

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 240/SIC/2016

Vinod Kumar Agarwal

1/1849, 2nd floor,
Bankey Bihari Galli,
Near East Delhi Medical Centre,
Mansarovar Park, Shahdra,
Delhi – 110 032

..... Appellant

New Address:-

**7 B / 1 A,
Upper Ground floor,
Mansarovar Park, Road no. 555,
Shahdra,
Delhi – 110 032**

v/s

1. The Public Information Officer,
Dy. Resident Commissioner,
Government of Goa,
Goa Sadan, 18, Amrita Shergil Marg,
New Delhi – 110 003
2. The First Appellate Authority,
Additional Secretary (GA),
Department of General Admn.,
Secretariat, Porvorim – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 05-06-2018

Date of Decision : 05-06-2018

O R D E R

1. Brief facts of the case are that the Appellant Vinod Kumar Agarwal from New Delhi had vide two RTI applications sent by post dated 29/03/2016 & 05/04/2016 sought certain information from the Respondent PIO, O/o Chief Secretary, Secretary, Govt of Goa, Porvorim-Goa.
2. It is seen that the PIO, Dy. Resident Commissioner, Goa Sadan, New Delhi vide letter No.1-12-2016/RTI/RC/99 dated 30/05/2016 has furnished reply to the Appellant on both the RTI applications.

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3. The PIO in the said reply has informed that in regard to RTI application dated 29/03/2016 addressed to the Chief Secretary, Govt of Goa and the endorsement of the Under Secretary (GA-I) /PIO, Goa dated 25/04/2016 referred above in this connection, it pleased be informed that the information solicited vide point no , part of point no viii) – page 1, ix) -Vehicle no GA 07 G 0044 is not earmarked (copy of fuel drawl and expenditure-120 pages), second part of point no x) –page 1, xii)-1 page, part of point no xvii)-sub point no (3)-1 page consist of a total of 124 pages. As such, the was requested to pay an amount of Rs.248/- @ Rs.2/- per page as required under the provisions of Rule 3(2)(a) of the Goa Right to Information (regulation of fee and cost) Rules 2006.
4. It was further stated in the said reply that the aforesaid amount may be paid to the cashier in the office of Resident Commissioner at Goa Sadan, 18 Amrtia Shertil Marg, New Delhi-110003 on any working day between 10.00 a.m. to 1.00 p.m. and 2.00pm and that the work of photocopying will begin upon payment of information fees.
5. The PIO had further informed that the information on point No.iii), iv) v), vi), vii) first part of point no. x), xi), xiii), xiv) & xv) part of point xviii) is not available in the records. It is seen that the Appellant obtained postal Orders totally amounting to Rs.260/- and by enclosing the postal orders requested the PIO vide letter dated 08/06/2016 to furnish the information on both the RTI applications.
6. The Appellant finding that despite having submitted the postal orders, no information has been furnished by the PIO. The Appellant thereafter filed a First Appeal on 16/08/2016 with the O/o Joint Secretary (GA), Secretariat, Porvorim, Goa on the ground that the postal orders were returned back as according to the PIO, Dy. Resident Commissioner, Goa Sadan they were drawn in the name of Goa Sadan New Delhi and which is wrong.

7. The Appellant states in the First appeal that he had left the first line blank so that the said officer can fill in the blank as per the requirement and the postal order could be redeemed easily. It is further stated that the postal orders were sent back to the PIO the very next day and more than 35 days has passed and no reply has been furnished by the PIO.
8. Finding that the First Appellate Authority (FAA) has not passed any Order in respect of the first appeal, the Appellant subsequently filed a Second Appeal before the Commission registered on 26/10/2016 and has prayed for directions to the PIO to provide information on both the RTI application and to initiate a necessary proper action.
9. This matter has come before the Commission on twelve several previous occasions and hence it is taken up for final disposal. During the hearing the Appellant is absent. It is seen from the Rozanama that the Appellant who is from Delhi has remained absent continuously since 28/02/2017 and does not seem interested to pursue his Appeal case. The Respondent PIO Dy. Resident Commissioner, New Delhi is absent. The FAA Shri. Amarsen W. Rane, Addl. Secretary (GA), Secretariat, Porvorim-Goa is present.
10. Shri. Amarsen W. Rane at the outset submits that the former Dy Resident Commissioner, Smt Valsala Vijayan has since retired from government service and as such is not present before the Commission. It is further submitted that the Appellant was casual worker working with the Public Authority in Goa Sadan, New Delhi and has filed both the RTI applications, the first Appeal and Second Appeal with the sole motive to harass the concerned former PIO, Dy. Resident Commissioner, Goa Sadan has only because his services were terminated by her. It is also submitted that most information sought is in question form e.g what are the action taken on..., Who is Dinesh Kumar? Reason for not filling up of post and which does not constitute section 2 (f) of the RTI Act. ...4

