

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

Appeal No. 52/SCIC/2016

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Mr. Avinash Mhapankar,
Currently Serving as Carpenter,
At Police Training School,
Valpoi –Goa. Appellant

V/s

- 1) The Public Information Officer,
B.T. Korgaonkar, O/o Superintendent
Admn. Branch DGP Office,
PHQ, Panaji-Goa.
- 2) The First Appellate Authority,
Superintendent of Police,
Head Quarters,
Panaji –Goa. Respondents.

Filed on:23/03/2016
Decided on: 21/09/2017

Appeal No. 59/SCIC/2016

Mr. Avinash Mhapankar,
Currently Serving as Carpenter,
At Police Training School,
Valpoi –Goa. Appellant

V/s

- 1) The Public Information Officer,
Dy. Superintendent of Police,
Vice-Principal, Police Training School,
Valpoi, Sattari-Goa.
- 2) The First Appellate Authority,
Superintendent of Police,
Head Quarters,
Panaji –Goa. Respondents.

...2/-

Filed on:23/03/2016
Decided on: 21/09/2017

O R D E R

1. Thought the respondents herein are separate Public Information officers, the authority is common. The Information sought by both the applications is common though was sought from two different PIOs by way of caution. Hence both the appeals are disposed by common order as common issue is involved.

2. The appellant has filed this second appeals against the response of PIOs for not furnishing the sought information on the ground that the same is not available. The requirement of the appellant as per his applications was the copy of his duplicate service book as maintained by the office of S.P. Adm. Branch DGP office which is the public authority in appeal No.52/SCIC/2016, herein and by Police Training School Valpoi (PTS), which is the public authority in appeal No.59/SCIC/2016, herein. Initially the request for information was rejected on the ground that the applicant being the staff of the same authority was not entitled to have the information. But in the first appeal the said grounds were set aside and the PIOs were directed to furnish the information. In response to the said order of First Appellate Authority the PIOs again rejected the said request on the ground that the same was not available.

...3/-

3. On issuing the notice of these second appeals the parties appeared. In the course of proceedings as per the reply filed by PIO of office of PTS Valpoi the duplicate service books were not maintained by the office. As the concerned authority i.e. Police Training School Valpoi (PTS) had not maintained the duplicate service book of the employees and considering the same as lapse on the part of the authority, a notice was issued to the Superintendent of Police, H.Q. Panaji Goa to show cause as to why compensation in terms of section 19(8)(b) should not be granted to the appellant.

4. In response to the said notice, Shri Vishram Borkar, S.P. Police Head Quarter Panaji, appeared and submitted that the duplicate service books are to be maintained by the authority at the place of work and that in this case the same are required to be maintained at PTS at Valpoi. Considering such submissions clarification was sought from Principal, PTS, Valpoi.

5. In response to said notice the representative of PTS appeared and submitted that the duplicate service book of the appellant though were not maintained the same is now prepared and that the same can be furnished. The same was accordingly furnished to appellant but according to appellant the same was not duly certified.

6. Arguments of the parties were heard. In the course of the arguments, Adv. Mandrekar submitted that his claim can be settled in case the information furnished to him is certified and his claim of compensation is considered. He further submitted that he is not pressing for the penalty against PIO.

7. I have perused the records and also considered the submissions. As the information is already furnished, I find no reason to intervene in the same except that the same is required to be certified by PIO as the one issued under RTI.

8. Regarding the issue of compensation, it is seen that initially it was the contention of the respondents that the duplicate service books are to be maintained by the head office. However on clarification by S.P. it was found that such records are to be maintained by the authority at the place of posting of the employee. It is also on record that the practice of retaining such records was not followed till this appeal and that only after the proceedings of this appeal that the PTS has collected the books and have started maintaining it.

9. For the purpose of invoking powers u/s 19(8) (b) I do not find any evidence to support any loss or detriment to the appellant. There is no deliberate denial of information. In this case the lapse on the part of the officials is not maintaining duplicate service book has continued. It is probable that in view of the non

...5/-

requirement of such records by any other person the same was not maintained but after the observations of the commission the practice had started. I find no malafide on the part of any of the office of the authority for not keeping such records. On the contrary the maintenance of the records has started now. Besides this as per the records the appellant is the staff of the same office. I therefore find no convincing grounds to award compensation.

10. Considering the above circumstances, I find it appropriate to direct the PIO PTS Valpoi to furnish to the appellant the information as sought by him vide his applications, dated 14/1/2016, duly certified as one issued under Right to Information Act 2005. As I find that there are no grounds to invoke powers u/s 19(8)(b) of the act, the prayer for grant of compensation cannot be considered.

In the light of the above I dispose the above appeal with the order as under:

ORDER

The PIO PTS Valpoi is directed to furnish to the appellant the information as sought by him vide his application, dated 14/01/2016, duly certified as one issued under the Right to Information Act 2005. Appeal disposed. Proceedings, closed. Notify the parties.

Pronounced in open proceedings.

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

