

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

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Appeal No. 210/2020

Shri Uday Barad,
R/o. 600 Vasanti Niwas,
Post Fatorda,
Borda, Margao Goa.

-----Appellant

v/s

Public Information Officer,
Shri. Sanjay Ghate,
Kadamba Transport Corp. Ltd.,
'Paraiso De Goa Building',
Alto, Porvorim-Goa.

-----Respondent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-07/12/2020

Decided on:-17/08/2021

FACTS IN BRIEF

1. The Appellant herein by his application dated 28/11/2019 filed under sec 6(1) of the Right to Information Act 2005 (Act for short) sought certain information from the Respondent, Public Information Officer (PIO) of Kadamba Transport Corporation Limited (KTCL).
2. The PIO replied vide letter dated 22/12/2019, that the information sought related to third party information (Shri. Mahesh Kamat) who is the ex-employee of KTCL and the information sought by the Appellant is uploaded on website of KTCL www.ktclgoa.com and the information not on the website be treated as information not available.

Not satisfied with the reply of PIO Appellant filed first appeal to Managing Director of KTCL being First Appellate Authority (FAA). The FAA by order dated 21/03/2020, dismissed the said appeal.

3. The Appellant has therefore preferred this second appeal under sec 19(3) of the Act, on the ground that the PIO failed to supply the information sought for under RTI.
4. Notices were issued to the parties, pursuant to which they appeared. The representative of PIO, Shri. Saish Dhond present and filed the reply cum written arguments on behalf of PIO, Shri. Sanjay Ghate. Mahesh Kamat appeared on behalf of the Appellant.

In the said reply cum written arguments it is the contention of PIO that, information sought by the Appellant is third party information and no public interest is involved in seeking the information.

5. According to PIO, information sought by the Appellant is in respect of one Mr. Mahesh Kamat an ex-employee of KTCL and his service has been terminated by KTCL by compulsory retirement under FR 56 (J) in the year 2008 and since last 13 years he has been filing plethora of applications under RTI to take revenge of his ex-employers.
6. PIO, further submitted that said Kamat so far filed about 40 applications, first appeals before FAA and various appeals before this forum. His application/appeals are repetitive in nature and pertains to same subject matter and now he has changed his modus-operandi by filing applications through his friends, relatives etc to harass the public authority. Thus said Kamat is misusing and abusing the RTI Act to settle his personal scores.

Further according to PIO, Appellant's representative, Shri. