

## **GOA INFORMATION COMMISSION**

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

Appeal No. 145/2007/WRD.

Eng. Vasant Honnavar,  
Proprietor of Globetec Engineers,  
H. No. 949' "B" Kakode Blidg.,  
Mandop Road, Navelim, Salcete – Goa.

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Appellant.

V/s.

1. Public Information Officer,  
Shri. H. M. Rangaraju,  
The Executive Engineer,  
Works Division II,  
Water Resources Department,  
Fatorda, Margao – Goa.
2. First Appellate Authority,  
The Chief Engineer,  
Water Resources Department,  
Panaji - Goa.

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Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

Dated: 13/08/2008.

Ms. Varna Honnavar for Appellant present.

Adv. K. L. Bhagat for both the Respondents.

### **ORDER**

This matter has come up before us earlier and an interim order was passed on 8/5/2008. The brief facts are already mentioned therein. The point that was not clear to us is as to who misplaced the documents requested by the Appellant i.e. whether Respondent No. 1 or the Vigilance Department. Earlier both the Respondent No. 1 and the Additional Director of Vigilance have filed their statements before us that the documents are not in their respective offices and that they had already thoroughly searched their records. The Respondent No. 1, on the other hand, has stated that the documents were submitted by his office on 3/10/1994 to the Vigilance Department. Though no acknowledgment of the Vigilance Department is produced by the Respondent No. 1, the receipt of the documents by the Vigilance Department is not denied. Actually, the Vigilance Department has conducted an inquiry, finalized the matter and sent a letter on 13/12/1999 stating that some excess payment is to be recovered from the Contractor. In

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the same letter, a mention was made of the return of the documents. The documents were not sent by the same letter but a request was made by the then Dy. Director of Vigilance to the Respondent No. 1 to send a representative of the Water Resources Department within 5 days to collect the documents in original from the Vigilance Department. It is after this date, that both the Departments have lost track of the documents. The Vigilance Department was unable to produce any acknowledgment of returning the documents. We are, therefore, constrained to observe that the documents have to be traced out by the Vigilance Department only so that the Respondent No. 1 can take further action of releasing the final payment due to Contractor.

2. As it has come on record very clearly that the documents are not with the Respondent No. 1, the Commission is satisfied with the reasons submitted by the Respondent No. 1 for non-compliance of the orders of the first Appellate Authority dated 17/03/2008. No further action will lie against the Respondent No. 1. However, the misplacement of the important documents like measurement books cannot be ignored. To a question posed by the Commission during the course of the hearing whether the reconstruction of the documents will be possible, the Respondent No. 1 has clearly mentioned that the work measurement books cannot be reconstructed. We, therefore, direct the Secretary (Vigilance), Goa Government, to hold an inquiry into the misplacing of records and fix up responsibility on the employees of the Vigilance Department.

3. With the above directions, the appeal stands disposed off.

Pronounced in the open court on this 13<sup>th</sup> day of August, 2008.

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

Sd/-  
(G. G. Kambli)  
State Information Commissioner