

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

**Appeal No. 94/SCIC/2016**

Shri Vinod V. Kundaiker,  
H. NO.188, Behind Hema Apartment,  
Margao Borda-Goa. .... Appellant

V/s

- 1) The State Public Information Officer,  
Member Secretary,  
SGPDA, Osia Complex, 4<sup>th</sup> floor,  
Margao-Goa.
- 2) The First Appellate Authority,  
The Chairman,  
SGPDA, Osia Complex, 4<sup>th</sup> floor,  
Margao-Goa. .... Respondents.

**Filed on :17/5/2016**

**Disposed on:3/8/2017**

**1) FACTS:**

a) The appellant herein by his application, dated 4/2/2016, in warded on 5/2/2016, filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under seven points therein.

b) The said application was replied on 29/2/2016, rejecting the said request on the ground that the said information is personal information and has no relation to any public activity or public interest. As the information was denied the appellant filed first appeal to the respondent No.2 on 07/3/2016, being the First Appellate Authority (FAA).

b) First Appellate Authority (FAA) dismissed the said appeal by order, dated 26/4/2016.

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- c) Being aggrieved by the said order, the appellant has landed before this commission in this second appeal u/s 19(3) of the act
- d) Notices were issued to the parties, pursuant to which the PIO alongwith the advocate appeared. Appellant failed to remain present inspite of notice. The PIO on 25/5/2017 filed affidavit in reply to the appeal .
- e) The appellant remained absent all through out the proceedings inspite of notice and several opportunities granted to him. In view of the continuous absence of appellant, submissions of the PIO were heard. The advocate for PIO submitted that her written reply be treated as her submissions in the appeal. In support of the submissions PIO also relied upon the judgment passed by the Hon'ble Supreme court in the case of *Girish Deshpande V/S central Information Commissioner and others (Special Leave petition no.27734 of 2012)*

## **2) FINDINGS:**

- a) I perused the records. I also consider the affidavit in reply filed by the PIO and the submissions. Considering the objection raised by the PIO in furnishing the information the points that arise for my determination is "**whether the information as sought for involves public interest or has any relation to a public activity**".
- b) The PIO has rejected the information by taking shelter under sub section 1(j) of section 8 of the act. Said sub section 1(j) reads:

**"8. Exemption from disclosure of information.**

\_\_\_\_\_ (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,\_\_\_\_

- (a) -----
- (b) -----
- (c) -----
- (d) -----
- (e) -----
- (f) -----
- (g) -----
- (h) -----
- (i) -----

**(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:**

*Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.*

c) In the present case as per the opening para, the information sought by the appellant is pertaining to one Mr. Paul Gomes, staff of South Goa Planning Authority, Margao. There is no

dispute that the party in respect of whom the information is sought is a public functionary working for a public authority.

The information sought is pertaining to the appointment/recruitment of the said person.

Section 8(1)(j) exempts' the disclosure of personal information which have no relation with public activity. In the present case the subject staff member being a staff member of a public authority he receives his salaries from public funds. The information sought pertains to his recruitment and appointment with said public authority which includes the policy adopted by the authority for such recruitments. The information thus has a direct relationship to public activity as a public servant. Consequently part of the information has a relationship to public activity of the subject staff.

d) By said application, dated 04/02/2016, the appellant has sought for several details. The information sought at point (4) is the personal information of the subject employee, which has been created in the course of his employment with the public Authority. Such records though have relation to public activity, are confidential in nature.

However the records sought as information at points (2) (3) and (5) pertains to the employment of the subject employee with the public Authority, and which records are maintained by said authority. Said information has a direct relation with the public activity of the employee.

On going through the information sought at (6) and (7) i find that the said requirements are vague.

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e) In the above circumstances and considering the facts and in the background of the ration laid down by Hon'ble Apex Court in the the case of Girish Deshpande (Supra) I find that the information sought vide points (2) (3) and (5) can be furnished as is held by the Authority with the exceptions of medical, financial records and the records pertaining to disciplinary proceedings against subject employee. Rest of the information is beyond dispensation.

I also find that considering the anxiety of PIO that information sought is voluminous and which I also find being of several years, the same can be furnished on payment of fees. With these findings, I proceed to dispose the present appeal with the following.

### **O R D E R**

Appeal is partly allowed. PIO shall furnish to the appellant the information sought by him under point 2, 3 & 5 of the appellant application, dated 04/02/2016 with the exception of medical records and details of financial records and records pertaining to disciplinary proceedings, if any, if found in the file and on payment of the fees by the appellant as may be assessed by the PIO as per law.

The PIO shall intimate the cost of providing information as assessed by him, within 10 days from the date of receipt of this order by him. The appellant thereafter shall deposit such fees with the PIO within 10 days from the date of receipt of such intimation from PIO.

The PIO shall furnish the said information to appellant within 10 days from date of such deposit of fees by appellant.

Rest of the reliefs sought in this appeal are dismissed.

Proceeding closed.

Notify the parties.

Pronounced in the open court.

Sd/-

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