

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal No. 39/SCIC/2014

Shri Gajanan Datta Phadte,
899, Nila Niwas, Alto Torda,
Porvorim, P. O. -403521

.....Appellant

V/s

1. Gurudas P. Pilarnekar,
Public Information Office/ Director (Admn.),
Goa Medical College, Bambolim-Goa.
 2. Dr. V. N. Jindal, Dean,
First Appellate Authority,
Goa Medical College, Bambolim-Goa
-Respondents.

Appeal filed on: 05/05/2014

Decided on: 21/06/2016

ORDER

1. Brief facts of the case are that the Appellant Shri Gajanan Datta Phadte through his RTI application dated 25/02/2014 sought certain information at point No 1 and 2 with regards to GMC Nurse/ Matron, Smt Yashodhara Bhosle as stated therein in the said application and also sought for inspection of records.
2. Public Information Officer (PIO), Respondent No. 1 replied to the said application on 20/03/2014 denying the information by claiming exemption as per section 8(1)(j).
3. Being aggrieved by the reply of PIO, the Appellant preferred an 1st appeal before First Appellate Authority (FAA) who is the Respondent No. 2 herein on 1st April 2014. Since Respondent No. 2/FAA failed to dispose first appeal within specified time as contemplated under the said Act, the present 2nd appeal came to be filed before this Commission on 5th May, 2014 praying for the inspection of the records, direction to provide the information and for penal provisions under the Right to Information (RTI) Act.
4. After notifying the parties, matter was listed on board and was taken up for hearing. During the hearing the Appellant remain present only on one occasion that is on 3rd February, 2016. And thereafter opted to remain absent. Respondent No. 1, PIO was represented by PIO, Shri T. S. Sawant And Respondent No. 2 was represented by Dr. Pradeep Naik. Reply was filed by Respondent No. 1 on 23/03/2016 and by Respondent No. 2, FAA on 13/04/2016.

5. Arguments on behalf of Respondent NO. 1 and 2 were heard and the opportunity was given to the Appellant to substantiate his case. To justify rejection of the information to the Appellant by invoking section 8 (1)(j) the following grounds were considered by PIO:-

- a) That matter pertains to third party.
- b) Appellant has not shown any relationship of the information sought by him to any public authority or in larger interest.
- c) Disclosure of the personal information of Smt. Bhosle would cause unwarranted invasion of the privacy of Smt. Bhosle.

6. The Respondent No. 2 vide reply dated 13/04/2016 to this Commission has submitted that they are in agreement with the initial reply of PIO dated 20/03/2014 given to the applicant to his application u/s 6 of RTI Act. Respondent NO. 2 FAA has not disputed that 1st appeal was filed before them and vide their reply they also confirmed that the First Appeal was filed by the applicant and further submitted that their file was not traceable. In other words the Respondent No. 2/FAA has informed this Commission that the file pertaining to the First Appeal filed by the Appellant could not be disposed as the said file was not traceable.

7. On going through the records, it is found that the information sought pertains to Smt. Yashodhara Krishnakant Bhonsle, who is third party. Section 11 and section 19 (4) of RTI Act mandates that when an information is sought, a third party is required to be notified and reasonable opportunity of being heard has to be given to the third party. However from the application filed by the Appellant herein under section 6 dated 25/02/2014 it is found that the said Smt. Yashodhara Krishnakant Bhonsle has expired.

8. The appellant has continuously remained absent to elaborate as to how any larger public interest is involved as such this Commission concur with the contention of both the Respondent.

9. In the circumstances, I find no case is made out by the appellant to support his requirement for information, as such, do not find any merits in the appeal.

10. In view of above, following order is passed:-

ORDER

Appeal stands dismissed, proceedings closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided under the Right to Information Act 2005.

(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa