

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No.138/2019/CIC**

Master Souza Leonardo Caetano,  
S. Bras, Gaundalim,  
Cumbarjua,  
Ilhas Goa-403107

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**Appellant**

**V/s**

1)The Public Information Officer,  
O/o the Dy. Collector & SDM, & SDO,  
Tiswadi at PANaji Goa. 403001.  
2) The First Appellate Authority,  
O/o The Collector & DMC,  
North Goa Panaji-Goa.

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**Respondents.**

**Filed On:09/05/2019**

**Disposed On:21/08/2019**

## **1) FACTS:**

- a) The appellant herein by his application, dated 10/01/2019 filed u/s 6(1) of The Right to Information Act 2005 (Act) sought, certain information from the PIO, office of Revenue Minister under two points therein. The said application was transferred to the PIO herein on 18/01/2019 u/s 6(3) of the act.
- b) The said application was replied by PIO herein on 11/02/2019 by which the information at point (1) was refused as exempted u/s 8(i)(j) of the act and the information to point (2) was stated to have been transferred to office of Mamlatdar Tiswadi u/s 6(3) of the act.
- c) However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent no.2, being the First Appellate Authority (FAA).

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d) The First Appellate Authority (FAA) by order, dated 09/04/2019, allowed the said appeal and directed PIO to decide the application a fresh by granting opportunity to appellant to be heard. Appellant being aggrieved by said order has landed before this commission by way of second appeal u/s 19(3) of the act.

e) In the present appeal the appellant has not raised any grounds but has submitted that justice be issued to him and information be collected in the presence of this authority.

f) After notifying the parties, the respondent No.1 the PIO filed his reply on 30/07/2019. The respondent No.2 filed his reply on 16/07/2019. According to PIO, as avered in his reply, it is contended that the information at point (ii) was transferred u/s 6 (3) to PIO Mamlatdar, Tiswadi and that in respect of point (i), the same was refused as it pertained to third party and that on obtaining say of the third party which is the staff of the office, the same was objected to by them. The PIO has filed copy of the purported letter alongwith the say of staff thereon.

The FAA by his reply dated 16/07/2019 has narrated the details of the first proceedings arising out of the subject application.

g) Submissions of the parties were heard. It is the contention of appellant that as some of the officers/staff was responsible for mutation which are undertaken illegally, he intends to have the details of such staff and has to be furnished.

In respect of point (ii) it is appellant's contention that the mutation proceedings are to be to the knowledge of Dy.

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Collector and hence the same can be furnished by PIO herein.

**2) FINDINGS:**

- a) On perusal of the records and considering the rival contentions of parties the point to be decided herein was whether the PIO was justified to refuse information at point (i) u/s 8(i)(j) and to transfer point (ii) u/s 6 (3) of the Act to the Mamlatdar, Tiswadi.
- b) In respect of point (i) it is the contention of PIO that the Information pertained to third party and hence in view of the objections of such third party the information was refused u/s 8(1) (j). In support of such refusal the PIO has relied upon the letter dated 20/09/2018 calling for say of staff and the objection contained thereon at Annexure 2.

On perusal of said letter No.1/EST/Dy.Col./HC/RTI/13/19 it is seen that the same is dated, 20/09/2018 which is much prior to the appellants application u/s 6(1) which is dated 10/01/2019. I fail to understand as to how the consent/say of the staff be obtained in September 2018 even before the application u/s 6(1) was filed in January 2019. The endorsements/say of the staff dates from 22/01/2019 to 28/01/2019.

Considering the above discrepancy, I find no relevancy in the said letter to the present case and hence unable to consider the same as a ground for rejection of information.

- c) Notwithstanding the above finding and considering the nature of request at point (i), it is seen that the appellant has sought for the details of all employees viz. names, address, designation, age, qualification period of joining to

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release of office of Dy. Collector & SDM Tiswadi. Such a request appears indiscriminate and random in nature. Had the information sought has a nexus with any specific mutation case, he would be justified in seeking such information with specific reference to the case. Even assuming for a while that the information is furnished such information regarding names, designation age qualification date of joining and leaving of service can be of no avail to the appellant to seek redressal of his grievance in respect of any specific case. In other words the information as sought does not involve any larger public interest and if ordered to be furnished would involve divesting of the public resources. I am fortified in this view on the bases of judgment of Hon'ble Supreme Court in the case of Central Board of Secondary Education v/s Aditya Bandopadhyay (Civil Appeal No.6454 of 2011 wherein at par 37 it is held:

*"37. The right to information is a cherished right. -----  
Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and*

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*harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties. In view of the foregoing, -----  
----- "(emphasis supplied)*

Considering the above position, I find that the information sought at point (i), cannot be ordered to be furnished as it would disproportionately divert the resources only to collect the information for years passed. However, the appellant can seek information with specific reference to the subject involved.

d) Grievance of application that his request to point (ii) is wrongly transfer, it is the contention of appellant that he has requested the list of missing files created in office of Dy. Collector and SDM Tiswadi and has also affirmed that the files are destroyed after mutation.

In this respect it is to be noted that mutation which is carried is in terms of section 96 of the Goa Land Revenue Code. Said section confers powers to Mamlatdar to effect mutation. In this circumstances I find no illegality on the part of PIO in transferring the same to PIO, Mamlatdar Tiswadi, u/s 6(3) of the Act. Moreover it is no ones case

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that the PIO, Mamlatdar has refused to furnish information, on the ground of non availability with it. I thus find that the transfer of application u/s 6(3) to the Mamlatdar cannot be faulted with.

- e) The appellant has prayed for a penalty and compensation. I find that the application filed by appellant u/s 6(1) of the act was appropriately and timely decided. The hearing after remand in First Appeal was conducted and disposed. I thus find no grounds to invoke my rights u/s 20(1) and/or 20(2) of the act. Said request is therefore rejected. In the background of above facts and circumstances, I find that the appeal is devoid of merits. The same is therefore disposed with following:

**O R D E R**

Appeal stands dismissed. Proceedings stands closed.  
Order be communicated to parties.

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