

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

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

**Complaint No.118/SIC/2013**

Shri Mangaldas L. Shetkar,  
4/C, Govt. Quarters,  
Patto, Panaji – Goa

**..... Complainant**

**v/s**

Public Information Officer,  
Additional Collector - II,  
Office of the Collector,  
South Goa District, Margao-Goa.

**...Opponent**

**Relevant emerging dates:**

**Date of Hearing : 18-11-2019**

**Date of Decision: 18-11-2019**

**O R D E R**

1. **Brief facts of the case** are that the Complainant vide an RTI application dated on 28/02/2013 sought certain information under Section 6(1) of the RTI Act, 2005, from Respondent PIO, O/o District Collectorate South, Margao Goa.
  
2. The Complainant *inter alia* is seeking information of Certified copy of the Order of appointment/posting of the Assistant Collector under the South Goa Collectorate, Certified copy of the post creation order of the post of Assistant Collector under South Goa Collectorate, Certified copy of the training Schedule of the present incumbent Ms. Isha Kosla, Certified copy of the State Govt. approval for the training programme of the Assistant Collector in South Goa District Collectorate, the pay scale attached to the post and the total emolumenta drawn by the present incumbent Ms.Isha Kosla from her dated of appointment in the South Goa Collectorate till date and the details of house Rent paid during the period of probation/training of Ms. Isha Kosla, the details of Transport Allowance drawn/paid during the period of probation, Certified copy of the request made by Ms.Isha Kosla for accommodation at Govt. Rest House, Monte hill Margao...

...2

.... and Certified copy of the accommodation allotment order of Ms. Isha Kosla in the Govt. Rest House Monte hill Margao, the date since when the accommodation has been occupied and details of rent collected on account of the said accommodation and other such related information as contained in the RTI application filed therein.

3. It is the case of the Complainant that he has not received any reply nor information from the Respondent PIO and as such a First Appeal was filed on 29/04/2013 which was heard and disposed off on 15/05/2013. It is seen that the First Appellate Authority (FAA) has passed an Ex-parte Order directing the Respondent PIO to furnish information and to fix responsibility as to why RTI application was kept pending.
4. Being aggrieved that despite the Order of First Appellate Authority (FAA), the PIO has failed to provide information, the Complainant has approached the Commission by way of direct complaint case registered on 08/08/2013 and has prayed to direct the Respondent PIO to furnish information and for penalty disciplinary action and other such reliefs.
5. **HEARING:** This old matter of 2013 has come up before the Commission on numerous previous occasions and hence taken up for final disposal. During hearing the Complainant Shri Mangaldas L. Shetkar is absent. It is seen from the Roznama that the Complainant has remained absent right since 17/04/2017 and it appears that the Complainant is not interested to pursue his Complaint Case.
6. The Respondent PIO is represented by Shri. Eshant V. Sawant, Mamlatdar in Collectorate (South-II) who files letter of Authority which is taken on record. Also present in the commission is the former PIO, Smt. Deepali D. Naik.

**SUBMISSIONS:** At the outset the representative for the PIO submits that some information was not furnished to the Complainant at points 1,2,3,4,5,6,7,8,9,10,15,16,17,18,31,32,36, 37,38,39,and 40 since the same were personal in nature and hence was exempted under section 8(1)(J) being personal information the disclosure of which has no relation to any public activity and is not in larger public interest. It is also submitted that part information at points 11,12,13,14,19,20,21,22,23,24,25,26,27,28 29,30,33,34,35,36,37,and 38 was furnished to the Complainant.

7. It is also submitted that the PIO at that point of time one Smt. Deepali Naik who was serving as thte Chief Offcer, Margao Municipal Council and Smt. Sandya Kamat who was occupying the post of PIO during the year when the RTI application was filed in 2013.
8. Smt. Deepali Naik who was the former PIO submits that although she was the PIO at that point of time during the year 2013 and she was transferred during the month of March and that Smt. Sandya Kamat had taken over as the PIO. It is also stated that as information sought in the RTI application was voluminous at 40 points and it was not possible to furnish information immediately and which is why the RTI application remained pending.
9. **FINDINGS:** The Commission after perusing the material on record and hearing the submission of Shri. Eshant Sawant the Representative for the present PIO and Smt Deepali Naik the former PIO indeed finds that the Complainant had sought voluminous information at 40 points and further the information at most points was personal in nature pertaining to two officers namely Ms. Isha Kosla occupying the post Asst. Collector and Shri. N.D. Agarwal who was the Collector (South) and being 'personal information' was thus hit by provisions of section 8(1)(J) and having no relationship to public activity and thus was not furnished.

10. The Commission further finds that the PIO has also filed a reply dated 03/10/2017 and has furnished about 150 pages of information documents at other points including copies of log book, salary details, Travelling allowances, mobile charges, quarterly activity report and various other information.
11. The Commission also finds that the former PIO Smt. Deepali Naik was transferred during the intervening period and as the information sought was voluminous, in good faith the RTI application did not come to be replied timely and no action can be taken for any act done in good faith as per Section 21
12. **Section 21:** "Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder."
13. The Commission finally finds that the FAA has passed an Ex-parte Order without hearing the parties and which is not permissible as per the RTI act. The First Appellate Authority being the next higher senior officer to the PIO should have ensured that the Respondent PIO who is also working in the same Department appears before him and presents his side of the case.
14. The Commission observes that the FAA has failed to realize that the information sought by the Complainant at certain points was personal in nature and accordingly was exempted as per section 8(1)(J) being Personal Information. The Commission accordingly finds that the order of that the FAA is erroneous and as such is hereby quashed and set aside.

15. **DECISION:** The Commission comes to the conclusion that the PIO information has furnished information containing about 150 pages of documents pertaining to points 11,12,13,14,19,20, 21,22,23,24,25,26,27,28,29,30,33,34,35,36,37 & 38 and that certain other information at points 1,2,3,4,5,6,7,8,9,10, 15,16,17,18,31,32,36,37,38,39 and 40 could not be furnished as the same was exempted u/s 8(1)(J) being Personal information.

**Nothing therefore survives in the Complaint case which accordingly stands disposed.**

With these observations all proceedings in the Complaint case are closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of order be given free of cost.

**Sd/-  
(Juino De Souza)  
State Information Commissioner**