

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza State Information Commissioner.

Appeal No: 81/SCIC/ 2012

Mahesh Kamat
Shivnery Cooperative Housing
Society,
Comba, Margao–Goa.

..... **Appellant**

v/s

Public Information Officer,
Kadamba Transport Corporation Ltd.,
Paraiso De Goa Building,
Porvorim, Bardez – Goa

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 20/06/2016


Date of Decision : 20/06/2016

ORDER



1. Brief facts of the case are that the Appellant had sought certain information from the Respondent PIO, vide his application dated 20/12/2008. The information sought certain pertains to seven different points and the information sought concerns the Appellant himself regarding his compulsory retirement by the public authority and the PIO vide reply dated 09/03/2012 has submitted all information covering 07 but this is pursuant to the order passed by the First Appellate Authority on 24/02/2012.
2. As the PIO has not replied within the mandatory 30 days period the Appellant had preferred a First Appeal before the First Appellate Authority on 20/01/2012 and the FAA had passed an order on 24/02/2012 directing the Respondent PIO to supply all the information available within the definition of Sec. 2(f) (i) (j) under the RTI Act, 2005 as requested by the Appellant in his application dated 20/12/2011 within the 15 days free of cost. However being aggrieved with the order of the as also the information furnished the Appellant subsequently filed Second Appeal before this Commission on 19/04/2012.

3. During the hearing the Appellant is present in person. The Respondents are represented by Advocate Prashant Agrawal whose Vakalatnama is on record of the file.
4. The Advocate for the Respondent submits that all information was furnished as per the direction of FAA and as such nothing survives in the Appeal and that the detailed reply has also been filed (counter statement) on 27/12/2012 and accordingly requests the Commission to close the Appeal case.
5. Per contra the Appellant submits that he is not satisfied with the information furnished and that the counter statement contains several conflicting, contradictory and confusing statements and as such the commission should direct the Respondent to furnish correct and complete information.
6. The Commission on scrutiny of the file and perusal of the material on record indeed finds that the PIO had furnish information on 09/03/2012, further there is also another RTI application dated 27/07/2011 wherein the Appellant has asked further information on 25 different points and which has also been replied by the PIO on 25/08/2011 furnishing information with respect to all 25 points. There is again also another letter dated 16/01/2012 addressed by the PIO to yet another RTI application of the Appellant dated 20/12/2011 furnishing some more information. Thus it is seen that there is sufficient exchange of correspondence between the PIO and the Appellant.
7. The Commission has also perused the Counter Statement (reply) of the Respondent wherein in paragraph 5 it stated that the Complainant is a chronic applicant and has filed multiple applications under RTI asking voluminous information misusing the powers given to the citizens to have benefit under the Act in public interest. In paragraph no 6 it is stated that the Appellant was an ex-employee of Kadamba Transport Corpn. Ltd. (for short K.T.C.) and has been given compulsory retirement by following due procedure established by law and the applicant in order to take revenge has taken the RTI as a tool of vendetta against the department to malign its staff, particularly senior officials by putting frivolous multiple applications.

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8. In paragraph no. 7 of the Counter Statement (reply) it is stated that the Appellant has filed about 60 applications to the PIO of K.T.C.L. for seeking irrelevant information under RTI and all these applications were filed by the Appellant after the decision of compulsory retirement was taken by the K. T. C. L. In paragraph no. 8 it is said that the Appellant has been seeking more or less similar information repeatedly amounting to misuse of the beneficial provision of the RTI Act solely with a view to harass the public authority. In paragraph no 9 it is submitted that some of the applications, the Appellant has failed to deposit money and collect information or has failed to appear for the inspection of the records for which he has sought information. There are several such allegations made by the PIO which no doubt the Appellant disputes.
 9. The Commission has also perused the rejoinder filed by the Appellant on 08/06/2016 stating that the information furnished is not correct and does not pertain to the relevant period when Appellant was functioning as the Dy. Finance controller.
 10. It is also submitted by the Appellant in his rejoinder that the PIO often states in his reply that information is not available on the records of the corporation. It is his contention that not available is different from not being on the record of the corporation. It is acceptable if the Respondent submits that information sought by the Appellant is not the record of corporation but cannot simply say 'not available' as this amounts to refusal to supply the information without making adequate attempts search the misplaced information. The Appellant in his rejoinder finally submits that the Respondent be directed to furnish correct and complete information.
 11. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant.

12. It is not a case where the PIO has denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information.
13. The Commission comes to the conclusion that pursuant to the directions of the FAA all information has indeed been furnished by the PIO to the Appellant to all his three RTI applications and such nothing survives in the Appeal case which accordingly stands closed.

All proceedings in the Appeal case also stand closed. Pronounced on 14/07/2016. Notify parties. Authenticated copies of the order be given free of cost.



Sdt
(Juino De Souza)
State Information Commissioner

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