

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

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

**Appeal No. 222/2019/SIC-II**

Damodar Vaman Hadfadkar,  
Arao, Pomburpa,  
Carona, Bardez Goa.  
403523.

**..... Appellant**

**v/s**

1. The Public Information Officer/  
General Manager,  
Mr. S.L. Ghate,  
Kadamba Transport Corporation Ltd.,  
Porvorim, Bardez Goa.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 13-01-2020**

**Date of Decision: 13-01-2020**

**ORDER**

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 14/03/2019 sought certain information u/s 6(1) of the RTI Act, 2005 from the Respondent PIO, Kadamba Transport Corporation, Ltd. Porvorim-Goa. The information pertains to certificate attendance copies of one Shri. Shrikant V. Hadfadkar, Mechanic at Porvorim Department. The Appellant is seeking information of Attendance from 20<sup>th</sup> April 2018 to 30 May 2018 and from 1<sup>st</sup> February 2019 to 28<sup>th</sup> February 2019 and information of the time for the duties allotted to the said employee with lunch break of his at day and night shift.
2. The PIO vide reply No.KTC/PIO/RTI/111/2019-20/08 dated 11/4/2019 informed the Appellant that as per Section 11(1) of RTI Act 2005, the third party Shri. Shrikant V. Hadfadkar has not given permission to disclose his personal information. It was further informed to the Appellant that after reviewing the RTI application was found that there is no public interest in the information sought by the appellant and hence the information was rejected.

3. Not satisfied with the reply of the PIO, the Appellant filed a First Appeal on 07/05/2019 and the First Appellate Authority (FAA) vide an Order dated 21/06/2019 dismissed the First Appeal by upholding the reply of the PIO.
4. Being aggrieved with the Order of FAA, the Appellant thereafter has subsequently approached the Commission by way of Second Appeal registered on 22/07/2019 and has prayed that the impugned Order passed by the FAA on 21/06/2019 be quashed set and aside and that the PIO be directed to furnish the requested information and other for other such reliefs.
5. **HEARING:** This matter has come up for hearing before the Commission on two previous occasions and is thus taken up for final disposal. During the hearing the Appellant Damodar Vaman Hadfadkar is present in person. The Respondent PIO, Shri Sanjay Ghate, General Manager, KTCL Porvorim is present along with Shri. Sudhakar Gaude (LDC) with the public authority.
6. **SUBMISSION:** At the outset the Appellant submits that he had filed an RTI application in public interest because the said employee Shri. Shrikant V. Hadfadkar working with KTCL is not attending to his duties although he has been signing the Attendance register and hence information of copies of Attendance register and certificate of Attendance for the period from 20<sup>th</sup> April 2018 to 30 May 2018 and from 1<sup>st</sup> February 2019 to 28<sup>th</sup> February 2019 was sought. The Appellant further submits that as a tax payer he is entitled to get the information because the Corporation is owned by the Government of Goa and requests the Commission to direct the PIO to furnish the information.
7. Per contra the Respondent PIO submits that the information pertains to a third party who has objected to furnishing the information being personal information by letter dated 01/04/2019 and as such the same was denied u/s 8(1)(j).

8. The PIO also submitted that if the said third party is not attending to his duties but is showing work by signing the attendance register, then the Appellant instead of filing RTI applications must approach the appropriate forum to address his Complaint. The PIO stated that nowhere has the Appellant shown that the information is sought in larger public interest.
9. The PIO finally submits that the Appellant had filed a First appeal which was dismissed by the First Appellate Authority and as such the Second Appeal should be dismissed.
10. **FINDINGS:** The Commission after hearing the submission of the respective parties and perusing the material on record finds that the PIO after receiving the RTI application dated 14/03/2019 invoked Section 11(1) on 22/03/2019 being third party information and the concerned third party vide his letter dated 01/04/2019 filed his objections by submitting that the information sought, is personal information and hence cannot be given to the Appellant and after which the PIO subsequently vide letter dated 11/04/2019 informed the Appellant that the concerned third party has not consented to furnishing information about his employment records being personal information and accordingly the same was denied u/s 8(1)(j).
11. The Commission also finds that the PIO in the said letter has pointed out that there is no public interest in the RTI application. It is also a fact that the Appellant has filed a First Appeal and the First Appellate Authority (FAA) dismissed the First Appeal by upholding the reply of the PIO.
12. **DECISION:** No interference is required with the Order of First Appellate Authority. The information being third party information and personal information was correctly denied by the PIO who cannot be faulted. The Appeal is devoid of any merit and stands dismissed.

13. The Appellant has argued that he sought information about the concerned third party Shri Shrikant Hadfadkar in public interest only because the said employee is signing the attendance register to show that he is working but is actually not attending office and as a Tax payer he sought information to put the things in proper Order in KTCL which is a Goa Government Undertaking.
  
14. In this context, the Appellant is at liberty, if so advised, to redress his grievances before the appropriate forum regarding the said employee.

With these observations, 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.

**(Juino De Souza)**  
**State Information Commissioner**

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

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

**Appeal No. 215/2019/SIC-II**

Mr. Uday B. Vaigankar,  
Khalchawada, Harmal,  
Pernem – Goa.  
403524.

