

GOA STATE INFORMATION COMMISSION
 "Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 55/2021/SCIC

Mrs. Kunda Kerkar,
 GPB-3, Govt. Quarters,
 Alto Porvorim, Goa.

----Appellant

V/s

1.The Public Information Officer,
 Office of Goa Legislature,
 Goa Legislature Assembly,
 Porvorim-Goa.

2.The First Appellate Authority,
 Secretary, Legislature,
 Goa Legislature Secretariat,
 Porvorim-Goa.

----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

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| RTI application filed on | - 09-12-2020 |
| PIO replied on | - Nil |
| First Appeal filed on | - 13-01-2021 |
| First Appellate order on | - 05-02-2021 |
| Second appeal received on | - 11-03-2021 |
| Decision of the Second Appeal on | - 23-04-2025 |

Information sought and background of the Appeal.

1. Smt. Kunda Kerkar filed an application dated 09/12/2020 under RTI Act to the PIO, Office of Goa Legislature Secretariat seeking information on 18 points which interalia includes :
 - i. *Certified copies of initial appointments orders, DCP minutes, Notings, Recommendations, Proceedings with regard to subsequent promotions and all subsequent promotion orders till date of -*
 - a) Anita Yuvraj Naik.
 - b) Ramchandra Palekar.
 - c) Suhasini Mapari.
 - d) Nancy Remedious.
 - e) Felia Silveira.
 - f) Farida Muzawar.

- ii. *Name, Category and Roaster point of all persons holding post of Junior Assistant, Assistant, Senior Assistant, Section Officer and Under Secretary.*
 - iii. *Name and Designation of persons presently holding SC/ST/OBC and other Reserved category in the post of Junior Assistant, Assistant, Senior Assistant, Section Officer and Under Secretary.*
 - iv. *Name and Designation of present Departmental Promotion Committee members.*
 - v. *Name and Designation of SC category representative in the present Departmental Promotion Committee.*
2. Failing to receive any information/reply from the PIO, Appellant filed first appeal dated 13/01/2021 before the First Appellate Authority requesting to direct the Respondent PIO to furnish the information, which is required to be submitted before Court of Law.
 3. The FAA (Secretary, Goa Legislature Secretariat) vide order dated 05/02/2021 directed the Respondent PIO to furnish the certified copies of the permissible information what comes within the ambit of the RTI Act, 2005 to the Appellant, free of cost.
 4. Pursuant to the order passed by the FAA, PIO (Under Secretary/Legislature) vide letter dated 08/02/2021 replied to the Appellant furnishing information/documents pertaining to most of the queries in the RTI application and denying information to some other points invoking Section 8(1) (e) (j) of the RTI Act.
 5. Dissatisfied with the reply of the PIO, Appellant preferred Second appeal dated 11/03/2021 before the Commission stating that the Respondent PIO has furnished incomplete and incorrect information without providing inspection of records which amounts to deemed refusal of information. Appellant prayed before the Commission to quash and set aside the order passed by the FAA, direct the Respondent PIO to furnish information as sought vide RTI application, initiate penal as well as disciplinary action against the Respondent PIO and grant compensation to the Appellant.

