

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor Patto, Panaji – Goa

CORAM: Shri Juino De Souza, State Information Commissioner.

Appeal No. 125/SIC/2011

Mr. Dhananjay Anant Navelkar
Marutigad,
Panaji – Goa.

..... Appellant

v/s.

Public Information Officer,
Directorate of Archives,
Panaji – Goa.

..... Respondent

Relevant emerging dates:

Date of Hearing : 14-03-2016

Date of Decision : 14-03-2016



ORDER

Mr. Dhananjay Navelkar is present in person. The Respondent PIO Mr. Vasu Usapkar is present alongwith Adv. Bhagat.

The Brief facts of the case are that the Appellant had vide his application dated 12/11/2011 sought information from the PIO in respect of six points as setout his application. The information in respect of point no. 1 , 2, 5, 6 were kept ready for supply to the Appellant, however information as per letter no.5917/D/2609 dated 27/8/1963 was not available with the public authority and therefore the same could not be furnished to the Appellant who was informed about the same. The Appellant had thereafter moved the FAA who did not give him any relief and which is why he is before the commission in his Second Appeal.

During the hearing the Advocate for the Public Authority, Directorate of Archives Adv Bhagat submitted that the PIO had vide his reply dtd. 14/9/2011 clarified that the certified copy of the letter no. 5917/D/2609 dtd. 27/8/1963 being not available could not be provided however the page no 5 of service book was provided.

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/ Complainant. The Act, however, does not require the Public Information Officer to deduce some material and supply to the applicant.


It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority. The very fact that such document is not available means the PIO had no opportunity of providing it.


The commission comes to the conclusion that in view of the said document not been available on the records the same could not be provided and which has been confirmed by the PIO in his written declaration before the commission, as such nothing survives in the Appeal which is disposed accordingly.

The Appellant if so advised may seek other legal remedies to redress his grievance before the appropriate forum in accordance with law.

The proceedings in the case are accordingly closed. Pronounced in open court at the conclusion of the hearing before the parties who are present. Copy of the Order be given to parties of free of cost.




Under Secretary
Goa State Information Commission
Panaji - Goa.


(Juino De Souza)
State Information Commissioner