

# GOA STATE INFORMATION COMMISSION

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 102/2020**

Mr. Oswald H. Pinto,  
Editor of Debates,  
Goa Legislature Secretariat,  
Porvorim – Goa

..... Appellant

v/s

1)Ms. Namrata Ulman,  
Secretary,  
Goa Legislative Assembly,  
Secretariat, Porvorim – Goa  
First Appellate Authority, under RTI Act, 2005

2)Shri U.D. Bicholkar,  
Asst Public Information Officer/  
Committee Officer,  
Goa Legislature Secretariat,  
Porvorim – Goa.

3)Shri Mohan Gaonkar,  
PIO/Under Secretary,  
Goa Legislature Secretariat,  
Porvorim – Goa.

.... Respondents

Filed on : 02/07/2020

Decided on : 26/10/2021

## **Relevant dates emerging from appeal:**

RTI application filed on	: 23/04/2020
PIO replied on	: Nil
First appeal filed on	: 27/05/2020
FAA order passed on	: 29/06/2020
Second appeal received on	: 02/07/2020

## **ORDER**

1. The brief facts of this appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act), by the Appellant Shri Oswald H. Pinto are as under :

The Appellant vide application dated 23/04/2020 sought from the office of Public Information Officer (PIO)/Under Secretary, Goa Legislature Secretariat, Porvorim Goa information regarding his own service matters. Respondent No. 2, Assistant Public Information Officer (APIO), did not give any reply within 30 days. Being aggrieved, the Appellant filed first appeal dated 27/05/2020 before Respondent No. 1, First Appellate Authority (FAA), Secretary Goa Legislature Secretariat, Porvorim Goa. The FAA, vide order dated 29/06/2020 mentioned that the desired information may be furnished to the Appellant free of cost and the said order 'dismissed' the appeal.

2. It is the contention of the Appellant that he is aggrieved by the order of the FAA and therefore the second appeal is filed before this Commission. The Appeal was registered on 02/07/2020 and subsequently was taken on board. Notice was issued to the concerned parties. Pursuant to the notice, the Appellant as well as Respondents appeared before the Commission.
3. It is noticed from records in the file that the office of Goa Legislature Secretariat had no designated PIO on the date of application i.e. 23/04/2020 and the application was dealt by the APIO. Later on 28/08/2020, Shri. Mohan Gaonkar was appointed as PIO and he filed reply dated 10/09/2020. The Appellant too filed written submission dated 10/09/2020 and 02/02/2021. Arguments of both the sides were heard on 07/09/2021.
4. The present PIO stated in his reply that the desired information has been furnished to the Appellant. The notings/correspondence of the screening committee meeting held on 15<sup>th</sup> April 2020 is not available as there were no notings, as the members refused to sign the recommendations. As such, the stand of the screening committee is included on para 5 of noting N/59 which has been already handed over to the Appellant. The present PIO also stated that the earlier

PIO retired on 28/02/2020 and till his appointment, i.e. 28/08/2020 there was no PIO in the Legislature Secretariat and the functions of PIO were carried by the APIO. Documents sought by Appellant were provided by APIO during this period.

5. During the proceeding, the Appellant stated that information furnished to him is incomplete. The Commission directed the PIO to allow inspection to the Appellant. Accordingly, the Appellant carried out inspection, however, filed a submission dated 02/02/2021 claiming wrong information was shown and given to him and the authority has not rectified the same.

6. Upon careful perusal of records the Commission has arrived at following findings :

(a) Appellant vide application dated 23/04/2020 had sought information on four points (i) certified copies of the notings/correspondence in respect of file pertaining to 'Benefits under Modified Assured Career Progression Scheme (MACPS)', (ii) copies of page N/56 of the said file and the next page, (iii) copies of notings/correspondence on the very next page of the said file wherein it has been mentioned that 'the screening committee may meet on Monday, 15<sup>th</sup> April 2019 at 11.00 a.m. Secretary may like to approve' by Committee Officer, (iv) Copies of all further action taken report till the conclusion of the matter in this file till conclusion in the said file.

(b) There was no PIO designated in the Legislature Secretariat during the stipulated period of the application of the Appellant.. Appellant received no reply within 30 days.

( c) The FAA in her order dated 29/06/2020 has held that the desired information may be given to the Appellant free of cost. It is seen from the records that the Appellant was furnished the information by APIO after the order of the FAA, However the copies were not certified, by oversight, as claimed by the PIO. Later PIO furnished certified copies vide letter dated 10/09/2020. Appellant endorsed

receipt on the same day before Commission, however, later stated that the information is incomplete. Even after the inspection, the Appellant vide letter dated 02/02/2021 claimed that incomplete/wrong information is furnished to him.

(d) Upon checking the records, the Commission has noted that information sought at all four points has been furnished to him during the proceeding. Information sought at point (iii) is not available as there were no noting as the members refused to sign the recommendations. Nevertheless, the stand of the screening committee is included in para 55 of Noting N/59, which has been furnished to the Appellant. This implies that the entire information is received by the Appellant, though after the stipulated period.

7. In the light of above discussion, the appeal is disposed with the following :

(a)As the information sought by the Appellant has been furnished, the prayer for information becomes infructuous and no more intervention of the Commission is required.

(b) All other prayers are rejected.

8. Hence the appeal is disposed accordingly and proceedings stand closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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.

Sd/-

**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa