

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

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**CORAM: Shri Juino De Souza : State Information Commissioner**

**Appeal No: 150/2019/SIC-II**

Anil Govind Naik,  
2/G-3, Dukle Residency,  
Tambadi Mati,  
Taleigao – Goa.  
403 002.

**.... Appellant**

v/s

1. The Public information Officer,  
Planning Section,  
Directorate of Education,  
Govt. of Goa, Alto, Porvorim – Goa.
2. The Public information Officer  
Audit Section,  
Directorate of Education,  
Porvorim – Goa.
3. The Public information Officer  
Accounts Section,  
Directorate of Education,

**.... Respondents**

**Relevant emerging dates:**

Date of Hearing : 15-10-2019  
Date of Decision : 15-10-2019

**O R D E R**

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 21/03/2019, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, O/o Directorate of Education, Porvorim-Goa at seven points.
2. The Appellant *inter alia* is seeking information regarding Certified copy of the Order of Director of Education granting/rejecting/modifying approval sought by the management of Kirti Vidyalaya, Siolim for imposing penalty on Mr. Suryakant Naik (Headmaster) and Mrs. Vandana Naik (UDC) of the said School and granting approval granted for imposing major penalty on Mr. Ajay Pendnekar, Headmaster of High School, from Sancavale, Marmagoa Goa and Inspection of records of proposal of Vikas High School, Valpe, Pedne for imposing penalty on Assistant Teacher Shrikant Vengurlekar and Certified copies of documents.....

.....including file noting's showing action taken on the following Complaints forwarded through proper channel and or Advance copies of complaints filed before the Director, Directorate of Education, Porvorim Goa and Dy. Director of Education, Central Education Zone, Panaji-Goa dated 05/12/2017 by Shri Anil G. Naik (i) Complaint against school Management for withholding illegally annual increments of Shri. Anil G. Naik (ii) Complaint on school management for not issuing order of reinstatement (iii) Complaint against official of Grants in aid section for releasing salary of Shri. Anil G. Naik without order of reinstatement. (iv) Application for re-fixation of salary of Shri. Anil G. Naik under seventh pay commission. (v) Intimation of irregularities in making entries in the service book of Shri Anil G. Naik. (vi) Regarding undue delay in granting hearing in Education appeal dated 31/07/2017 filed on 11/08/2017 of Shri Anil G. Naik and other such related information as per the RTI application contain therein.

3. It is seen that the PIO transferred the RTI application under Section 6 (3) to the PIO, Audit Section vide letter No.DE/PLG/RTI/2016/2986 dated 27/03/2018 with respect to furnishing information at point 4 (iv) and also further transferred the information with respect to point 4 (iii) to the PIO, Account Section vide letter No. DE/PLG/RTI/2016/2970 further transferred information from point 1 to 3 to the PIO, Academic Section vide letter DE/PLG/RTI/2016/2969 both letters are dated 23/03/2018.
4. It is further seen that with respect to information at point No. 4 (iv) the PIO vide his letter dated 04/04/2018 informed the Appellant that the Audit section has not received the re-fixation of salary of Shri. Anil G. Naik with respect to VIIth pay commission but has received pay fixation statement of VIIth pay which is already approved by Audit Cell.
5. It is further seen that with respect to point No. 4 (iii) vide letter No. DE/Accts/09/RTI/2018-19 dated 00/04/2018, the PIO informed that since no action is taken on the officials of Grant –in- Aid Section II and as such there are no documents available to produce.

6. Not satisfied with reply of the PIO, the Appellant thereafter filed a First Appeal dated 13/07/2018 and the First Appellate Authority (FAA) vide an Order dated 28/02/2019 disposed off the First Appeal by upholding the reply of the PIO in stating that information at point No.4 (iii) and (iv) is not available in the audit section. The FAA in his order has stated that the file noting's if available in the audit section, the same shall be provided within 07 days from the date of issue of the order.
7. The Appellant being aggrieved that despite the Order of First Appellate Authority (FAA), the PIO has not furnished relevant information about file noting's has thereafter approached the Commission by way of Second Appeal registered on 27/05/2019 and has prayed that the information requested to be furnish by the PIO correctly and fully and for other such reliefs.
8. **HEARING:** The Appellant Anil Govind Naik, is present in person. The Respondent No.1 is absent. The Respondent No.2, PIO Smt. Manisha Kaskar, Asstt. Accounts Officer with the public authority is present alongwith Smt. Arati Golapkar, (APIO) Audit Superintendent, Director of Education, Porvorim – Goa. The Respondent No.3, Shri. Nilesh Gaonkar, Assistant Accounts Officer, Director Of Education, Porvorim - Goa is also present in person. The FAA is absent.
9. **SUBMISSION:** At the outset the Appellant submits that he is only interested in information at point No. 4(iii) and 4(iv). He further submits that regarding information at point 4 (iii), his grievance is that although the PIO, has replied stating that re-fixation of salary of Shri. Anil G. Naik under VIIth pay Commission has not been received, the PIO has not stated as to what action was taken on the representation made by the Appellant regarding the said point. The Appellant submits that he is satisfied with the information furnished with respect to point 4 (iv).
10. The Appellant further argues that it was the bounden duty of the PIO to state that whether action was taken or not taken on the complaint made by him, but instead the PIO at point No. 4(iii) has mentioned that no action has been taken on the official of grant-in- aid and as such there are no such documents available.

11. The Respondent PIO, Audit Section, submits that all information as was available was furnished and as there was no re-fixation salary of Shri. Anil G. Naik, hence no other documents are available in the said section.
12. **FINDINGS:** The Commission will restrict itself with the information at point 4(iii) and which is the only remaining information that the Appellant desires and indeed finds the PIO has furnished the said information as was available and has informed the Appellant accordingly.
13. **DECISION:** As stipulated in the RTI Act the role of the PIO is to furnish information as is available, how is available, what is available and if available. The PIO is not called upon to create information or to answer questions as to what action was taken merely satisfy the whims and fancies of the Appellant. The very fact that the PIO has furnished information at point 4(iii) informing that there was no action taken on the official of grant-in- aid is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO, either to deny or conceal any information and that there was no other ulterior motive to give incorrect information and which is mandate of the RTI Act.
14. The Appellant is insisting that the Commission should direct the PIO to furnish one line reply at point no 4(iii) by stating that no action was taken on the complaint against officials of grant –in aid section II on the representation made by him. The Commission accordingly directs the PIO give such one line reply in addition to the earlier reply dated 00/04/2018.

**With these directions the appeal case stands disposed.**

All proceedings in Appeal case stands closed. 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**

