

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Penalty Case No. 17/2009
In
Complaint No. 50/SIC/2008

Ms. E. S.S. Almeida,
67, Sagar Society,
Dona Paula,
GOA – 403 004

... Complainant.

V/s.

Public Information Officer,
Mr. Swapnil M. Naik,
Additional Collector-I, North Goa,
Panaji – Goa

... Opponent.

Complainant in person.
Shri Volvoikar for Opponent.

Dated: 02.02.2010

ORDER

This penalty proceedings is the outcome of the Order dated 29.09.2009 passed in Complaint No. 50/SIC/2008 wherein a show cause notice was issued to the then Public Information Officer, Opponent in these proceedings.

2. On the strength of the statement made by the Complainant that the missing file was very much available and even the stop-work order was issued by the present Opponent based on records from the original file, a show cause notice was issued to the Opponent. The contention of the Opponent is that when he was Additional Collector-I at Panjim he received oral complaint on 20.03.2007 from the Complainant in respect of some encroachments which consist of construction of compound wall and cutting of the trees and based on the documents produced by the Complainant and inspection at the site, issued an order on 22.06.2007 to the Dy. Collector to take further action and stop the work in case encroachment is proved and also submit the report.

3. There is no material on record to substantiate the averment made by the Complainant in the rejoinder dated 08.06.2009 in Complaint No. 50/SIC/2008 stating that the relevant file was available in the Dy. Collector's office when the Complainant visited that office in October 2006; again visited the Collector's office in December 2006 when the file was sent to the

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Collector's office. The Complainant also has not produced any material on record to substantiate her statement that when she filed her complaint on 05.02.2007 the file was in the said office. In the absence of any material on record to substantiate the contention of the Complainant, the submissions of the Opponent that the stop-work order was issued based on the copy of the Order No. 23/28/85/RB dated 29th April, 2009 produced by the Complainant, is to be accepted. Moreover, the Complainant in the same rejoinder referred above, has stated that based on the copies of the Order dated 29th April, 1987 and after inspection of the records available, stop-work order was issued by the Opponent. Under such circumstances there are no grounds for imposition of penalties on the Opponent.

4. The Additional Collector-I, North Goa, Panjim to forward copy of the Order dated 29.09.2009 passed in Complaint No. 50/SIC/2008 and the Order of these present proceedings to the public authority who was having custody of the file in which Order No. 23/28/85/RB dated 29th April, 1987 was issued, so as to enable the said public authority to file a complaint on the missing file and produce a copy of the said police complaint.

With these observations, these proceedings are closed.

Sd/-
(Afonso Araujo)
State Information Commissioner

