

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 153/SIC/2012/933

Y.N. Malik,
GF-1 Chaitna Apartment,
B.B. Borker road,
Alto Torda, Porvorim-Goa,

.....Appellant

v/s

1. Public Information Officer,
Directorate of Accounts,
Panaji-Goa.

2. First Appellate Authority,
Director,
Directorate of Accounts,
Panaji- Goa

..... Respondent

Relevant emerging dates:

Date of Hearing : 20-10-2016

Date of Decision : 20-10-2016

O R D E R

1. Brief facts of the case are that the Appellant had vide an application dated 16/04/2012 sought certain information on 6 points under section 6(1) from the Respondent PIO, Dy. Dir. Of Accounts. The PIO vide his letter dated 19/04/2012 transferred the application u/s 6(3) to the PIO, Personal Dept, Secretariat to furnish information on point nos 4 & 5.
2. It is seen that vide another letter dated 10/05/2012, the APIO, Dy. Dir. Of Accounts informed the appellant that the information in rest of the points from point nos 1 to 3 and 6 is denied u/s 8(j) of the RTI act 2005 as the information is personal and disclosure has no relationship to any public activity.
3. Not being satisfied the Appellant filed a First Appeal on 15/06/2012 and the First Appellate Authority vide order dated 16/07/2012 disallowed the said first appeal and being aggrieved the appellant has come in a Second appeal before the commission on 16/08/2012.

4. During the hearing the Appellant Y.N. Naik, is absent despite advance notice without intimation to this Commission. It is seen from the roznama that the appellant has remained continuously absent right since 10/01/2013. He is also absent on 14/06/2016, 01/08/2016, 31/08/2016 and today. The Respondent PIO and the FAA is represented by Shri Naresh Kankonkar, is present in person.
5. The representative for the Respondents submits that the appellant is not interested in pursuing his case and hence has not been attending the hearings since three years. It is further argued that the PIO had informed the appellant that the information sought is personal in nature and hence cannot be furnished as per section 8(1)(j) and the FAA had dismissed the first appeal and upheld the reply of the PIO.
6. The Commission has perused the material on record including the RTI application, reply of PIO, order passed by the FAA and the appeal memo. The point for determination is whether the information sought cannot be furnished because it is personal in nature and has no relationship with public activity and whether section 8(1)(j) is applicable.
7. A bare scrutiny of the RTI application reveals that the information sought at points from 1 to 3 and 6 are relating to Copy of Roasters maintained to the post of Accountant, Asst. Accounts Officer, Account Officer/Dy. Director of Accounts of different category wise quota reserved since 01/01/1995 and also the number of sanctioned post of Ass. Accounts Officer, Dy. Director of Account Officer in all Govt. Departments including all deputation post in Autonomous Bodies/Corporations. List of Asst. Accounts Officers posted in all Government Department, including deputed in Autonomous Bodies Corporations and list of accountant to whom MACP is sanctioned till 31/12/2011. In fact such a list has to be available with the public authority and is not personal in nature and definitely relates to public activity and the same can very well be disclosed to the RTI applicant and there is no bar in disclosing the same as information sought does not and cannot fall under section 8(1)(j) of the RTI act. ...3

8. All the above information should have been suo mutto displayed on the web site and which would not only have helped citizens in getting information but also reduced RTI applications. The purpose of the RTI act is to disseminate maximum information to the citizens who have a right to know about the accountability and transparency of government working.
9. The Commission on its part also has the duty to ensure that citizens are not deprived of information. It is also surprising as to how the FAA who is a senior officer and head of department could have overlooked this fact and agreed with the contention of the PIO to deny the information u/s 8(1)(j).
10. The appeal case is bound to succeed. The order of the First appellate authority is set aside. The Commission directs the Appellant to approach the office of the PIO along with a copy of this order and take inspection of the said files and thereafter collect whatever copies of information documents that he so requires in connection with his RTI application from point nos 1 to 3 and point 6 within 40 days of the date of receiving this order (latest by 20th December 2016) if he so desires.
11. In such an event the PIO shall extend full cooperation in allowing the Appellant inspection of the said files and shall furnish whatever copies of information documents that the appellant so desires free of cost. The FAA who is the Director of Accounts should ensure that there is no lapse on part of the PIO to furnish the said information.

With these directions the appeal case stands disposed.

All proceeding in the Appeal case are closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the Order be given free of cost.

Sd-
(Juino De Souza)
State Information Commissioner