

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 165/SIC/2013

Mr. Rama G. Sail,
R/o "B" type, Police Quarter,
Porvorim – Goa.

.....Appellant

v/s

Public Information Officer,
Superintendent of Police, South,
Margao – Goa

..... Respondent

Relevant emerging dates:

Date of Hearing : 25-08-2016

Date of Decision : 25-08-2016



ORDER

1. Brief facts of the case that the appellant vide his application dated 08/07/2013 sought certain information from the Respondent/PIO on two points : (i) As on 19/11/1992 when the authorities were pleased to place me under suspension, what was my scale of pay and at what rate was the same drawn? (ii) For the period from 20/11/1991 and 29/4/1992 during which period I was placed under suspension and awarded penalty of compulsory retirement from service at what rate was the subsistence drawn?
2. The Respondent/PIO vide his reply dated 23/12/2013 gave point wise information with respect to point no. 2. However as no information was furnished with respect to point no. 1 and not being satisfied with the reply of the PIO, the Appellant filed a First Appeal with the First Appellate authority (FAA) on 02/09/2013 and the FAA vide his order dated 07/10/2013 disposed off the said appeal directing the PIO, SP (HQ) to instruct the Accounts Section, to furnish the information to the Appellant within 25 days. Being aggrieved the appellant thereafter has filed a second appeal before the Commission on 05/12/2013.

3. During the hearing the appellant is present in person. The Respondent PIO, Shri Sammy Tavares, Dy.SP currently holding charge as DDO, South Goa is also present in person.
4. The Appellant submits that he requires information as there is disparity committed by authorities while drawing his pay and the information documents are in the custody of PIO, South Goa and that PIO should be directed to furnish the information.
5. The PIO submitted that the appellant was not working in South Goa district and hence there is no information available with his office. It is submitted that SP, South was declared as Head of office in respect of Traffic Cell, South District vide Order dated PHQ/ADMN/A-1/27/5114/1996 dated 23/8/1996 and the appellant is seeking information for the period from 20/11/1992 to 25/4/1994 at which relevant time his salary was drawn from Police HQ and not SP, South.
6. The Respondent PIO also submitted that the entire copy of service book record is already with the Appellant and whatever information was available has been furnished to the Appellant and that nothing survives in the appeal case which should be disposed.
7. The Commission indeed observes that the appellant is seeking information for the period from 20/11/1992 to 25/4/1994 and at which time his salary was drawn from Police Headquarters and not from SP, South Goa. Further the appellant being a former employee of the same Public Authority surely ought to have known that the SP, South was declared as Head of office in respect of Traffic Cell, South District vide Order dated PHQ/ADMN/A-1/27/5114/1996 dt 23/8/1996 and as such the information for the period from 20/11/1992 to 25/4/1994 cannot be held by them and should have addressed his query at point no 1 to the PIO, SP HQ instead of PIO, SP, South Goa.

10. The commission on scrutiny of the file observes that there is a detailed reply filed dated 22/08/2016 filed by the PIO, DDO/Dy Sp(HQ), South Goa wherein in para 6 it is stated that the Appellant was informed vide letter No. SP/S-Goa/Reader/RTI/2285/2013 dated 23/08/2013 that during the period from 20/11/1992 to 25/4/1994 he, the appellant was not working in South Goa District, and hence the required information is nil.
11. No doubt the FAA vide his order dated 07/10/2013 had directed the PIO, SP (HQ) to instruct the Accounts Section to furnish the information in respect to point no 2 to the Appellant within 25 days, it is seen that pursuant to the direction of the FAA, the SP, HQ Vide Letter no PHQ/PET-CELL/RTI-243/1425/2013 dated 29/10/2013 had informed the Appellant all the details.
12. The PIO, SP (HQ) in above mentioned letter to the Appellant had also enclosed copy of letter No PHQ/Accts/PA-II/2685/2013 dt 22/10/13 received from Jt Director of accounts (APIO), Panaji-Goa wherein it is stated that the name of the appellant Rama G Sail is not included in the pay bill register for the year 1992-93 and 1993-94 and hence information pertaining to point no 2 of the RTI application dated 08/07/2013 cannot be furnished.
12. Also enclosed was another letter no. OS/ADMN/RTI-178/12889/2013 dated 28/10/2013 wherein it is stated that information at point no 2 i.e rate of subsistence allowance drawn for period from 20/11/1992 to 25/04/1994 is not available on the records of this office.
12. As stipulated in the RTI Act the role of the PIO is to provide information as is 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.

13. 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.
14. The commission comes to the conclusion that the PIO pursuant to the order of the FAA has furnished correct facts to the appellant vide his letter the SP, HQ Vide Letter no PHQ/PET-CELL/RTI-243/1425/2013 dated 29/10/2012 along with enclosures and there was no fault nor any malafide intent by the PIO to conceal any information.

The Appeal is devoid of merit and accordingly stands dismissed.

All proceedings in Appeal case stand 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.

(Juino De Souza)
State Information Commissioner



Under Secretary
Goa State Information Commission