

**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: 47/2018/SIC-II**

Shri Sarvesh Raghu Khandolkar,  
R/o. House No.151, Carmi Bhat,  
Merces, Tiswadi - Goa. 403 005

**..... Complainant**

**v/s**

1. Public Information Officer,  
Office Superintendent,  
Administrative Branch,  
DGP's Office, PHQ,  
Panaji - Goa. 403 001.
2. First Appellate Authority,  
The Superintendent of Police,  
Police Headquarters,  
Panaji – Goa.

**..... Opponents**

**Relevant emerging dates:**

**Date of Hearing : 20-08-2019**

**Date of Decision : 20-08-2019**

**ORDER**

1. **Brief facts** of the case are that the Complainant vide an RTI application dated 05/04/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Office Superintendent, O/o DGP, Police Headquarters, Panaji - Goa.
2. The information sought is at five points and pertains to a representation dated 08/04/2017 submitted by the Complainant through proper channel and the complainant is *inter alia* seeking certified copy of notesheet file, along with entire proceedings/enclosures, show cause notices, DFA's preliminary enquiry report, statements recorded etc. pertaining to preliminary enquiry conducted by PSI Vilesh Durbhatkar against the undersigned, Certified copy of Circular No.ES-II/Leave/2619/2010 dated 17.03.2010 along with notification of Government of Goa, Certified copy of action taken report by the DGP and DIGP on the said representation and other such information as contained in RTI application therein.

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3. It is seen that PIO vide letter No.OS/ADMN/RTI-93/4160/2018 dated 10/04/2018 has furnished whatever information was available at points 1 & 2 in tabulation form by enclosing annexures and the rest of the information was transferred under section 6(3) to the PIO DYSP HQ North, Porvorim on 05/04/2018 vide letter No. OS/ADMN/RTI-93/4060/2018.
4. It is seen thereafter that PIO, Dy. Superintendent of Police, Headquarters North, Porvorim–Goa vide letter No.Dy.SP.HQ (North)/RTI-66/109/2018 vide letter dated 07/04/2018 has also furnished information as was available in Tabulation form.
5. Not satisfied with the reply of the PIO, the Complainant filed a first Appeal on 12/04/2018 and First Appellate Authority (FAA) vide an order dated 24/04/2018 directed the PIO regarding point no 1 to give a specific reply and further to check for the records from the Administration Branch, PHQ, Panaji for information at points 3, 4 & 5 and furnish the relevant information within 10 days of the receipt of the order free of cost. It is seen that pursuant to the order of FAA, PIO has furnished information vide letter no. OS/ADMN/RTI-93/4908/2018 dated 02/05/2018 in tabulation form.
6. The Complainant is aggrieved with the information provided by the PIO on the ground that the information furnished is incorrect incomplete and misleading has approached Commission by a way of Complaint case registered on 23/08/2018 and has prayed that strict disciplinary action be taken and other such reliefs.
7. **HEARING:** This matter has come up before the Commission on several previous occasions and hence taken up for final disposal. During hearing the Complainant Shri Sarvesh Raghu Khandolkar is present in person. The Respondent PIO, Shri. John Nazareth, Office Superintendent is present alongwith Shri. Siddesh Walke, LDC. The FAA is absent. Adv. K.L. Bhagat also appears on behalf of PIO & FAA.

8. **SUBMISSION:** At the outset the Complainant submits that incorrect information was furnished by the PIO in his reply dated 02/05/2018 and while the FAA in his order had directed to the PIO to check for the records from the Administration Branch, PHQ, Panaji for information at points 3, 4 & 5 and furnish relevant information. The PIO in his reply no. OS/ADMN/RTI-93/4908/2018 dated 02/05/2018 has stated at points 3,4 &5 that the copy was endorsed to the DGO / DIGP Goa for information and hence question of taking action on it does not arise and which is a vague and incorrect information. The Complainant finally submits that he requires a specific information if any Action was taken or not taken. The PIO submits that whatever information as was available has been furnished to the Complainant.
9. **DECISION:** The Commission has perused the reply of the PIO dated dated 02/05/2018 and finds that the PIO at points 3, 4 & 5 has merely stated that the copy was endorsed to DGP / DIGP Goa for information and hence question of taking action on it does not arise and is thus expressing his opinion. The Complainant has sought for certified copy of action taken report and if there is no such action taken report available because no action was taken, the PIO should in clear terms specify accordingly. The Commission directs the PIO to give a specific information if there was any action taken or not taken on the said representation dated 08/04/201 within 15 days of the receipt of this order through speed post.

**With these directions the Complaint case stands disposed. Consequently the reliefs sought by the Complainant for disciplinary against PIO and for imposing penalty stands rejected.**

All proceedings in Complaint 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**

