

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.65/2019/SIC-II

Shri Ramesh Kamat,
Kamat Villas, No. 4,
Caranzalem, Panjim Goa

..... Appellant

v/s

1. Public Information Officer,
Shri Sanjay Ghate
Kadamba Transport Corporation Ltd.,
Paraiso de Goa Building
Porvorim – Goa.
2. The First Appellate Authority
Shri Derrick Pereira Neto,
Kadamba Transport Corporation Ltd.,
Paraiso de Goa Building,
Porvorim – Goa .

..... Respondents

Relevant emerging dates:

Date of Hearing : 10-12-2019

Date of Decision : 18-12-2019

ORDER

1. **Brief facts** of the case are that the Appellant Shri. Ramesh Kamat vide an RTI application dated 21/11/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Kadamba Transport Corporation Ltd. Goa.
2. The information pertains at 10 points and the Appellant is *inter alia* seeking information about a Writ Petition No.569/2008, of Mahesh Kamat v/s Kadamba Transport Corporation Ltd, where in the respondent corporation had compulsorily retired Shri. Mahesh Kamat, Petitioner under FR 56(j). The Hon. High Court had considered an issue whether the respondent corporation can invoke its power under FR 56 and compulsorily retire the petitioner on the ground that the continuation in service till he attains the age of superannuation will not be in public interest. The Hon. Court had refused to interfere in the impugned order of compulsory retirement on various reasons one of which is that the Order is based on evidence/ material and arrived at conclusion that the decision of the respondent corporation is not contrary to provisions of Jr. 56..... ...2

.....On page 14 of judgment the Hon. Court on the basis of affidavit evidence and documents placed before it observed that the respondent employer has assessed the material and come to the conclusion that the continuation of the petitioner till he attains the age of superannuation was not in public interest. The Appellant in the above context is seeking to furnish following records in the matter of compulsory retirement of Shri. Mahesh Kamat prior to the order of compulsory retirement dated 19/07/2007 and 20/06/2008, the review of performance/service based on petitioners service records by the review Committee with its recommendations to continue or retire the petitioner, consideration of recommendations by the Board for its acceptance and approval, formation of opinion to prematurely retire the petitioner in public interest, Record of constitution of representation committee and review of representation with recommendations and consideration of representation committee report for acceptance and approval and Boards final opinion to continue or retire the employee, furnish records of further steps taken against the order of suspension KTC/ADMC/1-1/2007-08/ dated 08/06/2007 after placing Shri Mahesh Kamat under suspension with immediate effect such as revocation, modification, extension, enquiry proceedings and final disposal as penalty exoneration and to furnish the copy of suspension order KTC/ADMN/1-1/2007-08/ dated 08/06/2007 suspending Shri. Mahesh Kamat under suspension for the period 08/06/2007 to 20/06/2008 and further steps taken against that suspension order such a revocation, modification, extension, enquiry proceedings and final disposal as penalty/exoneration and other such related information as contained in the RTI application filed therein.

3. It is seen that the PIO vide reply No.KTC/PIO/RTI/82/2018-19/159 dated 13/12/2018 informed the Appellant that the information sought is third party information which has no larger public interest. The PIO further informed the Appellant stating thus "you have taken the NOC from the Mr.Mahesh Kamat who is ex-employee of this Corporation and the NOC given by Mr. Mahesh Kamat..."

..... is dated 11/11/2018 and your application is dated 21/11/2018, which proves that Mr. Mahesh in connivance with you is building pressure on KTCL officials with mere moto of harassing public Authority”.

