1 to provide the information within a period of 20 days and report compliance on 22/05/2009. As the Order dated 27/04/2009 alongwith the request for assistance was received by the Respondent No. 2, 3 and 4 only on 19/05/2009 and the period was too short for the compliance of the Order, the Respondent No. 2, 3 and 4 requested the Respondent No. 1 for extension of time before the Commission and accordingly, the Respondent No. 1 moved an application for extension of time before this Commission on 22/05/2009. However, no Order was passed on this application and instead a show cause notice was issued to the Respondent No. 2, 3 and 4. Upon receipt of the show cause notice, the Respondent No. 2, 3 and 4 filed their respective replies and provided the information to the Appellant on 29/06/2009. This delay in providing the information by Respondent No. 2, 3 and 4 in no manner can be attributed to them as no Order was passed on application for extension of the period for compliance moved by the Respondent No. 1 on 22/05/2009.

4. Considering the fact that the Respondent No. 1 provided the information on 03/02/2009 but instead of the communication being

addressed to the Appellant, it was addressed to the Executive Engineer (Plg.); the fact that the direction of the First Appellate Authority to provide the information was not on the Respondent No. 1 and the fact that the Respondent No. 1 moved an application on 22/05/2009 for extension of time required by Respondent No. 2, 3 and 4, are circumstances which do not indicate that there was any intentional or deliberate delay on the part of the Respondent No. 1, 2, 3 and 4 to provide information to the Appellant. There are no grounds for imposing penalty and proceedings are closed.

Pronounced on this 22<sup>nd</sup> day of December, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

