

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

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

Appeal No.78/2018/CIC

Shri Jawaharlal T. Shetye,
H. No.35/A Ward No.11,
Khorlim Mapusa –Goa. Appellant.

V/s

- 1) The Public Information Officer,
Mapusa Municipal Council,
Mapusa – Goa.
- 2) The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa – Goa. Respondents.

Filed on: 05/04/2018

Disposed on: 31/08/2018

O R D E R

1) The appellant herein has filed the present appeal making a grievance that he has not been furnished the information as sought. It is his contention that his application, dated 20/10/2017, filed u/s 6(1) of the Right to Information Act 2005, was not replied by PIO within time and the first appeal filed by him disposed on 03/01/2018. By this appeal the appellant has prayed for direction to furnish information as also for invoking section 20(1) and 20(2) of the act as also for compensation.

2) In the course of this proceedings, on 06/07/2018 the PIO Shri Shivram Vaze filed reply to this appeal alongwith the response u/s 7(1) dated 05/07/2018 and copies of the

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purported information furnished to the appellant. A copy of the same for appellant was also filed in the file. However the same was not collected by appellant.

3) The matter thereafter was posted for hearing on which date the appellant remained absent. There is no contention of the appellant on record that the information as furnished is not the true information commission after considering the request u/s 6(1) and the reply, dated 05/07/2018 observes that the information as sought is furnished. In the absence of any contention from appellant, this Commission holds that the information as applied is furnished and no intervention of this Commission is required.

4) The PIO has filed application on 02/08/2018, submitting that the concerned PIO has retired. Copy of superannuation order is placed in the file.

5) Section 11 of The Pension Act 1871, interalia provides a bar against attachment of the pension receivable by the retired employee.

While considering the scope and extent of attachment of the retrial benefits like gratuity and pension, the Hon'ble Supreme court in the case of ***Gorakhpur University and others V/S Dr. Shilpa Prasad Nagendra (Appeal (civil)1874 of 1999)***

“ This court has been repeatedly emphasizing the position that pension and gratuity are no longer matters of any bounty

to be distributed by Government but are valuable rights acquired and property in their hands.....”

Again the Apex court in the case of **Civil Appeal no.6440-41 of 2008 Radhe Shyam Gupta V/S Punjab National Bank** has observed

“...Even after the retrial benefits such as pension and gratuity had been received by any person, they did not lose their character and continued to be covered by the proviso(g) to section 60(1) of the Code of Civil Procedure”

- 6) In the backdrop of the above this commission finds that the present appeal cannot survive and the same is disposed accordingly.
- 7) Pronounced in open proceedings.

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