11. It is also submitted that the PIO had furnished a reply dated 30/05/2016 informing the Appellant that certain part of the information is not available and to collect the rest of the information documents pertaining to 124 pages by depositing an amount of Rs. Rs. 248/- and which the appellant has neglected to collect and instead sent postal orders which could not be encashed.
12. Shri. Amarsen W. Rane also submitted that the vide letter No. APEAL/RTI ACT No.20/2016/07 dated 23/02/2017 certain part information pertaining to appointment of Dy. Resident Commissioner was transferred to the FAA, Addl. Secretary (Personnel), and this FAA has passed an Order in First Appeal on 25/11/2016 and the said order of the FAA states that a notice served on the Appellant was returned back by postal authorities as unclaimed and on the date of the hearing of the first Appeal on 21/03/2016 the Respondent PIO, Dy. Resident Commissioner remained present and had filed a reply.
13. The PIO in the said reply had stated that another letter dated 14/09/2016 was addressed to the Appellant who had already been requested the Appellant to collect the information on payment of necessary fees and there is no denial of information and accordingly the First Appeal dated 20/10/2016 filed by the Appellant was disposed with directions that the Appellant should approach the PIO, Under Secretary and to collect the information in terms of letter dated 14/09/2016.
14. The Commission after hearing Respondent No 2 and perusing the material on record finds that the Appellant has filed two RTI applications one after another dated 29/03/2016 & 05/04/2016 and the PIO, Dy. Resident Commissioner, Goa Sadan, New Delhi vide letter No.1-12-2016/RTI/RC/99 dated 30/05/2016 has furnished reply to the Appellant on both the RTI applications. ...5

15. The commission has also perused the affidavit-in-reply dated 28/02/2017 filed by the one First appellate Authority (FAA), Additional Secretary(Personnel), Govt of Goa and order of this FAA, dated 25/11/2016.
16. The Commission observes that the Appellant was informed vide letter No.1-12-2016/RTI/RC/99 dated 30/05/2016 that certain part of the information is not available in the records and was also informed that certain other part of the information documents pertaining to 124 pages may be collected by depositing an amount of Rs. Rs. 248/- during the working hours.
17. The Commission further observes that it is the Appellant who is from New Delhi instead of approaching the office of the PIO, Dy. Resident Commissioner, Goa Sadan, New Delhi and paying the said amount and collecting the information straight away, instead sent four postal orders totally amounting to Rs.260/- and which could not be encashed by the PIO therefore no information was furnished.
18. The appellant in the First Appeal memo states that he had left the first line in the postal orders blank and the PIO could have very well filled in the blanks as per the requirement and the postal orders could be redeemed. Such an illogical assertion is not acceptable by the Commission. The Appellant should know that an Indian Postal Order can be used for making RTI payment to a Central Government and not State Government. The PIO, Dy. Resident Commissioner, Goa Sadan, New Delhi is a State PIO (SPIO) and not Central PIO (CPIO) and thus the PIO cannot be faulted in any way.
19. It is also seen that correspondence sent to the postal address of the appellant have been returned back by the postal authorities as unclaimed. Also the appellant has remained absent for the hearings and also has not filed any written arguments/submissions in support of the averments made and issues raised in the appeal memo. ..6

20. Since information documents pertaining to 124 pages was kept ready by the PIO, but were not collected by the Appellant and further in view that the Indian Postal Orders were not encashed, the Commission directs the Appellant to approach O/o the PIO, Dy. Resident Commissioner, Goa Sadan, New Delhi and pay the said amount of Rs.248/- by cash at the reception/ cash counter and collect the information from the PIO, within 30 days from receipt of this Order i.e latest by 10/08/2018, if he so desires.
21. In such an event the present PIO, Dy. Resident Commissioner, Goa Sadan, New Delhi shall furnish the 124 copies of information documents as is available in the records and which were notified vide letter No.1-12-2016/RTI/RC/99 dated 30/05/2016 under acknowledgment from the Appellant having received the same after verifying that the payment has been made by the Appellant.

With these directions the Appeal case stand 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