

GOA INFORMATION COMMISSION

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

Penalty Case No. 10/2007
in Complaint No. 39/2007-08/VP

Shri. Nazaziano Paes,
H. No. 16, Banda, Assolna,
Salcete – Goa.

..... Complainant.

V/s.

1. The Public Information Officer,
The Secretary,
Village Panchayat of Assolna,
Salcete – Goa.
2. The first Appellate Authority,
The Block Development Officer,
Salcete Taluka, Margao – Goa.

..... Opponents.

CORAM :

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 16/06/2008.

Complainant alongwith his authorized representative present.

Adv. Silvano Estibeiro for Opponent No. 1 and other Public Information Officers.

ORDER

By order dated 11/12/2007 passed in complaint No. 39/2007, the Opponent No. 1 as well as the then Public Information Officers Shri. Atul Naik and Joaquim Rodrigues were directed to show cause as to why the penalty of Rs.250/- per day should not be imposed on them for a delay.

2. Accordingly, the Opponent No. 1 filed reply stating that he had taken charge of the Village Panchayat of Assolna on 5/9/2007 and the request of the Complainant seeking information was dated 1/5/2006 much prior to his appointment as a Public Information Officer of the said Panchayat. Hence, he requested to discharge him. Shri. Atul Naik, the then Public Information Officer in his reply submitted that he provided the information to the Complainant vide letter dated 27/06/2006 stating that the information sought by the Complainant was not traceable. Shri. Naik further submitted that the search was carried out. Besides the Complainant was also given opportunity to search for the records

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personally with the help of the Clerk and the Peon of the Panchayat. He, therefore, submitted that there was no malafide or intentional delay in providing the reply to the Complainant. In his reply Shri. Naik stated that he joined the Village Panchayat of Assolna on 8/6/2006 and again transferred on 25/1/2007. Shri. Joaquim Rodrigues in his reply submitted that he had taken an additional charge of Village Panchayat Assolna on 19/5/2006 to 01/6/2006 i.e. for a period of 11 days and that too twice a week. He further stated that he had held further additional charge of the said Panchayat from 26/1/2007 to 14/8/2007 and that too twice a week. Shri. Rodrigues has not stated anything about the application dated 1/5/2006 of the Complainant.

3. In order to fix the responsibility, the Opponent No. 1 was directed to file the details of the charges held by the various Village Panchayat Secretaries from the date of making the request by the Complainant. The Opponent No. 1 initially filed an application dated 1/2/2008 giving details of the charges held by the Village Panchayat Secretaries as follows: -

- (a) Joaquim Rodrigues from 18/05/2006 till 01/06/2006
- (b) Atul Naik from 08/06/2006 till 25/01/2007
- (c) Joaquim Rodrigues from 03/02/2007 till 14/08/2007
- (d) Prasad Shet from 01/09/2007 till 05/09/2007
- (e) Gurudas Gaonkar 05/09/2007 (present)

4. The Complainant pointed out that the Opponent has not furnished the correct information and hence, the Opponent was directed to submit the fresh details giving the correct position. The Opponent No. 1, therefore, vide his application dated 1/4/2008 submitted the details as follows: -

- (1) Mr. Atul Naik : From 1st January, 2006 till 23rd January, 2007.
- (2) Mr. Joaquim Rodrigues: From 24th January, 2007 till 10th August, 2007.
- (3) Mr. Prasad Shet : From 10th August, 2007 till 5th September, 2007.
- (4) Mr. Gurudas Gaonkar : From 5th September, 2007 till date.

5. Shri. Atul Naik in his reply had stated that he joined the Village Panchayat Assolna on 8/6/2006 and was transferred on 25/01/2007 whereas the Opponent No. 1 has stated that Shri. Atul Naik was the Public Information Officer from 1st January, 2006 to 23rd January, 2007. Shri. Joaquim Rodrigues has stated that he was holding additional charge on 19/05/2006 to 1/06/2006. Thus it will be seen

that the Opponent No. 1 has not provided the correct information regarding the charges held by the various Village Panchayat Secretaries. Shri. Joaquim Rodrigues has stated that he held the additional charge from the 19/05/2006 to 1/6/2006 hence, during this period Shri. Atul Naik was not the Public Information Officer. According to Shri. Atul Naik, he joined Village Panchayat Assolna on 8/6/2006 whereas the Opponent has given the dates as 1st January, 2006 till 23rd January, 2007. Therefore, Shri. Atul Naik was the Public Information Officer when the application dated 1/5/2006 was made by the Complainant. In between, Shri. Joaquim Rodrigues was holding the additional charge from 19/05/2006 to 1/6/2006. Therefore, Shri. Atul Naik was the Public Information Officer at the relevant time except for short duration of 11 days when Shri. Joaquim Rodrigues was holding the charge of the Public Information Officer. Shri. Atul Naik has explained that he has given the reply to the Complainant stating that the records were not traceable and requested the Complainant to inspect the records with the help of the Clerk and Peon. Shri. Joaquim Rodrigues was holding the charge only for 11 days and that too twice a week and therefore, he cannot be held responsible for the delay.

6. The Opponent No. 1 has not provided the correct information to this Commission regarding the dates or the period during which Shri. Atul Naik and Joaquim Rodrigues held the post of Village Panchayat Assolna. He has given a contradictory information carelessly without verifying the records of the Panchayat and therefore, he is liable for action. I, therefore, impose a penalty of Rs.250/- on the Opponent No. 1 by taking a lenient view. As regards Shri. Atul Naik, I take a lenient view and discharge him with a warning that he should be careful in future in dealing with the applications under the RTI Act and dispose off the applications as expeditiously as possible and within time limit specified in the Act.

7. With this, the proceeding stands disposed off.

Pronounced in the open court on this 16th day of June, 2008.

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