

GOA STATE INFORMATION COMMISSION AT PANAJI

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. 77/SIC/2010

Peter Gracias,
C/o Conceisao Monteiro,
H. No.289,
1st Arvalle, Cortalim,
Mormugao –Goa 403 710. Appellant

V/s

- 1) The Public Information Officer,
Dr. Jayanti Naik,
Goa Konkani Akademi,
Panaji-Goa. Respondents No.1
- 2) First Appellate Authority,
Secretary, Goa Konkani Akademi,
Panaji –Goa. Respondents No.2

**Filed on 17/03/2010
Disposed on :30/06/2016**

1) FACTS:

a) By application, dated 16/11/2009 filed under section 6 of the RTI Act the appellant sought certain information from the Respondent PIO. In response to the said letter the PIO by its letter, dated 23/11/2009 called upon the appellant for inspection of the records and to clarify and collect the information. Thereafter correspondence were entered between the parties by their letters dated 30/11/2009, 12/02/2009, 11/12/2009 and 15/12/2009 wherein the appellant tried to clarify that the inspection was not required and that the information sought was clear, to which the PIO has attempted to clarify.

...2/-

b) Be that as it may, the said information was not furnished and hence the appellant filed 1st appeal before the Respondent No.2 which was allowed by order, dated 10/02/2010. By the said order the First Appellate Authority (FAA) directed the PIO to furnish the information as sought for by the appellant free of cost.

c) It is the grievance of the appellant in this appeal that the PIO has unnecessary and for no reason tried to delay furnishing of information on the pretext of inspection it is also the allegation that the first appellate authority failed to take action on the appeal and hence is joined as a party. The appellant in this appeal contends that the respondent failed to provide the information without any grounds and Act of the PIO in calling for inspection was an harassment to him. According to the appellant the information given by the PIO that the same is not available, is false as the same was within his the knowledge. According to the appellant the PIO has tried to mislead him. It is on these grounds that the petitioner has sought the intervention of this Commission to furnish him necessary document as also to direct action under CCI conduct Rules and the service Rules.

d) After notice of the appeal the parties appeared. The appellant was represented by Adv. A. Sawant, whereas Adv. Talaulikar represented PIO. Arguments were heard at length. According to Adv. Sawant there are 3 type of information furnished by the PIO and hence the PIO is liable to be penalised. On the contrary Adv. Talaulikar submitted that the appellant had sought the information which he was called to collect. In spite of which appellant failed to do so and the present appeal is filed only to harass the PIO. According to him the applicant is a staff member of the same public authority and has sought the information only for the purpose of causing harassment to the PIO without any public

interest. According to him what is sought is a personal information and hence could not have been granted. However the entire information have been furnished.

2) FINDINGS:

a) We have perused the records. On going through the proceedings, it is found that after much deliberation, on 05/12/2014, there was an understanding between the parties hereto that as on that date answers to query (a), (b) and (c) have remained to be given and other queries have been properly answered. If the answers to the question (a), (b) and (c) are found satisfactory than the appeal was agreed to be closed with any further action. This commission is therefore required to proceed from the stage of the said agreement.

b) Subsequently on 09/01/2015, the PIO filed on record in this appeal a copy of the reply to queries (a), (b) and (c). On the said date the appellant sought time for the purpose of examining the said reply to his satisfaction. On the next date a copy of said letter, dated 06/01/2015 which was filed in this proceeding on 09/01/2015 was produced. Arguments were heard.

c) On going through the records and argument, it is seen that the appellant wants this Commission to conclude that there is variation in the information submitted by the Respondent PIO. In this context the appellant has produced on record the copy of further information in response to his letter dated 16/03/2016.

d) We are unable to accept this contention to conclude that there is any variation in that information. The information furnished by the PIO, on 09/01/2015 by her reply dated 01/01/2015, is in response to the appellants application, dated 16/11/2009, being the first application under 6 of the Act, from which the present

appeal arises. We have perused the queries raised by the appellant in its said application dated 16/11/2009 and the reply dated 06/01/2015 and find that the queries (a), (b) and (c) are answered. Other queries are also answered to the satisfaction of the appellant as per the agreement dated 05/12/2014 as recorded in the proceeding sheet of this appeal. Hence, we find that the queries and the information as sought for by the appellant in his application dated 16/11/2009 stands fully answered.

e) Now coming to the reply, dated 19/03/2016, which is in response to the appellants application dated 16/03/2016 the queries are answered. We are unable to find out whether the queries as sought by appellants said application, dated 16/03/2016 and earlier application dated 16/11/2009 are same. Application dated 16/03/2016 is not before us. Be that as it may these information is given by some other PIO and there is no appeal or any proceeding against the subsequent application under section (6) of the act. Having received subsequent information in a different form cannot lead us to conclude that the information given earlier by this PIO was wrong. It may be the subsequent PIO who might have given a different information or on account of changes in the guidelines the subsequent information might have been furnished. In the circumstances, we are of the opinion that the appellant has not made up any case to conclude that the PIO herein has furnished wrong information.

Thus considering the facts and records were find that the queries as sought by the appellant by his application, dated 16/11/2009 are appropriately answered and hence, we find no merits in the present appeal. Consequently, we dispose of the appeal with the following:

...5/-

O R D E R

The appeal is dismissed. Proceedings closed.

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

Notify the parties.

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

