

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 147/2017

Shri Jawarlal T.Shetye,

H.No.35/A, Ward No.11,
Near Sateri Temple, Khorlim,
Mapusa –Goa 403 507.

..... Appellant

v/s

1.The Public Information Officer,

(Shri Devu Gaonkar)
Directorate of Social Welfare
18th June Road, Panaji – Goa.

2.The First Appellate Authority,

Mr. S.V. Naik
Directorate of Social Welfare,
18th June Road, Panaji – Goa.

..... Respondent

Relevant emerging dates:

Date of Hearing : 21-02-2018

Date of Decision : 21-02-2018

O R D E R

1. Brief facts of the case are that the Appellant herein had filed an RTI application under section 6(1) dated 08/05/2017 seeking certain information from the Respondent PIO, Asstt. Director of Social Welfare Panaji-Goa. It is seen that similar RTI applications have also been filed with the PIO, Dy. Collector, Mapusa and the PIO Mamlatdar of Bardez , Mapusa.
2. The information is sought on 7 points and the Appellant is seeking information on a representation made by him dated 29/03/2017 addressed to the said three authorities. The information sought *inter alia* is regarding the Action taken on the said representation requesting to lodge police complaint against Mr. Swapnil Shirodkar; to furnish certified copies of all the noting and correspondence letters regarding the representation; whether the Department has initiated any steps and filed a police complaint; to furnish present status and detail progress report regarding the representation...

.... to furnish complete and detailed information regarding the names, designation and contact numbers of official entrusted the duties of processing the said representation; furnish names, designations and contact details of respective officials with respect to Citizen Charter and time bound service delivery Act applicable; inform the names and designations and their present postings of all those official responsible for processing application for the issue of OBC caste certificate and issuing OBC caste certificate dated 24/06/2010 issued by the then Dy. Collector and SDO-Bardez and the verification of caste certificate (Social status certificate) vide letter No.59/11/2012-13/OBC/DSW/part II/603 dated 20/04/2012 issued by Directorate of Social Welfare Department Panaji-Goa.

3. It is seen that the PIO vide reply dated 02/08/2017 has furnished the information in Tabulation form. In point No.1 it has been stated that the relevant matter is pending before the Scrutiny Committee and at this stage the office is not in a position to take any such action; in point No.2 the information is enclosed in Annexure A; in point 3 & 4 the reply is similar to the reply given in point No.1 i.e the matter is pending before Scrutiny Committee; in point No.5 it is stated that Smt. Uma Malgaonkar, Head Clerk and Stanley D'Souza (LDC) and official contacts telephone number is 2232257/2223784; in point 6 the reply is similar to reply point 1 and in point No 7 the information has been enclosed in Annexure 'B'.
4. Not satisfied with the reply the Appellant thereafter moved a First Appeal on 27/06/2017 the First Appellate Authority by his order dated 13/07/2017 directing the Respondent PIO to provide the relevant information as agreed by him during the hearing. Being aggrieved that the Order of the FAA is not complied, the Appellant has approach the Commission by way of Second Appeal registered on 22/09/2017 and has prayed to direct the Respondent PIO to furnish correct and complete information and for penalty disciplinary action and other such reliefs.

5. During the hearing the Appellant Shri. J.T. Shetye is present in person. The Respondent PIO Shri Devu H. Gaonkar, Asstt. Director of Social Welfare is also present in person. By consent the matter is taken up for final disposal.
6. At the outset the Appellant submits that the PIO has furnished him a copy of Memorandum which states that file No.13/10/2016/SWD relating to matters of Scrutiny Committee which were in the custody of the Head Clerk Smt. Uma Malgaonkar and Stanley D'Sousa, LDC and they have been misplaced and therefore the above officials are instructed to locate the file at the earliest, failing which the matter will be viewed seriously.
7. The Appellant submits that such a Memorandum is only an excuse by the Public authority so as not to furnish the information and the question arises that if the said file had gone missing, then what steps are been initiated to locate the file and whether police complaint has been filed and this is the least that the public authority should do.
8. The Respondent PIO submits that the direction of the First Appellate Authority was to issue a Memorandum to the concern dealing hand and which has been issued and as such there is no lapse on part of the PIO in not complying with the Order of the First Appellate Authority. The Respondent PIO also submits that time bound reply giving information in tabulation form has been furnished to the Appellant vide letter dated 02/08/2017.
9. The Commission on perusal of material on record and after hearing the submission of the PIO, finds that information as was available has been furnished to the appellant. The very fact that a reply dated 02/08/2017 has been furnished is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO to conceal the information.

10. Also the PIO has complied with the Order of FAA and has issued a Memorandum to the said dealing hand who had misplaced the files. 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 Commission finds that nothing further survives and accordingly the said Second Appeal case stand dismissed.

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 order be given free of cost.

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