**..... Appellant**

**v/s**

1. The Public Information Officer,  
O/o. Executive Engineer, PWD  
Works division XIII(Roads),  
Mapusa-Goa 403512.

**..... Respondents**

2. The First Appellate Authority,  
O/o. SSW, PWD  
Altinho, Panaji Goa. 40300.

**Relevant emerging dates:**

**Date of Hearing : 13-01-2020**

**Date of Decision: 13-01-2020**

**ORDER**

15. **Brief facts** of the case are that the Appellant vide an RTI application dated 11/03/2019 sought certain information u/s 6(1) of the RTI Act, 2005 from the Respondent PIO, O/o the Executive Engineer, PWD, DIV.XIII, Mapusa Goa.

16. The information pertains to reply bearing No.PWD/WD XIII (R) /Adm-45/19-20/28 dated 18/02/2019 and the Appellant is seeking information at four points (1) date/s on which encroachments noted/checklist filed on MDR-18 since 01/01/2002, (2) status of such list forwarded of encroachments mentioned in point no.4, (3) furnish various complaints filed against such encroachments since 01/01/2002, (4) furnish objections raised to oppose removal of encroachments since 01/01/01/2002, (5) All details of Land acquisition process (except ROAD MAP Plan) of MDR-18 till date.

17. It is seen that the PIO informed the Appellant vide letter No.PWD/WD XIII (R)/Adm-45/19-20/28 dated 05/04/2019 to pay an

amount of Rs.26/- towards photo copying charges and collect the available information on any working day. It is seen that the Appellant has paid the amount of Rs.26/- vide receipt No.85 dated 09/04/2019 and has collected the information.

18. It is seen that the PIO vide letter No.PWD/WD XIII (R)/Adm-45/19-20/46 dated 09/04/2019 has furnish the information with respect to point No.1, 2, 3 & 4 the list in Annexure 1,2,3, & 4 were enclosed in point No.5. The PIO has stated that since the information is voluminous, the Appellant may approach the Office of the PIO with prior appointment to inspect the file.

19. Not satisfied with the fact that the PIO, has not furnish information at point No.5 , the Appellant filed a First Appeal on 26/04/2019 and the First Appellate Authority (FAA) vide an Order dated 07/05/2019 has observed in the last paragraph that even though the Appellant visited the office, but he failed to mark the number of copies required and on hearing, the Appellant asked for all the copies of the file and Authority is hereby ordered to issue the copies within 3 days after payment made by the Appellant.

20. It is further seen that pursuant to the Order of the First Appellate Authority, the PIO has sent further letter to the Appellant on 04/06/2019 informing to pay an amount of Rs.7,408/-towards photocopying charges and collect the Xerox, documents and that Xerox documents will be issued within 3 working days after paying the amount.

21. Being aggrieved with the Order of FAA the Appellant thereafter has approached the Commission by way of Second Appeal registered on 08/07/2019 and has prayed to directed the PIO to furnish information to the Appellant free of cost and for other such reliefs.

22. **HEARING:** This matter has come up for before the Commission on two previous occasions and hence taken up for final disposal. During

the hearing the Appellant Mr. Uday B. Vaigankar is absent. The Respondent PIO is represented by Shri. Shivnath Gawas, Technical Assistant, Sub Division I, Works Div.XIII, PWD Mapusa is present. Shri. Deelip Khaunte, Surveyor of Works, is present on behalf of FAA.

23. **SUBMISSION:** At the outset the representatives for the Respondent PIO Shri. Shivnath Gawas submits that the Appellant was informed in point No.5 that the information sought is voluminous and that he should take inspection and further the Appellant had visited the office and inspected the file but he has not mark the information documents required. It is further submitted that the Appellant has also paid an amount of Rs.26/-and collected information documents at point No.1,2,3 &4 which was furnish to him in Annexure 1, 2, 3, & 4. Not satisfied the Appellant had filed a First Appeal and the First Appellate Authority has directed to furnish information on payment and pursuant to which the PIO had addressed letter dated 04/06/2019 to the Appellant calling upon him to make an amount of Rs.7,408/- and that after receiving the payment, the information would be furnished on 3 working days. Shri Shivnath Gawas finally submits that the Appellant has neither paid the amount and come forward to collect the information but has file a Second Appeal.

24. **FINDINGS:** The Commission after hearing the submission of the representative for the PIO and perusing the material on record indeed finds that the Appellant in his Appeal memo was agreed by fact that the PIO did not mention the number of pages of information documents but only mention that the information is bulky and voluminous. The Appellant in his appeal memo also pointed out that the information furnish in exhibit 'B' in Annexure II is incomplete and that the FAA in his Order has directed to furnish information after paying the necessary fees, although the limit to furnish the information prescribe in the Act has lapse and thus want the information free of cost.

25. The Commission finds that pursuant to the Order of FAA the Appellant was informed to pay an amount of Rs.7,408/- and collect the information. The Commission also finds that the Appellant has taken inspection of the file but did not inform the Respondent PIO as to what other pages of information are required.

26. **DECISION:** No interference is required with the Order of First Appellate Authority (FAA). The Commission comes to the conclusion that the Appellant is not entitled to have the information free of cost and is directed to pay the amount of Rs.7,408/- as per the intimation which was sent by the PIO on 04/06/2019 and collect the information after making the payment if he so desires. In such an event the PIO shall proceed to take Xerox copies of information documents only after verifying that the payment for the same amounting to Rs.7,408/- has been paid by the Appellant. With these directions the Appeal case stands disposed.

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**



