

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No. 28/2018/SIC-II

Shri Mahesh Kamat,
101, Blossom,
CD Seasons Cooperative
Housing Society,
Murida, Fatorda,
Salcete – Goa.

... Complainant

v/s

Public Information Officer,
Shri Sanjay Ghate/PIO
Kadamba Transport Corp. Ltd.,
'Pariaso Building',
Porvorim - Goa.

.... Opponent

Relevant emerging dates:

Date of Hearing : 10-12-2019

Date of Decision: 17-12-2019

ORDER

1. **Brief facts** of the case are that the Complainant vide an RTI application dated 19/02/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Kadamba Transport Corporation Ltd. Porvorim-Goa.
2. The information pertains at 12 points and the Complainant is *inter alia* seeking information regarding suspension Order dated 08/06/2007 which was effective without determination of suspension period from 08/06/2007 to 20/06/2008 and Mr. Neto, MD & DA via Order dated 04/12/2014 directed that the suspension order dated 08/06/2007 suspending the applicant from 08/06/2007 to 20/06/2008 is stand revoked and to provide inspection in the matter of stand revoked order dated 04/06/2014 in respect of suspension order dated 08/06/2007 from the stage of initiation by personnel/Legal /Administration dept. of KTCL till the stage of approval and release of order by Mr. Neto, MD & DA and to furnish the complete records next to order of suspension dated 08/06/2007 till 20/06/2008 all including i.e. charge sheet, appointment of enquiry officer,.....

...2

.....presenting office management witness, records of proceedings, enquiry finding submission of findings to the applicant for opinion and order of removal dismissal, compulsory retirement upon establishment of charges 20/06/2008 and Mr. Neto in written statement in suit 68/2015 stated on oath before Civil court that revocation of suspension order dated 08/06/2007 technical and symbolical and Mr. Neto has delegated disciplinary authority to his junior officer Kunkolienkar to deal with suspension order dated 08/06/2007 deemed revoked the suspension order vide letter dated 30/06/-and to furnish the rules of CCS CCA, 1965 under which Mr. Neto delegated his disciplinary powers to his subordinate officer, furnish the letter made to Adv. Surendra Desai for his opinion in the matter of Fr 56(j) retirement of the applicant and his reply in the matter, to furnish names of Directors who attended 156th and 157th Board meeting and records of opinion submitted by each director of 156th Board meeting to chairman with reference to item No.4 and resolution 43/2008 in ht matter of premature retirement under Fr 566(j) of the applicant and kindly provide the records of instruction given by the Board to withdraw the decision vide resolution 71/2007 for reconsideration 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/166/(48)/2017-18/114 dated 19/03/2018 furnished the information. The PIO informed the Complainant, that inspection was given of the documents/files maintained by Personnel Department & Department & Finance Department on 12/03/2018 in connection with Appeal No.33/2018/SIC before SIC and had furnished all the relevant documents vide Annexure A,B &C on 26/03/2018 and there are no any other files maintained and available with KTCL, other than furnished and hence documents related to 1(a, b, c, d, e, g, h, j, k,) 2,3,4,7,9,11,12 have been searched by 12/03/2018 and taken cognizance.

4. The PIO also furnished further information and with respect to point 1-d-it was informed that the Case is before Civil court for hearing, documents or clarification regarding the same can be asked before appropriate court. With respect to point 1-f, it was informed that noting N/30 and N/31 will be given to you on 26/03/2018, as it was identified during inspection dated 12/03/2018 (copy of the Noting & N/31 is enclosed at Annexure "A"5&6- Case is before Civil court for hearing and hence documents or clarification regarding 68/2015 be asked before appropriate Court. With respect to information at point no 8-Letter addressed to Advocate S.G. Desai is enclosed at 'Annexure' and that his reply is not received. In point no 10, the PIO informed the Names of BOD's who attended the 157th meeting is given vide letter NO.KTC/PIO/166/62/2014-15/181 dated 15/01/2016 and regarding 156th BOD attended, list was enclosed at Annexure 'C'.
5. Not satisfied with the reply the Complainant filed a First Appeal on 11/04/2018 and the FAA vide an Order dated 15/05/2018 dismissed the First Appeal by holding that the prayer as sought by the Complainant are beyond the purview of the PIO and reliefs cannot be granted.
6. Being aggrieved, with the Order of First Appellate Authority (FAA) the Complainant has approached the Commission in a Complaint case registered on 11/06/2018 and has prayed that the PIO be directed to provide of suspension Order and all other disciplinary proceeding and for penalty and other such reliefs.
7. **HEARING:** During the hearing the Complainant Shri Mahesh Kamat is present in person. The Respondent PIO, Shri Sanjay Ghate, General Manager, KTCL, Porvorim is present alongwith Shri Sudhakar Gawde, LDC with Public Authority.
8. **SUBMISSION:** The Complainant submits that the information given by the PIO on 12/03/2018 is not repeated in the present RTI application and the records are not been produce for inspection.

9. The Complainant also submits that there is an Affidavit filed by him stating the information relates to the personal records of the Complainant which were available with the public authority in view of his employment with the public authority. The Complainant also submits that this information was subject matter of a High Court litigation and that he maintains whatever is submitted in the written arguments filed by him.
10. The Respondent PIO submits that all information as was available with the public authority has been furnished to the Complainant. The PIO further submits that the Complainant has inspected all files pertaining to all aspects of his employment from his date of joining till his compulsory retirement and that an inspection was carried out on 28/02/2018 and that whatever additional information was sought for such copies were also furnished to him.
11. The PIO further submits that the public authority KTCL is not having any other information in regard of the employment of the Complainant and that all information pertaining to his suspension and compulsory retirement and other information relating to his employment from 2003 onwards is uploaded on the website on 15/03/2019
12. **FINDINGS:** The Commission at the outset finds that the Complainant has filed numerous RTI applications with the same public authority i.e KTCL asking more or less the same and similar information which pertains to his compulsory retirement under JR 56 and which information as was available has been furnished to the Complainant.
13. The Commission also finds that 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 has perused the website and has downloaded a copy of all such relevant information which is taken on record of the Commission. ...5

14. The details of information uploaded on the website are as follows: Personal file – I (Part File) Vol-IV containing 440 pages, Personal File Vol 2 No.566, Dy. F.C date 13/12/1982 containing 468 pages, CRS Account File w.e.f July 07 containing 306 pages, Personal file provided for inspection containing 344 pages, Legal file containing 247 pages, Legal section II file of the year 2008-09. 112 HC W.P.569/08 containing 502 pages are uploaded on the KTCL website (ktclgoa.com) and also details of 34 RTI Applications filed by the Complainant Shri Mahesh Kamat are also uploaded on the website.

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.

15. **DECISION:** Commission comes to the conclusion that in view that PIO has given inspection of the documents/files maintained by the legal Department, Personnel Department and Finance Department and further in view that all relevant information has been furnished vide annexure's A,B,C on 26/03/2018 and in view that no further records are available and finally the fact 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 Complaint case which accordingly stands disposed.** No intervention is required with the order of the FAA dated 15/05/2018 which is justifiable and speaking order.

With these observations all proceedings in the Complaint case stands disposed. 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

