

GOA STATE INFORMATION COMMISSION

Kamat Towers' Seventh Floor, Patto, Panaji – Goa

CORAM : Prashant S. Prabhu Tendolkar
State Chief Information Commissioner

Appeal No.205/SIC/2010

Engr. Rabindra A. L. Dias,
Dr. Pires Colony, Block "B",
Cujira, St. Cruz, Tiswadi, Goa

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Appellant

V/S

1) Public Information Officer/Superintendent

O/o the Goa Medical College & Hospitals,
Bambolim, Ilhas, Goa

.....

Respondent No. 1

2) The First Appellate Authority/Dean,

O/o The Goa Medical College and Hospitals,
Bambolim, Ilhas, Goa

.....

Respondent No. 2

Filed on : 08/09/2010

Disposed on :20/03/2017

1) FACTS:

- a) The appellant herein by his application, dated 27/1/2010 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the PIO, office of Goa Medical college & Hospital, Bambolim Goa.
- b) The said application was responded by PIO vide reply dated 22/2/2010 wherein the appellant was asked to collect the information on payment of Rs.150/- as the fees. However as per the endorsement, dated 19/3/10 of the appellant on the said reply, he has received the copies of the information under

protest. He has also made endorsement on the said reply regarding the location of the cash counters for payment of fees. It is also endorsed by the appellant that the "sou moto" inspection of records was made available at the time of collecting the information.

- c) The appellant, without disclosing any grounds on 27/3/2010 filed a first appeal to the respondent no.2 herein and seeking direction to the dealing hand to make available the copies sought and refund "anomalies extorted" and penalize PIO for not abiding the provisions of the act.
- d) It is the contention of the appellant that the first appellate authority has not passed any order and has therefore landed before this commission by this second appeal. In respect of the same application u/s 6(1) of the act, the appellant has also filed a complaint against respondent no.2 to this commission being complaint no.530/SIC/2010, which is disposed by this commission on 13/1/2017.
- e) Notices were issued to the parties, pursuant to which FAA appeared however no reply is filed. The appellant filed his written submission.

2) FINDINGS:

- a) On perusal of the records and the documents attached to the appeal memo, it is found that the appellant by his application, dated 27/1/2010 sought certain information from PIO. The PIO by his reply dated 22/02/2010 offered to the Appellant the said information on payment of the Rs.150/- in the office of Dean. As per the endorsement, dated 19/3/2010 made by the Appellant in the said letter, dated 22/02/2010 and which is filed by him in his appeal as annexure B(Colly), the Appellant states that he has

received the copies but under protest on 19/03/2010. It is thus a fact that he has received the said copies on 19/03/2010.

The Appellant has made a statement in para 5 in his memo that, to the said letter dated 22/02/2010, the copy of the relevant documents were not enclosed. To my mind there was no requirements under the Act to enclose the documents as the same were to be furnished on payments of further fees. Such fees were paid by Appellant on 19/03/2010 and thereon the information is received. The Appellant has not spelt out anything as to why he did not collect the documents on 22/02/2010 or immediately thereafter.

Be that as it may, the Appellant has already received the copies of documents on 19/03/2010. Thus having received the information no intervention is required from this Commission.

- b) Though it is contention of the Appellant that no inspection of records was given to him sou moto by the PIO. I find that as the information, being in the form of hard copies and which was already given, the question of giving inspection was not required. As apparently the application filed under Section 6 (1) of the Act was clear to the mind of the PIO. Hence the PIO did not feel the necessity of calling for inspection. Even otherwise the PIO can grant an inspection sou moto only if he requires a clarification for pointing out the required information with clarity for himself.
- c) The Appellant herein has also prayed for taking cognizance of certain Acts of the PIO and the FAA. I find no necessity to take cognizance of any of the Acts of the said authorities as no laps on their part can be noted.
- d) The only grievance that requires my attention was regarding the inconvenience caused to the seeker on account of lack of

sufficient cash counters for receiving cash from the seeker towards the fees paid by them. However such a grievance is also addressed to by the authority.

Appellant herein had also filed a complaint being Complaint No. 530/SIC/2010 pertaining to the same subject matter and the same application. In the course of proceedings of said Complaint the FAA by producing an order, dated 21/03/2010 issued by the Dean of Goa Medical College, Bambolim, has instructed for setting up of additional cash counters.

- e) The Appellant has filed his written submission. In support of his claim for compensation he has filed order, dated 07/01/2013 of the office of the suptdg. Surveyor of works. On perusal of said order no where it shows as to on what dates the leave was obtained nor it suggests any link with the present proceedings. The seeker is not entitled as a matter of right for compensation In this case I do not find any laps on the part of either PIO or the FAA detrimental to the appellant. No case is made out by the Appellant for the grant of compensation as claimed by him. In the aforesaid circumstances I find no substance in the appeal and hence the same is liable to be dismissed. Hence I pass the following:

ORDER

The appeal is therefore dismissed. Parties to be notified. Proceedings closed. Pronounce in the open proceedings.

Sd/-

(Prashant S. Prabhu Tendolkar)

State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa

