

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

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

**Appeal No.28/2018/CIC**

Shri Agnelo J. Dias,  
H. No.166/1, Torda,  
Salvador-do-Mundo,  
Bardez-Goa 403101.

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Appellant

V/s

1) The Public Information Officer,  
O/o the Chief Engineer,  
WRD, Sinchai Bhavan,  
Porvorim-Goa. 403521.

2) The First Appellate Authority,  
O/o the Superintending Engineer,  
CPO, WRD, Sinchai Bhavan,  
Porvorim-Goa. 403521.

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Respondents.

**O R D E R**

**DATE: 11/6/2018**

1. On 08/06/2018, in the course of submission of the parties, Appellant Shri Agnelo Dias submitted that he has received part information and that further information which he requires is only pertaining to the work done by the some of the employees. According to him in case this information is furnished, it will satisfy his requirement under his application, dated 31/05/20118 under section 6(1) of the Act.

Dr. Geeta Nagvekar, PIO who was present on said date submitted that such information contained in the confidential Report of the concern staff. According to her such report are confidential in nature hence the same cannot be given.

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As the appellant submitted that he will be out of station for another 4 months and he request the Commission to expedite the matter. Request of the appellant was granted and he was directed to furnish specific the names and information of the persons in respect of whom he requires the said information and the matter was posted today for further consideration.

**2.** Today when the matter was called the appellant Shri Dias and PIO Dr. Nagvekar remained present. Appellant submitted list of employees pertaining to whom he required the information as also the information which desires. According to said application he requires the details of *Qualifications, Work executed/done during the period 2004-05 to 2011-12 and place of posting during the period 2004-05 to 2011-12* in respect of 3 staff members *viz. Shri Deepak D'Souza, Junior Engineer, Shri D. A. Patravali, Junior Engineer and Kum Nayana Kulkarni, Junior Engineer.*

**3.** Considered the request of the appellant and the grounds for rejecting the said request by PIO. The remaining information was rejected by the PIO on the only ground that the information is contained in the Confidential reports(CRs) and that the copies of the CRs are exempted form disclosure.

**4.** Needless to say that the confidential report should retain its confidentiality. But when reports pertaining to the Public activity forms part of the report said part becomes public record. However the name of the officer preparing the report or the strict personal information contained, which has no relation to public activity need

not be disclosed. In the present case the appellant requires only the information pertaining to *Qualifications, Work executed/done during the period 2004-05 to 2011-12 and place of posting during the period 2004-05 to 2011-12.* To my mind such detail does not constitute a private information just because it is contained in the confidential report.

5. While considering the scope of private information for its dispensation under the act, the Hon'ble High Court of Bombay, Goa bench at Panaji in *Writ Petition no.1 of 2009 (Kashinath J. Shetye V/S Public Information Officer and others)* has observed :

*“7) The first thing that needs to be taken into consideration is that the petitioner is a public servant. When one becomes a public servant, he in strict sense becomes a public servant and as such, every member of public, gets a right to know about his working, his honesty, integrity and devotion to duty. **In fact, nothing remains personal while as far as the discharging of duty. A public servant continues to be a public servant for all 24 hours. Therefore, any conduct/misconduct of a public servant even in private, cases to be private. When, therefore, a member of a public, demands an information as to how many leaves were availed by the public servant, such information though personal, has to be supplied and there is***

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**no question of privacy at all.** Such supply of information, at the most, may disclose how sincere or insincere the public servant is in discharge of his duty and the public has a right to know.

8) The next question is whether the applicant should be supplied the copies of the application at all. It was contended that the copies of the application should not be supplied for, they may contain the nature of the ailment and the applicant has no right to know about the ailment of the petitioner or his family. To my mind, what cannot be supplied is a medical record maintained by the family physician or a private hospital. To that extent, it is his right of privacy, it certainly, cannot be invaded. **The application for leave is not a medical record at all. It, at the most, may contain ground on which leave was sought. It was contended that under section 8(1)(J), the information cannot be supplied. In this regard, it would be necessary to read proviso to that section. If the proviso is read, it is obvious that every citizens entitled to have that information which the parliament can have.** It is not shown to me as to why the information as is sought, cannot be supplied to the parliament. In fact the parliament has a right to know the ground for which a public servant has taken leave since his salary is paid from the public

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*exchequer. In the circumstances, I do not find that the information commission committed any error in direction such information to be supplied. There is no substance in the writ petition. It is dismissed.”(emphasis supplied)*

6. The staff members pertaining to whom information is sought are public servants and hence the information is pertaining to a public activity and hence amenable to public. Considering the above ratio as laid down by High Court, Commission finds no hesitation in granting the request of the appellant. However while furnishing the information precaution is to be taken to maintain privacy of personal information, if contained in the report.

7. In the above circumstances hold that the appellant is entitled to have the said information. Commission therefore direct the PIO to furnish to the appellant the **Qualifications, Works executed/done during the period 2004-05 to 2011-12 and place of posting during the period 2004-05 to 2011-12** pertaining to Shri Deepak D'Souza, Junior Engineer, Shri D. A. Patravali, Junior Engineer and Kum Nayana Kulkarni, Junior Engineer as contained in their respective confidential reports, within SEVEN DAYS from the date of receipt of this order free of cost.

To retain the confidentiality the PIO shall hide the contents of the confidential reports except (i)the names of the persons to whom the report pertains to,(ii) their respective Qualifications (iii) the Works executed/done during the period 2004-05 to 2011-12 by the respective

persons and (iv) place of posting of the respective persons during the period 2004-05 to 2011-12

**8.** For considering the relief of penalty, Commission find no Malafide or deliberate denial of information by the PIO.

The appeal is disposed of accordingly. Notify the parties.

Pronounced the open proceeding.

Proceedings closed.

Sd/-

**(Prashant S.P. Tendolkar )**

State Chief Information Commissioner

Goa State Information Commission

Panaji - Goa