

GOA INFORMATION COMMISSION

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

Complaint No. 70/2007-08/VP

Shri. C. S. Barreto,
H. No. 206, Mazalvaddo,
Assagao, Bardez – Goa.

..... Complainant.

V/s.

The Public Information Officer,
The Secretary,
Village Panchayat Saligao,
Saligao, Bardez - Goa.

..... Opponent.

CORAM :

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

(Per A. Venkataratnam)

Dated: 25/04/2008.

Complainant present in person.

Opponent is also present in person.

ORDER

When the Complainant approached the Opponent for a copy of the letter dated 18/2/1998 of the Town & Country Planning Department for a construction/addition of first floor by Smt. Poonam V. Gorao in Saligao Panchayat in survey No. 294/3 & 2, the Opponent has furnished the copy after duly certifying by him. The case of the Complainant is that the Opponent has omitted a number of conditions imposed by the Town and Country Planning Department, Mapusa and that the certified copy given to him is not correct. In support of his claim, he has submitted another copy of the same letter containing 11 conditions. As the two letters do not tally, the Opponent was asked to bring original letters and records of the Panchayat. After perusing the records of the Panchayat, it is revealed that the Complainant is correct in alleging that the Opponent has omitted 3 conditions imposed by the Town & Country Planning Department while recommending the file of Smt. Poonam Gorao. Confronted with this evidence, the Panchayat Secretary, the Opponent herein, was directed to file an affidavit as to why he committed this mistake. The Opponent has submitted an affidavit claiming that it is a bonafide mistake on his part having not

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verified the photocopy of the document which was Xeroxed by a Peon of the Panchayat. He has further mentioned that he has no malafide intention in giving what he did.

2. The Complainant on the other hand prayed for imposition of a penalty on the Opponent on the ground that the other Public Information Officers also will be suppressing and misleading the citizens if the present Opponent is allowed to go scot-free.

3. Though the Commission has not issued a formal show cause notice to the Opponent as to why the penalty should not be imposed on him, the complaint itself contains prayer that the Opponent be punished copy of which is already served on the Opponent. Further, during the hearing before the Commission, the Opponent was specifically asked to explain his conduct in giving the certified copy of a document which is not a true copy of the record available with the Panchayat. The Opponent has also admitted that he has committed a mistake however, it is a bonafide mistake and prayed that the lapse on his part may be condoned and proceedings may be closed. We consider the reply dated 10th March, 2008 including the affidavit dated 15th April, 2008 as a reply showing cause why he should not be imposed penalty. We consider this lapse as a serious lapse by the Opponent and impose the penalty of Rs.1000/- to be deducted from the salary of Shri. Ramesh Palni, Secretary, Village Panchayat Saligao for the month of May, 2008. The recovery should be made by the Block Development Officer, Bardez from the salary of May and June, 2008 in two equal installments.

Pronounced in the open court on this 25th day of April, 2008.

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

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