

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No. 58/2018/CIC

1) Uday Ramnath Pokle
Flat No.8, Commercial Complex.
Valpoi- Goa.
403506

...Appellant

V/s

1) Gloria Abranches,
Public Information Officer,
Personnel Department,
Secretariate, Porvorim- Goa.
2) Y. M. Maralkar,
Addl. Secretary & FAA.
Personnel Department,
Secretariate, Porvorim-Goa.

...Respondents

Filed on: 08/03/2018

Decided on: 09/08/2018

1) FACTS IN BRIEF:

a) The appellant herein by his application, dated 20/09/2017 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought information from the Respondent No.1, PIO in the form of duly attested copies of assets and liabilities furnished till date in compliance to Lokayukta Act or otherwise as per the service rules. The above information was sought pertaining to two officers of the State Excise Department viz (a) Mr. Menino D'souza and (b) Mr. Satyawan Bhivshet.

b) The said application was replied on 17/10/2017. Vide said reply the information was refused contending that the same is personal. Information sought was not furnished

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and hence the appellant filed first appeal to the respondent No.2, being the First Appellant Authority (FAA).

- c) The FAA by order, dated 08/11/2017, dismissed the said appeal, interalia holding that the services of said officers are covered under the preview of Lokayukta Act and that this commission in appeal no.24/2017 has upheld the rejection of such request.
- d) Being aggrieved by the said order, 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. The PIO on 04/04/2018 filed reply to the appeal.
- f) Arguments of the parties were heard. The appellant was represented by Shri. Sushant Narvekar. In addition to his oral arguments, written arguments were also filed. The PIO in her arguments reiterated the contentions as raised in the reply. She also relied upon the judgement of the Apex Court in the case of ***Girish R. Deshpande V/s Central Information Commissioner S.L.P. (Civil) 27734 of 2012.***

2) FINDINGS:

- a) Perused the records and considered the rival contentions of the parties. The point to be decided herein is whether the information which is sought can be furnished under the Act.
- b) This commission, in a similar matter being appeal no. 24/2017 filed by the appellant herein himself against the same PIO, in respect of same information pertaining to

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same officers, has held that such information cannot be furnished. Said order of this commission was based on the ground that the concerned officers were not governed by the Lokayukta Act and also that such information was held to be personal by the Hon'ble Apex Court in the case of ***Girish Deshpande v/s Central Information Commissioner and others*** (Supra).

- c) With this order, the issue whether the concerned information could be furnished is decided and has attained finality vis a vis this commission. Thus having decided such issue, the same applies herein, the facts being identical in nature as well as the parties.

In the above situation the present appeal is also to be disposed accordingly. In the result this commission disposes the present appeal with following:

ORDER

The appeal is dismissed.

Proceedings Closed. Notify the parties.

Pronounced in open hearing.

Sd/-
(Shri. P. S.P. Tendolkar)
Chief Information Commissioner
Goa State Information Commission
Panaji –Goa