

**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. 186/2019/SIC-II**

Shri Maheshwar A. Samant,  
PC B. No. 6184, GRP, 'D' Coy,  
Altinho, Panaji – Goa.

**..... Appellant**

**v/s**

1. Public Information Officer,  
Dy. Suptd. of Police ,  
Headquarters (North),  
Porvorim – Goa.
2. First Appellate Authority,  
Superintendent of Police (North),  
Porvorim – Goa.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 09-01-2020**

**Date of Decision: 09-01-2020**

**ORDER**

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 26/11/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Superintendent of Police, Head Quarters, Panaji-Goa. The information pertains to three points (1) Kindly issue me a certified copy of the charge Memorandum issued to Shri Gajendra Naik, PC. B.No. 5596 of Panaji Police Station in respect with the article of charge framed against him in De-2/14, (2) Kindly issue me a certified copy of the submission filed by the presenting officer appointed in the departmental enquiry framed against him, and (3) Certified copy of the order No.SP/North/ES-I/DE-2/J 2990/2016 dated 30/10/2016 issued by the Superintendent of Police, (North), Porvorim.
2. It is seen that the PIO, vide his reply No.Dy.SP.HQ(North)/RTI-298/513/2018 dated 24/12/2018, furnished the information in tabulation form. The PIO with respect to information at point 1,2,3 (a,b,c) informed the Appellant that the information is rejected under Section 8(1)(j) of RTI Act 2005 being third party information and as the concerned third party Shri Gajendra Naik B.No.5596 of PHQ has objected to provide the same being personal information. ...2

3. Not satisfied with the reply of the PIO the Appellant thereafter filed a First Appeal inwards on 18/01/2019 and the FAA vide an Order dated 28/02/2019 dismissed the First Appeal by upholding the reply of the PIO. The FAA in Order has observed that the information sought by the Appellant is the personal information of third party and also the concerned third party Shri Gajendra Naik, PC B.No.5596 has objected to provide the same hence the information was denied under Section 8(1)(j) of the RTI Act, 2005.
4. Being aggrieved with the Order of FAA, the Appellant thereafter has approached the Commission by way of Second Appeal registered on 13/06/2019 and has prayed that the information requested by him in the RTI application be furnished free of cost and for other reliefs.
5. **HEARING:** This matter has come up for before the Commission on three previous occasions and hence by consent taken up for final disposal. During the hearing the Appellant Shri Maheshwar A. Samant is present alongwith Mr. Joseph A. Mendonca. The Respondent PIO, Dy. S.P. H.Q. (North) is represented by Shri. Sachitanand Malik, Police Constable Buckle No.4892. The FAA is absent.
6. **SUBMISSION:** At the outset the representative for the Appellant, Mr. Joseph A. Mendonca submits that the main reason for filing the RTI application is because of discrimination of to the pay between that of Shri Gajendra Naik, PC B.No.5596 against whom the information was sought and the Appellant who is also working in the same post as Police Constable in the police Department as there is an anomaly and the Appellant wants to pursue justice. It is further submitted that the RTI the information sought does not fall under the purview of third party -Personal Information and hence could not be denied under Section 8 (1)(j). Mr. Joseph A. Mendonca requests the Commission to issue directions to the PIO to furnish the information as sought in the RTI application. ..3

7. The representative for the PIO submits that after the receipt of the RTI application dated 26/11/2018, the PIO had sent the same to the concerned third party Shri Gajendra Naik, PC B.No.5596 and who vide his letter dated 24/12/2018 has objected to furnishing the information being personal information and as such the PIO vide his reply also dated 24/12/2018 accordingly informed the Appellant that the information is rejected under Section 8(1)(j) being Personal information pertaining to the third party Shri Gajendra Naik, PC B.No.5596 who has objected to furnishing the same. It is further submits that the Appellant had also filed a First Appeal and that the First Appeal came to be dismissed and reply of the PIO was upheld.
8. **FINDINGS:** The Commission after hearing the submission of the respective parties and perusing the material on record indeed finds that the information pertains to a third party namely one Shri Gajendra Naik, PC B.No.5596 and who has objected to furnishing the information to the Appellant vide his letter dated 24/12/2018 being Personal information and thus the same was correctly denied by the PIO by applying provision of Section 8(1)(j). The Appellant has also not shown the nature of larger public interest in the RTI application.
9. **DECISION:** No interference is required with the Order of First Appellate Authority. As the information sought pertains to third party and being personal information the same came to be rejected as per section 8(1)(j). Nothing further survives in the Appeal case which stands disposed. Consequently the reliefs sought by the Appellant it is his prayer are rejected.

**R.K Jain versus Union of India & Anr. (LNIND 2013 SC 489):**

**Held:** 8 (1)(j) of the RTI Act states there shall be no obligation to give information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information.

10. Shri. Joseph A. Mendonca for the Appellant has argued that the RTI application dated 26/11/2018 was filed in good faith only because of injustice meted to the Appellant as there is discrimination of the pay between the Appellant and the third party Shri Gajendra Naik, PC B.No.5596 who are both working in same post as Police Constables in the Police Department.
11. Whatever be the reason, the Commission cannot exceed its brief and go beyond the mandate of the RTI act 2005 by directing the PIO to furnish third party information as also Personal information which is hit by provisions of Section 8(1)(j).
12. The Appellant however is at liberty, if so advised, to seek appropriate remedial measures with the appropriate forum to redress his grievance with regard to discrimination of his pay, if he so desires.

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**