

BEFORE 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.184/SIC/2010

Dr. G. C. Pradhan
F-1, Ashoka-II, Vasudha Colony,
Alto-St. Cruz, PO: Bambolim Complex,
Goa – 403202.

Appellant

V/s

- 1) The Public Information Officer(PIO),
Nirmala Institute of Education (NIE),
Panaji-Goa. Respondent No.1
- 2) The Principal & First Appellate Authority,
Nirmala Institute of Education (NIE),
Panaji-Goa. Respondent No.2

Filed on :02/08/2010
Disposed on: 14/07/2016

1)Facts:

a) The appellant by his application dated 14/07/2010 sought information to 6 queries. The said application was replied by the PIO by letter dated 16/06/2010. According to the appellant as per the appeal memo query No.3 has remained to be answered.

b) Being not satisfied with the said reply the appellant preferred first appeal which was disposed by order dated 23/07/2010 wherein the First Appellate Authority(FAA) itself furnished the information.

c) Being not satisfied with the said information , the appellant had filed the second appeal interalia to direct PIO to provide certified copies of Rules as requested in queries 1, 2 and 3 of his application as also for setting aside the order of FAA and for penalty as also for a direction to PIO to explain the reason for using "WE" and as to who are included in "WE".

...2/-

d) After receipt of the appeal notices were issued. In spite of notice appellant remained absent. The PIO filed the reply to the appeal. In spite of giving several opportunities the appellant did not turn up and hence the matter was taken for arguments. The PIO submitted that her reply filed to the Appeal be treated as her substantive arguments.

2) FINDINGS:

a) On going through the records it is found that under query 1 and 2 the appellant has sought an information which, if answered in the affirmative, will amount to admission of illegality. However, the same is answered by the PIO that no order are defied and consequently question of furnishing certified copy of any rules, orders etc. allowing such defiance does not arise.

b) The answered to query No. 3 and 4 are also furnished by the PIO. Infact the PIO was supposed to furnish the information by referring to the correspondence only but, the PIO has exceeded and has given further explanation.

c) Under query (5) and (6) the information has been furnished by enclosing copies of the relevant letters. All the above information was furnished within stipulated time.

d) The FAA, though was not supposed to furnish the information, by itself has furnished the same, apparently to help the appellant.

e) The appellant by this appeal wants this Commission to direct PIO to provide certified copies of Rules and other orders pertaining to some order of the Government dated 06/07/2010. This was not the prayer or request in initial application. In the initial application filed under section (6) query 1 and 2 the appellant has sought to know whether any rule, order, Notification or circular permitting defiance of certain Government order. To our mind such a query is ridiculous and does not require any

consideration as any Government orders are to be followed and adhered to and not to be defied. There cannot be any rule to defy.

f) To our mind the query at point No.(1) and (2) does not constitute information under the RTI Act and does not require any attention.

g) Regarding query No.3 the appellant has asked whether the institute will pay his allowances w.e.f. 12/07/2010 as per Government order dated 06/07/2010. This again to us is not an information which is accessible to the public as it is not existing with the PIO now. This query is either in the form of a opinion or a procedure to be adopted on the subsequent date. Hence query No.3 also does not require an answer being not an information under the Act. In this circumstances the relief sought by the appellant at prayer (b) cannot be granted.

h) By prayer (c), the PIO requires the FAA to explain for using certain words in the order. This query also is beyond the scope of Act and that of this Commission. The same therefore cannot be granted.

i) Regarding prayer (d) for penalty firstly the appellant has not made himself available before this Commission to substantiate his claim that the information was refused to him or has not been furnished within the time or was over charged etc. As held above the information which was accessible was furnished. We find no malafies in the action of the PIO in furnishing the information. On the contrary we find that the PIO was more gracious to furnish the information, which otherwise the appellant was not entitled to. In the above circumstances we dispose off the appeal with following:

O R D E R

The appeal is dismissed. Parties to be intimated alongwith the copy of this order.

No further appeal is provided under the RTI Act against this order.

Pronounced in the open Proceedings.

Sd/-

(Prashant S. P. Tendolkar)

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

Sd/-

(Pratima K. Vernekar)

State Information Commission
Goa State Information Commission,
Panaji-Goa

