

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

Appeal No.89/2019/SIC-I

Shri Parshuram Sonurlekar,
H. No. 188C, Near Jetty Bus Stop
No. 2, .P.O Harbour, Mormugao Goa.
V/s

....Appellant

1)Public Information Officer,
Electricity Department,
Vidyut Bhavan, 3rd floor,
Panaji Goa.

.....Respondent

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner.

Filed on: 11 /04 /2019
Decided on: 07/06/2019

ORDER

1. The second appeal came to filed by the appellant Shri Parshuram Sonurlekar on 11/04/2019 against the Public Information Officer (PIO), of the office of Electricity Department, Panaji Goa.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 13/10/2017 had sought for the certain information from the Respondent PIO of the office of Electricity Department, Panaji-Goa, on 8 points as listed therein, in exercise of his right under sub section (1) of section 6 of Right To Information Act , 2005.
3. It is the contention of the appellant that his above application were not responded by the respondent PIO within the stipulated time of 30 days neither the information was provided to him by the PIO, as such deeming the same as rejection, he preferred first appeal on 08/12/2017 before the First Appellate Authority (FAA) in terms of section 19(1) of RTI Act, 2005.
4. It is a contention of the appellant that after he filed first appeal, he received a reply from the Respondent PIO on 11/12/2017 in

terms of sub section (1) of section 7 of RTI Act, 2005 thereby requesting him to visit their office for inspection of related documents sought by him and to identify the information desired under the RTI Act, 2005.

5. It is a contention of the appellant that on 08/02/2018 he was granted permission to inspect the files of recruited candidates and after completion of inspection he short listed his requirements.
6. It is the contention of the appellant that the First Appellant Authority vide his order dated 13/12/2018 allowed his appeal and directed the PIO to furnish him the required information within two months after the details are furnished by appellant free of cost.
7. It is the contention of the appellant that vide forwarding letter dated 04/01/2019 he provided the list of the candidates and the list of the certified documents required by him to the respondent PIO, despite of same no information can be provided to him neither he received any correspondence from PIO.
8. In this background, the appellant being aggrieved by the action of respondent PIO has approached this commission in the present proceedings with a contention that information is still not provided and seeking relief for direction to Respondent PIO for providing him information, free of cost and for invoking penal provisions for not compliance of the order of First Appellate Authority.
9. The matter was taken up on board and was listed for hearing after intimating both the parties. In pursuant to notice of this commission, appellant appeared in person. Respondent PIO Shri Kuldeep Arolkar was present.
10. During the proceedings the Respondent PIO showed his willingness to provide the information and submitted that part of the information is ready and other is under the process and on that ground he sought time to furnish the entire information.

Accordingly the complete information was furnished to the appellant on 7/06/2019.

11. The reply filed by the respondent PIO on 7/06/2019 thereby contending that in compliance of the order First Appellant Authority, the information is already furnished to the appellant free of cost. The appellant also admitted of having received the information as per his requirements and acknowledged the said information which was furnished to him free of cost and submitted that he has no any further grievance with respect to information furnished to him as the same is furnished as per his requirements. He further submitted that he is not pressing for penal provisions and accordingly endorsed his say on the memo of appeal.
12. Since available information have now been furnished to the appellant, free of cost as per the requirements of the appellant, I find no intervention of this commission required for the purpose of furnishing information.
13. Vide letter dated 03/05/2019 submitted with the registry of commission by the respondent PIO which was inwards by the entry no. 726 dated 03/05/2019, it is submitted that Shri Bharat Nigle, Executive Engineer-(IPM) was officiating as PIO on the date when the RTI application dated 13/10/2017 filed by the appellant herein and also when the order passed by the First Appellate Authority. And said Bharat Nigle has retired on superannuation with effect from 28/02/2019.
14. In the present case undisputedly the then PIO Shri Bharat Nigle has retired as such as of today is entitled for pension. Section (11) of pensions act so also section 60 (1) (g) of Civil procedure code grants immunity to the pension holder against its attachments.
15. The Hon'ble Apex court in appeal (civil) 1874 of 1999 Gorakh university and other V/s Shri Shilpa Prasad Nagendra and(ii) in

civil appeal No. 6440/41of 2008 Radhye Shyam Gupta V/s Punjab National Bank, has held that the benefits received under pension, gratuity by retired person are immuned from attachment.

16. The present PIO has shown his bonafide in complying the order of First Appellant Authority and has made extraneous efforts in providing voluminous information to the appellant. Hence I am declined to grant the relief sought by the appellant as against respondent which is in penal nature.
17. As discussed above and in view of the submissions and the endorsements made by the appellant herein, nothing survives to be decided in the present proceedings and hence the proceedings stands closed.

Notify the parties.

Pronounced in the open court.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa.