

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No. 86/SCIC/2017

Mr. Suraj Borkar,
H.No.705, SBI Colony,
Alto Torda, Porvorim,
Bardez-Goa.

..... Appellant

V/s

- 1) The Public Information Officer,
Dy. S. P. HQ, North,
Porvorim –Goa.
- 2) First Appellate Authority,
Superintendent of Police (North)
Porvorim –Goa.
- 3) Public Information Officer,
Superintendent of Police (HQ),
Panaji- Goa.

..... Respondents.

Filed on: 21/06/2017

Decided on: 17/10/2018

ORDER

- 1) The facts in brief as are pleaded by appellant are that by his application, dated 08/03/2017, filed u/s 6(1) of the Right to Information Act 2005 (Act), he sought information on (8) points as contained therein. The said application was filed to PIO, Superintendent of Police, Headquarters, Panaji Goa (S.P. HQ). The said application was transferred by Office of Director General of Police u/s 6(3) to two other offices viz. PIO Jt. Director of Accounts and PIO Dy. S.P. Head Quarter North Porvorim Goa.

By reply dated 27/03/2017, the PIO, Office of DGP furnished information to points (1) and (4) and informed appellant that the information sought by him at points (2),(3),(5)to(8) is nil and that the application is transferred u/s 6(3) as above.

...2/-

By other reply dated 06/04/2017, the PIO office of Dy. S. P. Police (HQ) North Porvorim stated that information sought by appellant as not available.

By reply dated 11/04/2017 the PIO, Directorate of Accounts furnished the information at point (2) which was the current salary and in respect of other points the application was retransferred to PIO, Office of DGP.

- 2) The appellant filed first appeal on 27/04/2017 which was dismissed.
- 3) Being aggrieved by the order of first appellate Authority the appellant has filed this second appeal u/s 19(3) of the RTI Act.
- 4) On 12/09/2017, PIO, office of Deputy Superintendent of Police North (Porvorim) filed his reply narrating sequence of events and contending that information was not available.
- 5) On an application, dated 10/01/2018 filed by appellant PIO, Superintendent of Police (HQ) Panaji Goa was joined as a party. Being notified, the PIO S. P. (HQ) Panaji filed the reply. Vide said reply it is contended by him that PIO of Panaji Head Quarter is Office Superintendent (Adm) DGP Office and First Appellate Authority is Superintendent of Police (H.Q) and that appellant has wrongly joined him. He has further stated that though application were addressed to PIO Superintendent of Police (HQ) they were processed by Office Superintendent of Adm branch of DGP's Office.
- 6) On 10/07/2018 Superintendent of Police (HQ), Shri Shekhar Prabhu Desai filed an affidavit in reply interalia submitting that the information sought by appellant was furnished as was furnished by APIO, which according to him was based on available records.

- 7) Perused the records. By application dated 08/03/2017 filed u/s 6(1) of the act, appellant has sought information pertaining to Mr. Mahesh Gaokar, Deputy Superintendent of Police, SDPO Mapusa Police Station. The said information was sought from PIO, Superintendent of Police (SP) Police Head Quarters Panaji Goa. Said application was replied on 27/03/2017 by PIO, Adm. Branch, DGP'S Office (PHQ) Panaji. By said reply information at point (1) & (4) was enclosed and the information at points (3) (5) (6) & (7) was stated as nil. The information at points (2) and (8) as was nil with the PIO, it was transferred to Jt. Director of Accounts Panaji Goa. A copy of the letter sent to transferee PIO is also on record.
- 8) The PIO of Director of Accounts on 11/04/2017 furnished the information at point (2) which is the current salary and has replied that the other information is not available and maintained. This reply was in response to the transfer of the said application dated 08/03/2017 to the said authority.
- 9) Another transfer of the said application to PIO, Dy. Superintendent of Police, has been also responded on 06/04/2017 by informing appellant that the information is not available.
- 10) Perused the first appeal filed by the appellant on 27/04/2017 to the First Appellate Authority, the Superintendent of Police (North) at Porvorim Goa, which is exhibit "F" to the appeal memo. The appellant has assailed the order passed in said first appeal, before this commission.
- 11) It is to be noted that as per the original PIO of Office of Superintendent of Police (H.Q), the information at points (1) and (4) is available with it and is duly furnished. Regarding

other points the same is transferred to two other departments ie. Director of Accounts and Dy. Superintendent of Police. The Directorate of Accounts has furnished information at point (2). The appellant has not filed any appeal to the First Appellate Authority of the Directorate of Accounts. Thus the reply of PIO of Directorate of Accounts has attained finality.

12) If one peruses the request at points (3) & (5) to (8) it is seen that the same are the financial details. It is to be noted that financial details of any Government staff are personal in nature, as it may contain his assets, liabilities investment, borrowings etc. Over which the public Authority or Government as employer has no concern. What is related to the public activity is the salaries paid from public exchequer. Thus what can be dispensed is the details of the payment made to him and not how he has utilized the same. Such details of current salary is already furnished by Jt. Director of Accounts.

13) In the above circumstances having furnished the information which is dispensable, and as information at points (3) & (5) to (8) being non dispensable, nothing survives in the appeal. The same is therefore dismissed.

Notify the parties.

Pronounced in open hearing. Proceeding closed.

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