

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in

Website: www.scic.goa.gov.in

Appeal No. 228/2019/SIC-II

Shri Mahesh Kamat,
CD Seasons Co-op. Housing Society,
101, 'Blossom', Murida,
Fatorda Goa.

-----Appellant

v/s

Shri Sanjay Ghate,
The Public Information Officer,
KTC, 'Paraiso' de Goa Building,
Alto Porvorim, Bardez – Goa.

-----Respondent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:- 26/07/2019

Decided on: 28/04/2021

ORDER

1. The fact leading to the present appeal as put forth by the Appellant as under:

(a) That the Appellant Shri Mahesh Kamat vide his application dated 02/03/2019 filed under Section 6(1) of the RTI Act sought information at Point No. 1 to 15 from Public Information Officer (PIO) of Kadamba Transport Corporation Limited.

(b) It is the contention of the Appellant that the Respondent No. 1, PIO of KTCL vide letter dated 03/04/2019 furnished the information from Point No. 1 to 9 and informed that from the Point No. 10 to 15 is uploaded on the website of KTCL on www.ktclgoa.com.

(c) Appellant has no grievance of information from Point No. 1 to 9, however he is not satisfied with the information provided from

Point No. 10 to 15, therefore preferred First Appeal before First Appellate Authority (FAA).

(d) The FAA vide order dated 27/05/2019 dismissed the said First Appeal stating that whatever information available with the Public authority has been provided and rest of the information has been uploaded on the website.

(e) It is the case of the appellant that, PIO has failed to collect the information from his senior officers like Managing Director, Account Department or from Personal Department of KTCL and therefore, aggrieved with the action of both the PIO and FAA, he is forced to file the present appeal.

2. The Appellant seeks relief and directions to direct the PIO to upload all information and to give the reference of location of record in the appropriate file, to provide hard copy of information and to impose the penalty on PIO for giving incorrect and false information.

3. The matter was taken up on board, was listed for hearing. Pursuant to the notice of this Commission, Appellant was present in person and Respondent No. 1 PIO Shri Sanjay Ghate appeared and filed reply/written statement on 10/12/2019.

4. In his written statement, PIO of KTCL stated that, appellant is wasting time by asking information which is replied and furnished to him. Apart from this whatever information available with the Respondents has been made available and the remaining information is uploaded on KTCL website. He also contended that appellant is habitually filing applications under RTI only to harass the officers of Respondent Authority. He also prayed that the appeal should be dismissed.

5. The FAA while dismissing the First Appeal is held that, since last three years Appellant is wasting the time of Public authority by seeking inspection and information on same issue/subject. The FAA

also mentioned that the information has been neither used by the Appellant for his personal interest nor used for public interest.

6. It is contention of Respondent PIO that appellant has filed as many as 37 applications/Appeals and his applications are of repetitive nature pertaining to only one subject matter and object of the appellant is only to harass the officers of KTCL .

7. I have heard the arguments submitted by both the parties and perused the material on record and also considered the written arguments placed on record by appellant.

8. It is a fact that the Appellant has been making repeated request for information on same matter for quite some time. The Appellant has not shown any public interest, apparent in these applications , therefore the observation of FAA in his order that, repeated RTI applications will amount to clogging the office of public authorities and PIO would be justified in refusing the same with intimation of reason, in this case appears to be reasonable .

9. This Commission, in its Judgment in case of **Mahesh Kamat v/s. Sanjay Ghate, Public Information Officer of KTCL** in Complaint No. 55/2018/SIC-I dated 09/01/2020 dealing with similar issue observed as under .

Hence based on his own contention, it appears that Complainant was aware that the said information did not exist and after inspection he has confirmed and verified that the said facts personally. Complainant being conversant with RTI Act, and past records reveals that since year 2007, the Complainant is resorting to RTI Act and filed applications under Section 6 (1) of RTI Act, and carried inspection of records, as such it ought to be within knowledge of Complainant, that the role of PIO is

only to provide information as exist and as available in records of Public authority”.

10. From the facts brought on record, it is clear that the Appellant was the employee of Kadamba Transport Corporation Limited and has been given compulsory retirement under FR 56 (J), this implies that the Appellant has grievance against the PIO and his office.

11. The Hon'ble Delhi High Court **in Hansi Rawat & Anr. v/s. Punjab National Bank & Ors. in LPA No. 785/2012**, it is held that, “proceeding under RTI Act do not entail detail adjudication of grievance. The dispute relating to the termination of employment can be raised in appropriate forum. The proceeding under RTI cannot be converted into proceeding for adjudication of dispute as to correctness of the information furnished. Filing the plethora of applications is nothing but misusing of the RTI Act”.

12. This Commission therefore finds that this RTI application filed is nothing but misuse of RTI Act and has been filed to settle personal scores and mainly with the intention to harass the PIO and Public authority.

13. Hon'ble Supreme Court in **CBSE v/s. Aditya Bandopadhyaya (2011) & SCC 497**, it is held that

"Indiscriminate and impractical demands or directions under 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 counter-productive 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. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace,

tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

14. Applying the above ratio of Hon'ble Supreme Court to the case in hand, I find no intervention is required in the present matter.

The appeal is dismissed.

Pronounced in Open Court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa.