

**THE GOA STATE INFORMATION COMMISSION  
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

**CORAM: Shri. Prashant S. P. Tendolkar  
State Chief Information Commissioner  
Smt. Pratima K. Vernekar,  
State Information Commissioner**

**Appeal No.18 /SIC/2010**

Shri Radhakrishna Malvankar,  
Sailor, Goa Tourism Development  
Corporation Limited, Patto,  
Panaji Goa.

..... Appellant

**V/s.**

1. The Public Information Officer,  
Goa Tourism Development  
Corporation Limited,  
Trionora Apartments,  
Panaji Goa.

2. The first Appellate Authority,  
The General manager (Admn).  
Goa Tourism Development  
Corporation Limited,  
Trionora Apartments,  
Panaji Goa.

..... Respondent

**Filed on: 25/01/2010  
Decided on: 26/09/2016**

**ORDER**

1. The facts in brief of the case as pleaded by appellant are that the appellant had filed an application dated 14/09/2009 seeking certain information under section 6(1) of the Right of Information Act (Act for short) from the Respondent No. 1, regarding the transfer guidelines applicable to the employees of GTDC, the same was replied by Respondent No. 1 on 29/10/2009 informing appellant that information which is sought on 5 points regarding transfer guidelines applicable to the employees of GTDC were not available.
2. The appellant appears was not satisfied with the reply of the Respondent No.1, he filed the first appeal before the Respondent No. 2,(FAA) being

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- the First Appellate Authority and after hearing both the parties passed order on 21/12/2009, wherein the First Appellate Authority directed appellant to inspect the files and point out information sought.
3. Being aggrieved by the order of First Appellate Authority, the present second appeal came to be filed before this commission on 25/1/2010.
  4. The appellant challenges the order of First Appellate Authority on the ground that the Respondent failed to furnish information and that First Appellate Authority cannot direct him to inspect the file as he has not asked for any inspection and that the reason given for refusal by PIO are not correct and false. It is also the ground of appeal that the transfer guidelines of Government which are followed are not submitted and that the impugned order is illegal arbitrary and liable to be set aside.
  5. In spite of the notice, neither the appellant nor the respondent remained present. hence this commission had no option then to decide the matter based on the records available in the file .
  6. The initial reply dated 29/10/2009 given to the appellant reveals that, "Information as not available" Accordingly to appellant this reply amounts is refusal. Respondent No 1, PIO in reply had submitted that there is no prescribed guidelines in GTDC for transfer of employees and that corporation does not have any guidelines followed by central management administration as such they have replied to the appellant all five queries as "Information is not available". In other words Respondent No 1 PIO have clearly clarified and answer the queries of appellant.
  7. In the appeal memo the appellant has averred that the first appeal filed by him is disposed by First Appellate Authority on 21/12/2009, by directing the appellant to inspect the files. The said order is annexed by appellant to his memo as Annexure C.

In perusal of said annexure C reveals that totally six appeals were dealt with in one order, dated 21/12/2009. In said order with reference to application involved herein it was ordered that the responses given to the

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appellant was correct. In said order it was further ordered that the appellant can inspect files and seek specific information with reference to said files.

8. Since Respondent No. 1 have clarified that there is no prescribed guidelines for transfer of employees and corporation is not having any guidelines followed by Central management administration, we are of the opinion that Respondent No. 1 has made itself clear and the queries of the appellant are duly answered .
9. If the said answer was false, then the appellant could have taken opportunity of inspection of file and point out and seeks said information if available. The appellant has not availed of this liberty without any reason. The appellant chose to remain absent and no clarification could be sought.

In the above circumstances we have no option them to dispose the present appeal with order as under.

### **ORDER**

Appeal stands dismissed .Proceedings closed

Notify the parties.

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

No further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in open proceedings.

Sd/-

**(Prashant S. P. Tendolkar)**

State Chief Information Commissioner  
Goa State Information Commission,  
Panaji-Goa

Sd/-

**(Pratima K. Vernekar)**

State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa

