

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.08/SIC/2013**

Shri Dhananjay Anant Navelkar,  
R/o E-89, Mala,  
Marutigad,  
Panaji – Goa

..... **Appellant**

v/s

1. Public Information Officer,  
Office of the Directorate of Archives,  
Panaji - Goa.

2. First Appellate Authority,  
The Director,  
Directorate of Archives,  
Panaji-Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 22-01-2018

Date of Decision : 22-01-2018

**ORDER**

1. Brief facts of the case are that the Appellant had vide an RTI application dated 27/08/2012 u/s 6(1) of the RTI act 2005 sought certain information from the Respondent PIO, O/O Directorate of Archives, Panaji-Goa. The information is regarding a copy of service certificate dated 01/07/1963 issued by the Secretaria, Santa Casa attached to the Health Department, Govt. of Goa received under entry no 280 dated 1/7/1963 by the Director of Archives, Goa.

2. It is seen that the PIO u/s 7(1) had vide reply no 3/3/2012/RTI/1117/DAA-752 dated 28/09/2010 informed the appellant that the information sought is not traceable in the records. Not satisfied with the reply the appellant filed a First Appeal on 08/10/2012 before the First Appellate Authority (FAA), Director, Directorate of Archives and Archaeology and the FAA vide an Order no 1/1/RTI/APP/DAA/2012-952 dated 08/11/2012 upheld the reply of the PIO by stating that 'As the information is not available with the Public Authority the information cannot be furnished'

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3. It was also observed in the said order of the FAA that the Service Certificate dated 01/07/1963 issued by the Secretaria, Santa Casa, attached to the Health Department, Govt. of Goa was not found in the personal file of Shri D.A Navelkar and hence could not be provided.
4. Being aggrieved with the order of the FAA, the Appellant thereafter has approached the Commission by way of an Second Appeal registered on 15/01/2013 praying that the directions may be issued to the PIO to furnish information as sought in the RTI application dated 27/08/2012 and to set aside the Order of the First Appellate Authority dated 08/11/2012 and for other reliefs of penalty and disciplinary action.
5. Pursuant to the notices dispatched this matter has come up before the Commission on several previous occasions and hence it is taken for final disposal. During the hearing the Appellant Shri Dhananjay Anant Navelkar is present in person. The Respondent PIO, Shri Vasu Usapkar, Archivist, O/o Directorate of Archives, Panaji is also present in person.
6. At the outset the Respondent PIO submits that pursuant to the request of the appellant and the subsequent directions of the Commission, he has once again verified and cross checked all correspondence exchanged between the Appellant and the public authority in connection to the said service certificate and despite diligent search the service certificate dt 01/07/1963 is not traceable.
7. The PIO files his reply in Affidavit form confirming the facts. The said Affidavit is taken on record and copy is also served on the other side. The Respondent PIO finally submits that as information is not available the same cannot be furnished and requests the commission to dispose this long pending matter.

8. The Appellant in his submission per contra argues that the copy of the service certificate as sought in the RTI application dated 27/08/2012 and the correspondence exchanged are deliberately not supplied to him so as to deny him his due seniority. He further submits that said certificate was not incorporated in Service Book nor the Service Book was shown to him to only to protect interest of his junior one Shri S.S. Rivonkar.
9. It is also argued that he has made several representations to the Directorate of Archives to count his services w.e.f. 15/03/1963 for the purpose of seniority as per inward entry No.319 dated 19/05/1964 and points out to other such correspondence exchanged between him i.e the Appellant, the Director of Archives and the Secretary information & Tourism.
10. The Commission after hearing the submissions and perusal on the material on records finds that the Appellant in this RTI application dated 27/08/2012 had sought information of a specific Service Certificate dated 01/07/1963 which was issued by the Secretaria, Santa Casa and to which the PIO in the reply dated 28/09/2012 had categorically stated that the said record is not traceable. Further the Appellant had also approached the First Appellate Authority (FAA) which upheld the reply of the PIO. The FAA in the Order dated 08/11/2012 had stated 'As the information is not available with the Public Authority, the information cannot be furnished'.
11. The Commission finds that there is a reply dated 25/08/2014 filed by the PIO wherein it is mentioned that the Appellant was informed that information sought by him is not traceable and as such could not be provided. In paragraph 9 of the said reply it is stated that the information which is not available with the public authority could not be furnished and since no information which was available, the same has been refused to the Appellant.

12. There is another reply dated 05/09/2017 on record where the PIO has declared that he has personally gone through the personal file of the Appellant and that the said Service Certificates dated 01/07/1963 is not available and hence cannot be provided. The PIO has also complied with the request of the appellant by filing his reply in affidavit form stating that information is not traceable.
13. The Commission on perusing the Appeal memo and written submission of the appellant dated 06/10/2017 finds that the appellant has raised certain issues regarding his seniority, promotion, his claim for review of pension dated 31/03/2010 pending with the ombudsman which are extraneous and beyond the mandate of the RTI Act. The Appellant can very well agitate these issues in an appropriate court of law.
14. As stipulated in the RTI Act the role of the PIO is to provide information as is available, how is available, what is available and if is available from the records. The PIO is not called upon to research or to analyze information or create information as per the whims and fancies of the Appellant. The very fact that the PIO gave his reply dated 28/09/2012 within 30 days is sufficient to prove the bonafide that there is no malafide intention on the part the PIO to deny or conceal the information. The FAA has also upheld the reply of the PIO. As the said Service Certificate is not traceable the same cannot be furnished.

**No intervention is required with the order of the FAA. Nothing therefore survives in the appeal case which stands disposed.**

All proceedings in the appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-  
(Juino De Souza)  
State Information Commissioner**