

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No.139/2019/CIC

Shri Santana Piedade Afonso,
H. No. 263, Comba Central,
P.O. Cuncolim, Salcete Goa. 403703.Appelalnt
V/s

- 1) Shri Surendra F. Naik,
Public Information Officer,
Office of the Additional Collector II,
4th floor, Mathany Saldanha
Administrative Complex,
Margao – Salcete Goa.
- 2) Shri Agnelo A.J. Fernandes,
Collector/First Appellate Authority,
Office of the Collector & District Magistrate,
4th Floor, Mathany Saldanha
Administrative Complex,
South Goa, Margao.

....Respondents

Filed On: 10/05/2019

Disposed On: 19/07/2019

1) FACTS IN BRIEF:

- a) The appellant herein by his application, dated 05/11/2018 files u/s 6(1) of the Right to Information Act 2005 (Act for short) read with corrigendum dated 07/11/2018, sought certain information from the respondent No.1, PIO under several points viz a(i), b(i) to (iii), (c) and (d).
- b) The said application was replied on 26/11/2018. However according to appellant the information as sought was half part in respect of a(i), to a(ii). Information to point b(i) to (iii) and (c) was transferred u/s 6(3) of the act.
- c) The FAA by order, dated 27/02/2019 dismissed the said appeal.

Sd/-

...2/-

- d) Being aggrieved by said order, the appellant has landed before this commission in this second appeal u/s 19(3) of the act with prayers as contained in the appeal memo.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 26/06/2019 filed his reply to the appeal and also filed memo that the same be treated as his arguments. FAA failed to file any reply. Oral arguments of appellant were heard.
- f) It is the submission of appellant that though the information at point a(i) is furnished the same is not in question & answer form. That the information at point a(ii) is not furnished and that the inspection is not given and that in the transfer of request is in respect of point b(i), b(ii) and b(iii), point "c" is not transferred and cannot be transferred as it has no relation to point (b) information. According to him inspection sought at point "c" is in respect of files and records available with respondent authority herein in respect of information at point a(i) and a(ii).

The APIO, Smt Elsa Pereira, who was present during the arguments submitted that inspection of files and records in respect of a(i) and(ii) exist with respondent authority and inspection thereof can be given.

2) FINDINGS:

- a) perused the records and considered the submission. **At point a(i)** the appellant has sought for list of talathis recommended by D.P.C and who had given first, second and third financial up gradation under MACPS-2008. w.e.f date and pay scales shown against their names.

Sd/-

...3/-

In the reply the names are furnished by PIO. I fail to understand as to in which question answer form the appellant requires the same as no such format is specified in his application. In the circumstances I find that the same is furnished.

However in case the appellant requires the same in a specific format, he can seek the same by specifying as to in what format it is required. Needless to say that such a request shall be subject to section 7(9) of the act.

- b) Regarding **point a(ii)** the appellant has sought the names of candidates who are not recommended to MACPS alongwith their bad remarks if any. In other words what is sought is the list of unsuccessful candidates alongwith the remarks due to which they are not recommended. Such remarks being personal in nature can cause unwarranted invasion on privacy of such candidate. Thus the same comes under exemption u/s 8(1)(j) of the act.

By further considering the request is in respect of unsuccessful candidates who could not get upgradation. Thus there is no public activity involved. By such negative recommendation they have not acquired any public post nor it effects the public exchequer. I therefore find no illegality in the reply of the PIO rejecting the said request at point a(ii).

- c) The grievance of appellant is that at **point(c)** what he has sought for is the inspection of files in respect of points a(i) and a(ii). The PIO has transferred it u/s 6(3) of the act holding that inspection pertains to files in respect of b(i), (ii) and (iii), which on the face of application, dated 05/11/2018

Sd/-

...4/-

appears to be. However the same is clarified now by appellant that he requires inspection in respect of point a(i) and a(ii) the APIO has offered to furnish the inspection of files held by respondent authority.

- d) Considering the above position, nothing further remains to be decided. I also find no grounds to invoke any of my rights under section 20(1) and/or 20(2) of the act. In view of the above position, the appeal stands disposed with the following:

O R D E R

PIO is directed to grant inspection of the files/documents/records in respect of the recommendations of the Departmental Promotion Committee in respect of Talathis recommended for financial up gradation under MACPS-2008, within Ten DAYS from the date of receipt of this order. Rest of the prayers stands rejected.

Order to be communicated to parties.

Proceedings closed.

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