6. Pursuant to the filing of Second appeal, parties were notified fixing the matter for hearing on 28/04/2021. In view of the outbreak of Covid virus, proceedings before the Commission also affected.
7. Respondent PIO (Shri. Mohan Gaonkar, Under Secretary) in written reply dated 16/09/2021 stated that the allegations of the denial of information are denied totally and the desired information which is permissible under law and within the mandate of the RTI Act has already been furnished to the Appellant. Notings of the DPC minutes, proceedings and the inspection of the relevant files containing the same is exempted from disclosure under Section 8 (1) (j).
8. Respondent PIO placed on record a Judgement of the Goa State Information Commission passed on 12/04/2016 in which Commission stated that "*the Appellant has received information and it appears that the cause of filing repeated multiple RTI applications is to harass the staff of the public authority and there is no public interest served. No intervention is required by the Commission with the orders passed by the FAA and the Appeal being devoid of merit stands dismissed.*"
9. During the further hearing also, Respondent PIO submitted that he has furnished all the desired information, which is permissible within the mandate of the RTI Act and cited Judgement of Hon'ble Supreme Court in various cases in support of the denial of certain information u/s 8(1) (j) of the Act.
10. Respondent PIO prayed that appropriate and necessary orders may please be issued to refrain the Appellant from filing multiple vexations RTI applications, which is devoid of any merits as it amounts to *Res Judicta*.
11. Meanwhile the Appellant Smt. Kunda Kerkar was issued memo dated 12/01/2022 for her act of repeatedly seeking similar information under RTI and using it as a tool and dragging the officers and staff of Goa Legislature Secretariat to the Information Commission.

12. The Appellant in rejoinder dated 18/08/2022 stated that being aggrieved by the creation and promotion criteria in the reserved category maintained by the Respondent public authority and the information sought is to produce before the Hon'ble Bombay High Court at Goa in Written Petition No.279/2012. Appellant prayed for necessary action against the Respondent PIO for issuing memos dated 12/01/2022 and 07/02/2022 thereby restraining the Appellant to file or seek any information under RTI Act.

Considering the objection raised by the Appellant, on 18/08/2022, Commission u/s 19(8) (a) of the Act directed 06/01/2023 the PIO and the public authority to withdraw the memorandum dated 12/01/2022 and 07/02/2022 issued to the Appellant within 15 days.

13. Twenty-five hearings held in the matter from April 2021 to February 2024. Thereafter no hearing held in the matter from March 2024 to September 2024 as the post of SCIC and SIC remained vacant.

The first hearing in the matter was held by the incumbent SCIC on 07/10/2024 and thereafter seven more hearings were held in the matter.

14. Respondent PIO vide submission dated 14/11/2024 stated that Respondent No.1 (PIO) has filed a Writ Petition against an Interim Order passed by the Commission directing the Goa Legislature Secretariat to withdraw memos issued to Appellant and the same is coming up for hearing before the Hon'ble High Court.

15. Appellant vide submission dated 05/12/2024 stated that proceedings in the present appeal cannot be kept in abeyance till the disposal of the Writ Petition No.675/2024 filed by the Respondent PIO before the Hon'ble High Court.

Respondent PIO in written submission dated 05/12/2024 stated that the matter regarding the Administrative memos issued to the petitioner (Appellant) were brought to the Commission by the petitioner and prayed that hearings in the present appeal be kindly adjourned sine die pending the outcome of the Writ Petition in the Hon'ble High Court.

16. Commission however went ahead with the proceedings fixing the matter for further hearings on 17/01/2025 followed by 17/02/2025.
17. PIO (Respondent No.1) vide letter dated 13/02/2025 submitted that due to some urgent and time bound work such as post Assembly work, summoning of Budget Session in March 2025, defection cases filed in Hon'ble High Court and Supreme Court etc. proceedings in the present appeal be kept for hearing in the third week of April 2025 and accordingly adjourned the matter to 23/04/2025.
18. When the matter called out for hearing on 23/04/2025, Respondent No.1 (PIO) and Adv. M.I. Shaikh on behalf of the Appellant appeared. Adv. M.I. Shaikh filed an application dated 23/04/2025 signed by him and the Appellant stating that the Appellant wish to withdraw the present Appeal and hence the appeal be disposed off as 'withdrawn'. Respondent No. 1 in reply to the withdrawal of Appeal by Appellant submitted (23/04/2025) that the Respondents have no objection to the withdrawal of the Appeal by the Appellant.

DECISION

Accepting the Appellant's application dated 23/04/2025 to withdraw the present appeal, Commission decided to dispose off the Appeal No.55/2021/SCIC as 'withdrawn' today i.e. 23/04/2025 and proceedings stand closed.

Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act, 2005.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC

