

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

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

Appeal No.222/2017/SCIC

Mr. Savio Suraj Victoria,
28, Khairikatem
Sanguem –Goa. 403704.

... Appellant

V/s

- 1) The Public Information Officer,
Miracles High School,
Sanguem –Goa. 403704.
- 2) The First Appellate Authority,
The Central Education Zone,
Directorate of Education,
Panaji –Goa 403001.

..... Respondents.

Filed on :14/12/2017

Disposed on:19/03/2018

1) FACTS IN BRIEF:

- a) The appellant herein by his application, dated 8/7/2017 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO under ten points therein.
- b) According to appellant the said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).
- c) The FAA by order, dated 20/9/2017, allowed the said appeal and directed PIO to furnish the information.

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d) The information as was ordered by FAA was not furnished and as such the appellant has landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. Fr. Myron Sequeira, Manager of the respondent school appeared on behalf of the PIO, under letter of Authority of PIO, filed in appeal no.220/2017 He submitted that he does not wish to file reply. The matter was therefore posted for orders.

2. FINDINGS:

a) I have perused the application for information. By said application the appellant has sought for information pertaining to the teachers and the head master of the school. The information contained the documents containing the timings of school, recess hours, time table showing the work load/ allotment of subjects, copies of salary bills of employees, audited statement of accounts and reports, copy of grant in aid bills submitted, certificate from auditor, bank pass books and the list of committees existing in school.

b) Considering the nature of documents sought as information I find that the same does not come under any of the exceptions of section 8 and/or 9 of the act. It was nowhere the contention of PIO that the said information is not in existence. The said information therefore cannot be withheld from disclosure. However

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the deductions made by the employer from the salaries of the employees being personal in nature and having no connection with any public activity, such deductions cannot be furnished.

c) The PIO inspite of the passage of time has failed to furnish the information without any cause. Even after the order of the FAA the PIO has not complied with the said order. In view of the above attitude of the PIO the appellant is entitled to receive the information free of cost. Had the information been dispensed in time, the respondent school would have saved the public fund. The attitude of the PIO has caused loss to the public exchequer.

d) As held above the conduct of PIO in withholding the information appears to be deliberate and intentional and hence, prima facie, I find his liable for action as contemplated u/s 20(1) and/or 20(2) of the act.

e) In the light of the above I find it appropriate to dispose the present appeal with the following:

ORDER

The appeal is allowed. PIO is hereby directed to furnish to the appellant the information as sought by him at points/paras 1 to 3 and 5 to 10 of his application dated 8/7/2017. Regarding information at point/para 4 of his application, dated 8/7/2017 he is directed to furnish the salary bill of the employees **without**

showing deductions made from the salaries, within three weeks from the date of receipt of this order by him, free of cost.

PIO is further directed to show cause as to why action as contemplated u/s 20(1) and/or 20(2) of The Right to Information Act 2005 should not be initiated against him for failure to furnish information to the appellant within the time specified u/s 7(1) of the said act.

The written reply to the notice shall be filed by the PIO in person on **11th April 2018 at 3.30 p.m.**

Appeal Stands disposed accordingly and penalty proceedings to continue.

Notify the parties.

Pronounced in the open proceedings.

Sd/-

(Mr. Prashant S. P. Tendolkar)
State Chief Information commissioner
Goa State Information Commission
Panaji-Goa