

**GOA STATE INFORMATION COMMISSION**

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

Complaint No. 38/2006/PWD

Alexinho F. Monserrate  
Santarhatt, Piedade,  
Divar, Ilhas - Goa.

..... Complainant.

V/s.

Public Information Officer,  
Executive Engineer,  
P.W.D., Works Division II,  
Patto, Panaji - Goa.

..... Opponent.

**CORAM :**

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

(Per G. G. Kambli)

Dated: 15/12/2006.

Complainant in person.

Opponent also in person.

**ORDER**

This will dispose off the complaint dated 27/10/2006 filed by the Complainant. The Complainant alleges that pursuant to the order dated 11/10/2006 passed by this Commission in Appeal No.15/2006/PWD, the Executive Engineer, Works Division II, Shri P. B. Sheldarkar has provided the Complainant false information. The Complainant submitted that the Executive Engineer, Works Division II Shri P. B. Sheldarkar has informed that the road work in the Village Panchayat Goltim - Navelim could not be completed because, the further execution of work was stopped on the instructions of the Village Panchayat. The said Executive Engineer has further informed the Complainant that the work could be completed only when the Village Panchayat makes a request to that effect. However, the Complainant had received the intimation dated March 11, 2002 from the Special Assistant to Chief Minister pursuant to his representation that the Public Works Department had reported that the work of the road at Santarhatt was completed. Therefore, it has to be

...2/-

inferred that either the information provided by Shri P. B. Sheldarkar, Executive Engineer, Works Division II to the Appellant or the information provided by the Public Works Department to the then Hon'ble Chief Minister is false because both are contradictory.

2. Admittedly, Shri Sheldarkar, Executive Engineer, Works Division II is not a Public Information Officer of Public Information Officer and therefore, he ought to have transferred the application to the Public Information Officer. Instead, Shri Sheldarkar assumed the powers of the Public Information Officer under the Right to Information Act when such powers are not vested in him and decided the application of the Complainant without jurisdiction. That apart, Shri Sheldarkar had also provided incorrect information when the then Hon'ble Chief Minister was informed that the work of the road was completed. Thus, Shri Sheldarkar has not taken pains even to verify the records and hence provided incorrect information to the Complainant.

3. The Public Information Officer of the Public Works Department to whom the notice was given by the Commission, filed the reply stating that he was not aware of the subject matter and that he had not dealt with the application of the Complainant and the matter was dealt with by the Executive Engineer II himself and therefore, he submitted that he cannot be held responsible for giving contradictory/false information. As stated above, the Executive Engineer, Works Division II of Public Works Department has assumed the powers of the Public Information Officer when he was not designated as the Public Information Officer under the Right to Information Act and himself decided the application of the Complainant. Therefore, he is responsible and liable for action for assuming the powers of Public Information Officer. There is no record available before the Commission to find out whether the information provided by Shri Sheldarkar, Executive Engineer, Works Division II to the Complainant is false or whether the Public Works Department has submitted the false report to the then Hon'ble Chief Minister. We, therefore, direct the Principal Chief Engineer, Public Works Department to hold a proper inquiry and take appropriate action against the erring officer and also against Shri Sheldarkar, Executive Engineer, Works Division II for assuming the powers of Public Information Officer. The action taken in the matter be reported to the Commission within 3 months. As the Public Information Officer is not involved

in the matter, we drop the proceedings against the Public Information Officer. In the present case, the Complainant has been put to much harassment, as the matter of the Complainant was not properly dealt with and therefore, we direct the Principal Chief Engineer of the Public Works Department to compensate the Complainant to the extent of Rs.1000/- under Section 19(8)(b) of the Act.

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

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