

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal Nos. 67/SIC/2015**

Clifford Pinto,  
R/o Olaulim , Pomburpa,  
Post, office Carona,  
Bardez –Goa.

..... Appellant

**v/s**

- 1) The Public Information Officer,  
Dy. Director of Accounts,  
Directorate of Accounts,  
Panaji –Goa.
- 2) First Appellate Authority,  
Director of Accounts,  
Directorate of Accounts,  
Panaji –Goa.

..... Respondents

**CORAM**

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

**Appeal filed on 22/06/2015**  
**Decided on: 24/06/2016**

**O R D E R**

**FACTS:**

1. By his application dated 03/07/2014, purportedly u/s 6 of the Right to Information Act, 2005 (Act for short), the Appellant sought from the Asst. Accounts Officer, Administrative Section, Directorate of Accounts Panaji, a certificate. Viz "A non drawal certificate for the period from 01/12/2009 to 04/12/2012, when was in their department, by referring to pay bill register, stating that the Appellant has not drawn one time increment arrears as his increment was in February and as Appellant gets an extra increment for 2006. The said certificate was required to be endorsed on the statement that drawn part is correct. As per the said application the Appellant required the certificate to process one time increment bill. The said letter was followed by a reminder from Appellant dated 02/03/2015.

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2. The PIO by his reply dated 20/03/2015 informed the appellant that the request of Appellant is not coming under the purview of the Act.
3. Aggrieved by said reply, the Appellant preferred first Appeal to Respondent No.2, who by his order dated 15/05/2015 dismissed the Appeal.
4. Being aggrieved by said order of Respondent No.2, the Appellant lands before this Commission by this second Appeal.
5. In this second Appeal the Appellant challenges the order of the First Appellate Authority inter alia on the ground that the conclusion of the F.A.A. to hold that the information does not come under the purview of the Act is erroneous. According to the Appellant the information as sought ought to have been given.
6. The notice of the Appeal was issued to parties but Appellant did not participate in proceedings inspite of several opportunities. However, the PIO and the First Appellate Authority attended the hearing and filed their reply. Opportunity was given to Appellant but he failed to file his arguments. The Respondents filed arguments in writing.
7. We have perused the records as also considered the arguments filed by Respondent. On going through the same the sole question that arises for our determination is whether the information sought comes under the purview of the Right to information Act, 2005.
8. By his application, dated 03/07/2014 appellant requested for issue of a non drawal certificate for the period from 01/12/2009 to 14/12/2012 by referring to pay bill register, stating that the Appellant has not drawn one time increment arrears. The said letter also requested for a certificate to be endorsed by statement that drawn part is correct. This is the application of the Appellant under section 6 of the RTI Act.
9. This application under Section 6 was replied by the PIO that the said request is not come in the purview of RTI Act. This resulted in the Appellant furnishing another application in model form No.7 seeking the same information and in the same form.

10. That Act under Section 2(f) defines information as under

**Definitions:** In this Act, unless the context otherwise requires.

- (a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly-
  - (i) By the Central Government or the Union territory administration, the Central Government;
  - (ii) By the State Government, the State Government;
- (b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;
- (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section(1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (d) "Chief Information Commissioner" and "Information Commissioner" means the chief Information Commissioner and information Commissioner appointed under sub-section (3) of section 12;
- (e) "competent authority" means-
  - (i) The Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
  - (ii) The Chief Justice of India in the case of the Supreme Court;
  - (iii) The Chief Justice of the High Court in the case of a High Court;
  - (iv) The President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the constitution;
  - (v) The administrator appointed under article 239 of the Constitution;
- (f) ***"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;***

11. The nature of the information which can be furnish to a seeker is discussed by the Hon'ble Supreme Court in the case of Central Board of Secondary Education and another V/s Aditya Bandopadhyay and others civil appeal NO.6A54 of 2011, wherein at para 35 thereof it is observed:

**35.** *At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right t information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.....*

Thus information which is not held by any public authority and which cannot be access by any public authority under any law for the time being in force does not fall within a scope of the Act. The Apex court has clarified that the Act provide access to all information that is available and existing and that it does not cast an obligation upon the public authority to collate such non available information and than furnish to the Appellant.

12. In the present case the Appellant sought a certificate of non drawal based on pay bill register. By this Act, he was asking the PIO to collate and thereafter furnish him a certificate. Such information was not maintained by the Public authority in the form in which it is sought. In this circumstances the PIO was justified in holding that the said information does not come under the Act. In fact the appellant had requested for a summary based on the records of the Public Authority. The Appellant has not asked the pay bill Register on the basis of which such summary was requested. In the above circumstances the Commission find force in the contention of the PIO that information as was sought by the Appellant was

not available and existing. Consequently we find that no interference is required in the order of the FAA. The Commission therefore proceed to disposed the present Appeal with the order as follows:

**O R D E R**

Appeal stands dismissed. Proceedings closed. Parties to be notified. No further Appeal is provided under the Act against this order. Pronounced in the open proceedings.

**Sd/-**  
(Prashant S. Prabhu Tendolkar)  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa

**Sd/-**  
(Pratima K. Vernekar)  
State Information Commissioner  
Goa State Information Commission  
Panaji-Goa