4. The PIO further submitted that it is Mr. Mahesh Kamat who has narrated you the total episode which is proved from the application which can come to your mind only when you are aware of the facts, and that Mahesh Kamat has taken your shelter along with many other by filling numerous RTI applications for harassment and thus did not furnish any information.
5. Not satisfied with the reply of the PIO, the Appellant filed a First Appeal on 10/01/2019 and the First Appellate Authority vide an Order dated 13/02/2019, dismissed the First Appeal on the ground as the Appellant could not substantiate that the information sought of the third party in larger public interest and refuse to interfere with the decision of the PIO. The FAA in his Order has given details of various RTI applications filed by several people on behalf of Mr. Mahesh Kamat and has given a list of various RTI applications filed by Mr. Mahesh Kamat under various names.
6. Being aggrieved with the Order of the FAA, the Appellant has approached the Commission by way of Second Appeal registered on 12/03/2019 and has prayed to direct the PIO to furnish correct and complete information and that the PIO should not deny the information to the Appellant on the basis that similar information asked by someone sometime, and the PIO should be directed to file an Affidavit and for penalty and other such reliefs.
7. **HEARING:** This matter has come up before the Commission on four previous occasions and by consent is taken up for final disposal. During hearing The Appellant Shri Ramesh Kamat is represented by Shri. Mahesh Kamat who has not filed any letter of authority. The Respondent PIO, Shri Sanjay Ghate, General Manager, KTCL, Porvorim is present alongwith Shri Sudhakar Gawde, LDC with Public Authority. The FAA is absent.

8. **SUBMISSION.** The PIO submits that although Mr. Mahesh Kamat is representing the Appellant Mr. Ramesh Kamat but he has failed to produce any letter of authority or power of attorney or any such documents permitting him to appear on behalf of the Appellant before the Commission and as such should not be permitted to represent the Appellant. The PIO further submits that in his reply it was made amply clear to the appellant that the information sought is regarding third party information which has got no relation to public interest or public activity. It is also submitted that the Appellant had filed a First Appeal and that the FAA has upheld the reply of the PIO and dismissed the First Appeal.
9. **FINDINGS:** The Commission at the outset finds that the Appellant has not given any letter of authority to Shri Mahesh Kamat to represent him before the Commission and in view of the objections raised by the PIO, Shri. Mahesh Kamat is not allowed to make submissions on behalf of the appellant. Nevertheless, as per the RTI act, the Appellant need not be present during the hearing and the Commission cannot dismiss the appeal case for default and as such proceeds to dispose the matter purely on merits.
10. The Commission after hearing the submission of the PIO and perusing the material on record including the RTI application dated 21/11/2018, reply of the PIO dated 13/12/2018, order of the FAA dated 13/02/2019, appeal memo of the appellant, reply filed by the FAA dated 06/05/2019 indeed finds that the information sought by the appellant is regarding 'third party information' of one Shri Mahesh Kamat who himself has filed several RTI applications seeking information pertaining to his employment, suspension and compulsory retirement and because of repeated filing of RTI applications, the public authority (KTCL) has uploaded all information pertaining to the employment files including the numerous RTI applications on the company website. The Commission accordingly finds that the RTI application filed by the Appellant is a benami application filed by none other than Shri Mahesh Kamat himself.

11. The Commission therefore finds that such RTI application filed is in utter abuse of the RTI act and has been filed to settle personal scores out of vendetta and mainly to harass the PIO and other officers in the Public authority because of a dispute between Shri Mahesh Kamat and the public authority –KTCL.

Hon'ble Supreme Court in CBSE vs. Aditya Bandopadhyay, (2011) 8 SCC 497, explained: 4 "67. Indiscriminate and impractical demands or directions under the 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 counterproductive 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.

12. The Commission finally finds that the FAA has passed a justifiable and speaking order while also specifying in his Order the details of various RTI applications filed by several people on behalf of Mr. Mahesh Kamat and has provided a list of various RTI applications filed by Mr. Mahesh Kamat under various names.

13. **DECISION:** No intervention is required with the order of the FAA dated 13/02/2019. As the information pertains to third party (Shri Mahesh Kamat) and which has no relation to any public activity and further in view that the application is submitted by the Appellant in connivance with Shri Mahesh Kamat, ex employee of the KTCL with malafide approach and finally in view that all information pertaining to employment, suspension and compulsory retirement of Shri. Mahesh Kamat has been already uploaded on the website **nothing further survives in the Appeal case which accordingly stands dismissed.**

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