

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.196/2018/SIC-II

Shri Krishnaraj Candolkar,
r/o. Sidharudh Sadan, Altinho Road,
St. Inez, Panaji – Goa. 403001

... Appellant

v/s

1. Public Information Officer,
Office Superintendent,
Directorate of Fisheries,
Panaji – Goa. 403001

2. First Appellate Authority,
The Director of Fisheries,
Directorate of Fisheries,
Panaji – Goa. 403001.

... Respondents

Relevant emerging dates:

Date of Hearing : 03-01-2019

Date of Decision : 03-01-2019

ORDER

1. Brief facts of the case are that the Appellant vide an RTI application dated 23/04/2018 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, Office of Directorate of Fisheries, Panaji Goa.
2. The information pertains to the following: (1) Persons recruited /appointed as Fieldman in your Department during years 1998 2001 either by Direct recruitment or Promotion. (2) Persons recruited/appointed as Fisheries Surveyor/ Surveyor in your Department during years 1989 2009 either by Direct recruitment or Promotion. (3) Certified copies of Appointment Orders, Birth Certificate and relevant Educational Qualifications, Experience Certificate of persons appointed as in point no 1 & 2 above. (4) Certified Copies of Police Verification of persons as in point no 1 & 2 above. (5) Any Criminal or fraudulent activities committed by persons as in point no 1 & 2 and action taken by your department.

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3. It is the case of the Appellant that he has not received any information from the PIO and that is why he filed a First Appeal dated 04/06/2018 and the First Appellate Authority (FAA) vide his Order dated 13/06/2018, directed the PIO to furnish information to the Appellant as per RTI Act 2005. It is seen thereafter that vide a letter dated 13/06/2018 the Respondent PIO furnished a reply stating that the information sought is exempted from disclosure as per Section 8(1)(j) and hence the information is rejected.
4. Being aggrieved with the said reply of the PIO dated 13/06/2018, the Appellant once again filed a First Appeal on 06/07/2018 the FAA and the FAA vide another Order dated 07th August 2028 upheld the reply of the PIO in applying section 8(1)(j) and denying the information and the Appellant has challenged this Order of the FAA by approaching the Commission by way of a Second Appeal registered with the Commission on 21/08/2018 *inter alia* on the ground that Respondent 1 & 2 have acted in frivolous illegal manner by refusing to provide information and has prayed that Respondent No.1 be ordered to furnish to the Appellant proper and specific information and for disciplinary action and other such reliefs.
5. During the hearing the Appellant, Shri Krishnaraj Candolkar is present in person. The Respondent PIO Ms. Dora C. Lobo Fernandes, Office Superintendent, O/o Directorate of Fisheries is also present in person.
6. The PIO submits that pursuant to the receipt of the RTI application dated 23/04/2018, a specific reply was furnished to the Appellant vide letter No.DF/ADMN/RTI/Vol.IV/2017/722 dated 21/05/2018 as per section 7(1) within the mandated 30 days period wherein the said information was rejected from disclosure under section 8(1)(j) of the RTI Act 2005 and request for information was thus rejected. It is stated that the said reply was sent by Registered A.D., however the envelope was returned back by postal authorities stating reason as 'left residence'.

7. The PIO also submitted that the Appellant had filed a First Appeal on 04/06/2018 and the FAA vide an Order dated 13/06/2018 directed the PIO to furnish the information to the Appellant as per the RTI Act 2005 and that as per the directions of the FAA, a reply bearing No. DF/ADMN/RTI/VOL.IV/2017/1095 dated 13/06/2018 was once again furnished to the Appellant by stating that said information was rejected from disclosure under section 8(1)(j) of the RTI Act 2005 and request for information was thus rejected, however the second reply was also returned back by the postal authorities with remark 'addressee left' and subsequently when the Appellant approached the office of the PIO in person, the reply was given hand delivery to the Appellant under acknowledgement on 27/06/2018.
8. The PIO finally submitted that the Appellant thereafter filed another First Appeal dated 06/07/2018 and the FAA vide his order dated 07/08/2018 dismissed the First Appeal upholding the decision of Respondent PIO. The PIO argued that the information sought pertains to the years from 1989 onwards which is more than 30 years old and that information regarding to Appointment Order, Birth Certificate, Educational qualification and Experience Certificate of the person appointed as fieldsman are personal information and have no bearing with the public activity. The PIO has relied on judgment passed the Supreme Court in Special Leave Petition in (Civil) No.27734 of 2012 between Girish Ramchandra Deshpande Versus Central Information Commissioner & Others.
9. The Appellant in his submission agrees with the contention of the PIO, that the information is exempted as per section 8(1)(j) however submits that he has sought information in public interest.
10. The Commission after hearing the submissions of the PIO and the Appellant and after perusing the material on record indeed finds that the information sought in the RTI application is personal information was rightly denied the disclosure under section 8(1)(j) vide two letters dated 13/06/2018 and 21/05/2018 by the PIO.

11. The Commission also finds that the First appellate Authority (FAA) has passed a justifiable speaking Order after hearing both the Appellant and Respondents and in the second last para of the order, the FAA has observed thus: "In my opinion, as per above provision of RTI Act 2005, the Appellant could not establish that information seek by him involved larger public interest. Therefore I am of the firm opinion that the Respondent in the instant case has rightly denied the information sought by the appellant by invoking the correct provision of the RTI Act 2005 and therefore I do not feel to interfere into the decision taken by the PIO in denying the information sought by the Appellant"

12. **No intervention is therefore required with the Order of the First Appellate Authority.** As the information sought is personal in nature and has no bearing with the public activity, the PIO has rightfully denied the same by claiming exemption under section 8(1)(j) of the RTI Act 2005 and which the PIO vide letter dated 21/05/2018 within the mandated 30 days period as per section 7(1). Also another letter dated 13/06/2018 was also hand delivered to the appellant in person. Therefore the PIO has not faulted in anyway.

The Appeal is devoid of any merit and accordingly stands dismissed."

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