

GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji –Goa.
CORAM: Shri Prashant S. P. Tendolkar
Chief Information Commissioner
Smt. Pratima K. Vernekar
State Information Commissioner

Appeal No.41/SCIC/2014

Shri J. T. Shetye,
C/o. Mapusa Jana Jagruti Samiti,
H. No.35, Ward No.11, Khorlim,
Mapusa- Goa.

..... Appellant

V/s

- 1) The Public Information Officer,
Shri Raju Gawas,
Mapusa Municipal Council, Mapusa-Goa.
- 2) The First Appellate Authority,
The Director of Municipal Administration,
Collectorate Building,
Ground floor, Panaji –Goa. Respondents.

Filed on : 8/5/2014

Disposed on: 28/9/2016

1) Facts in brief as pleaded by Appellant:

- a) The appellant herein by his application, dated 12/12/2013 filed u/s 6(1) of The Right to Information Act 2005(Act), sought certain information from the Respondent No.1, PIO raising 9 queries therein.
- b) The said application was responded by PIO on 9/1/2014, requesting for extension of time to furnish the information. However the appellant was not agreeable and hence the appellant filed first appeal to the respondent No.2 on 16/1/2014.
- c) The First Appellate Authority (FAA) by order, dated 4/2 2014, allowed the said appeal and directed PIO to furnish the information.
- d) In the mean time on 29/1/2014, the respondent no.1 furnished the information to appellant.
- e) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

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f) Notices were issued to the parties, pursuant to which they initially appeared. The PIO on 12/5/2016 had filed a reply to the appeal .

g) In spite of several opportunities the parties did not appear subsequently nor argued the matter and hence we proceed to dispose the appeal based on the records.

2) Findings:

a) We have perused the records. As per the appeal memo the appellant has raised objections to the query nos. 3,5,7,8 and 9 of his application, dated 12/12/2013 and hence we restrict our discussions and findings only to information under said queries.

b) Appellant challenges the answer to Query no.3 as partially furnished. On perusal of the records it is found that under said head it was the details of marks obtained in computer test and in interview exams which was sought. According to appellant the interview marks are not furnished. This averment is not denied by the PIO in the reply. As per the query **No.3** the appellant had sought marks for computer test as also interview and the answer by PIO was that it is ready. Hence the appellant is entitled for the information fully.

c) Regarding query no.5 the appellant states that the same is misleading as not matching with the names of the candidates securing oral test marks.

We find this conclusion as absurd. The PIO is required to furnish the information as it exist and not to create or match the same with other existing information. No doubt such mismatch in the names may be a ground of challenge of the list or selection but that itself cannot lead to a conclusion that the information furnished is misleading.

d) Regarding query nos.7 and 8 it is alleged by the appellant that the information is vague. On perusal of the information so furnished

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it is seen that the same is appropriately answered even by giving the explanation. The PIO is not supposed to answer as per the words of the seeker but as per the records. The PIO has explained that Shri Shetye as link officer for receiving charge and the relevant circular is also quoted. Similarly the details of the duties as chief officer are also appropriately answered.

e) Regarding query no.9 also the PIO has information as not available. Appellant contends that the same is a denial. It is not stated by the appellant as to how the same amounts to denial or as to in which form it exist. A non existing information is beyond furnishing. We therefore find no irregularity in the said reply.

f) Considering the response of the PIO to the application u/s 6(1) of the act, we find that the PIO has shown its concern to the issue and in the initial stage has sought extension of time and has furnished the information to appellant. Hence we find no malafide in the action of the PIO.

g) Considering the above circumstances, and the response of the PIO and the grievance of the appellant, we find that the ends of justice shall be met with the following:

ORDER

The appeal is partly allowed. The PIO shall furnish to the appellant the detail information as sought under query no.3 of the appellant's application, dated 12/12/2013, within FIFTEEN DAYS from the date of receipt of this order. Rest of the prayers in the appeal are dismissed.

Notify the parties.

Pronounced in the open proceedings.

Sd/-
(Shri Prashant S. P. Tendolkar)
Chief Information Commissioner
Goa State Information Commission
Panaji –Goa.

Sd/
(Smt. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission
Panaji –Goa.

