

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 145/SIC/2013

Shri J. T. Shetye,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward no. 11,
Khorlim, Mapusa – Goa

.... Appellant

v/s

1.Public Information Officer,
The Chief Officer,
Mapusa Municipal Council,
Mapusa – Goa.

2.First Appellate Authority,
Director of Municipal Administration,
Collectorate Bldg., Panaji – Goa.

.... Respondents

Relevant emerging dates:

Date of Hearing : **04-12-2019**

Date of Decision : **04-12-2019**

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 17/04/2013, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, O/o Mapusa Municipal Council Mapusa Goa. The Appellant is seeking information at 12 points regarding employee of Shri Vinay Agarwadekar LDC.

2. The information *inter alia* is regarding Date of Birth certificate of Mr. Vinay Agarwadekar, Certified copy of his educational qualification certificates, appointment letter with terms and conditions, Certified copies of memos issued to Mr. Vinay Agarwadekar, Certified copies of his salary sheet for the month of March 2013, Certified copy of office order allocating day to day office duties to be performed by him during the day, movement register dated 16/04/2013, the nature of duties performed by Mr.Vinay Agarwadekar on 16/04/2013, during morning session and during afternoon session, outdoor duties performed by Mr. Vinay Agarwadekar on 16/04/2013..... ..2

....and for certified copies of office order directing Mr.Vinay Agarwadekar to do outdoor on 16/04/2013, copy of call letter received from Women Police Station Panaji in the name of the Chief Officer Mr. Hanuman T. Toraskar and the names of all those lease holders who had applied for renewal of their lease deed agreement which are kept pending by Mr. Vinay Agarwadekar and other such information as contained in the RTI application filed therein.

3. It is seen that the PIO vide reply No.EST/RTI/4160/2013 dated 14/05/2013 furnished the information in tabulation form and the appellant was informed as under: with respect to point No. 1, Date of Birth of Mr.Vinay Agarwadkar, it was informed as 23rd July 1970, with respect to point No.2 & 3 regarding educational qualification and appointment letter, it was informed to collect the same on payment of Rs.2/- each copy. With respect to point No.4, memos issued, it was mentioned that no memos are issued to Shri Vinay Agarwadekar. With respect to point No.5, salary sheet for month of March 2013, it was informed being money matter cannot be given, with respect to point No.6 & 7 regarding allocation of day to day duties and movement register, it was informed to collect the same on payment of Rs.2/- each copy. With respect to point No.8 regarding nature of duties on 16/04/2013, it was informed by the PIO that Shri Vinay Agarwadekar was accompanying Chief Officer in the High Court and thereafter in the office of the Director of Municipal Administration and also in the Women Police Station, Panaji. With respect to point No.9, outdoor duties on 16/04/2013, it was informed that he was visiting Court matters and other outdoor work. With respect to point No.10, certified copy of office order, it was informed that no certified copies can be given as the orders are given orally. With respect to point No.11, regarding call letter from women's Police Station, it was informed to approach Women Police Station, Panaji, and with respect to point No.12, names of lease holders applied for renewal of lease agreement, it was informed that query does not fall within the scope of RTI Act 2005. ...3

4. Not satisfied with the reply of the PIO, the Appellant filed a First Appeal on 27/05/2013 and the First Appellate Authority (FAA) vide an Order dated 09/07/2013 disposed of the First Appeal by directing the PIO to furnish the information as soon as possible.
5. The FAA in his Order observed that the applicants only grievance is that the query at serial No.5 regarding certified copy of salary sheet of Shri. Vinay Agarwadekar which has not been furnished and the FAA instructed the Appellant to appear before the PIO on 16/07/2013 and show cause why it should not be given.
6. The Appellant being aggrieved that despite the Order of the First Appellate Authority the PIO has not furnished the said information at point No.5 has thereafter approached the Commission by way of Second Appeal registered on 07/10/2013 and has prayed that the PIO be directed to furnish the certified copy free of cost and to furnish correct information at points 5, 8, 11 & 12 of the RTI application and to conduct enquiry and for penalty, disciplinary action and other such reliefs.
7. **HEARING:** This old matter of the year 2013 has come up before the Commission on numerous previous occasions and hence is taken up for final disposal. During the hearing the Appellant Shri Jawaharlal T. Shetye is absent. The Respondent APIO Shri Vinay Agarwadekar is present along with Adv. Matlock D'Souza who undertakes to file Vakalatnama. The FAA is absent.
8. **SUBMISSION:** Shri. Viany Agarwadekar submits that pursuant to the receipt of the RTI application dated 17/04/2013 the then PIO, Shri Hanuman Toraskar, Chief Officer, Mapusa Municipal Council has furnished all information at all points in tabulation form vide reply No. No.EST/RTI/4160/2013 dated 14/05/2013. It is further informed that although the information was furnished, the Appellant filed a First Appeal and the FAA in his Order dated 09/07/2013 observed that the only grievance of the appellant is that the query at serial No.5 regarding certified copy of salary sheet of Shri. Vinay Agarwadekar... ..4

.....which has not been made available to him and that the FAA had instructed the Appellant to appear before the PIO on 16/07/2013 and show cause why it should not be given.

9. Shri Viyan Agarwadekar submits that pursuant to the said order of the FAA, the appellant had appeared before the then PIO and it was informed that the Salary Certificate cannot be furnish as the same was in the ambit of Section 8(1)(j) being personal information and the disclosure of which has no relationship to any public activity and would cause unwarranted invasion of the privacy and as all information has been furnished as such requests the Commission to dispose off this old matter of the year 2013
10. **FINDINGS:** The Commission after perusing the material on record and hearing the submission of Shri. Vinay Agarwadekar, APIO indeed finds that the PIO vide reply No.EST/RTI/4160/2013 dated 14/05/2013 has furnished all information in tabulation form. The Commission further finds that with respect to the grievance of the appellant with respect to point No.5 regarding salary certificate the same as has been correctly submitted by Shri. Vinay Agarwadekar cannot be furnished being hit by provisions of section 8(1)(j) falling under the domain of 'personal information' which has no relationship to public activity and which would cause unwarranted invasion of the privacy..
11. **DECISION:** As all information has been furnished by the PIO, including information at points 5, 8, 11 & 12 of the RTI application, **nothing further survives in the Appeal case which accordingly stands disposed.** Consequently the prayer for enquiry, penalty and disciplinary action stand rejected.

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

