

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No.228/2018/CIC

Mr. Jose Gomes,
H. No.422/3, Verem Manxer,
Pilerne- Bardez –Goa. **Appellant**

V/s

- 1) The Public Information Officer,
Goa Meat Complex Ltd.,
Sesa Ghor, 3A & 3 B, Patto Plaza,
Panaji –Goa.
- 2) The Asst. Public Information Officer,
(Sr. Veterinary Officer)
Goa Meat Complex Ltd.,
Usgaon –Goa.
- 3) The Manging Director,
Goa Meat Complex Ltd.,
Sesa Ghor, 3A & 3 B, Patto Plaza,
Panaji –Goa. **Respondents**

Filed on: 25/09/2018

Disposed on: 28/02/2019

1) FACTS IN BRIEF:

- a) The appellant herein by his application, dated 30/05/2018, 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 12 points therein.
- b) According to appellant, the said application was responded on 19/6/2018 by which the appellant was informed that the PIO is in the process of gathering the information. The appellant was also served with a copy of the letter sent by PIO to the APIO asking the latter to send the files to PIO for furnishing information.

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c) However according to appellant the information as sought was not furnished within time, he filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

d) During the pendency of the first appeal the PIO furnished certain information to the appellant. According to appellant the information as is furnished is incomplete and hence he has filed the present second appeal u/s 19(3) of the act. Apparently as per the appeal memo the FAA has not disposed the first appeal.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 15/11/2018 filed her reply to the appeal in the registry on 14/12/2018. When the matter was taken up for hearing, it was submitted by PIO that the said reply also contained the information, a copy of the same was furnished to the advocate for the appellant.

f) On 17/01/2019 when the matter was posted for arguments neither the appellant nor his advocate appeared. On the said date PIO submitted the entire information was submitted to the appellant. As no records were found having served such information the PIO was directed to file all the copies,, documents etc which she wanted to rely upon in support of her contentions for verification whether the information is furnished. Accordingly on 18/01/2019 the PIO filed the copies of the documents in support of her contention that the information is furnished to the appellant. The matter thereafter was posted for arguments. On the subsequent day neither the appellant nor his advocate appeared. The submissions of the PIO were heard.

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She submitted that besides the reply she has no further submissions to be made. In view of the absence of the appellant no submission on his behalf could be heard. The appellant has also not filed anything on record objecting that the information, which was furnished through his advocate on 14/12/2018 does not constitute the required information.

Hence I am proceeding to dispose the present proceeding based on the records.

2) FINDINGS:

- a) Perused the records. By application dated 30/05/2018 the appellant has sought information on (12) points. The PIO on 19/06/2018 sought assistance from APIO for collecting the said information and on the same date has intimated the appellant regarding the said assistance sought by her. It is contention of the PIO therein that the said information was not available as the files are old and that they were sent to factory office and required to be brought back. The said letter also shows that some time may be required for Xeroxing

On 26/07/2018 the PIO has replied the said application dated 30/05/2018. Vide said reply the information at point **1, 2, 3, 5, 8, 9** and **11** is furnished by furnishing copies. The information at point **(10)** is replied that there are no appointments or reappointments on contract basis from September 2017.

- b) Having furnished the information by enclosing the copies amounts to furnishing of the information. Though it is the contention of the appellant that the information furnished is

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incomplete the appellant has not clarified as to what would constitute the complete information. The appellant has also failed to appear before this Commission when the matter was posted for arguments. In these circumstances, I hold that the information at points (1), (2),(3),(5),(8),(9),(10) and (11) is fully furnished to the appellant.

- c) In respect of point (4) the PIO in the said reply has answered appropriately. What was sought there under by the appellant is the information regarding the period when Dr. Shirodkar has worked illegally or unauthorizedly. Answering this question would amount to PIO opining such unauthorization or illegality. Thus said point No. (4) is appropriately answered.
- d) Regarding Point no (6), (7) and (12) the PIO has informed the appellant that the charge sheet and inquiry report are not traceable. In respect of point (12) it is informed that the information cannot be provide under the Act. In this appeal the PIO filed an affidavit before the commission clarifying the grounds raised in said points. According to her the certified copy of the charge sheet and the certified copy of the inquiry report which are sought at point (6) and (7) respectively of the application could not be traced because it was not filed at all. Thus the information being not in existence cannot be furnished.

In respect of point (12) what was sought was the profit and loss of the Goa Meat Complex during initial appointment of Dr. Shirodkar. Such a question would not come under the preview of the act as it would amount to preparation of calculation by the PIO. No authority records the profits or losses staffwise. Further more in the said affidavit filed

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by the PIO, it is her contention that Dr. Shirodkar was appointed only to issue postmortern certificates of the animals slotted. Thus I find that the information at point (12), though was not coming under the purview of act, is clarified by the PIO.

- e) Considering the above circumstances I find that the information as was due to the appellant was already furnished by the PIO after making all efforts to trace the same. The appellant has failed in showing as to how the said information is false or incomplete. The PIO has responded to the appellants application under section 6(1) though is beyond the due date is not deliberate. Hence I do not find any grounds to hold that the information sought, is not furnished or incomplete. I find no malafide on the part of PIO while dealing with the said application. In the circumstances, I dispose the present appeal with the following:

O R D E R

The appeal is dismissed as the information due is duly furnished. The prayer for penalty is rejected. Proceeding closed.

Parties be notified.

Pronounced in the open hearing.

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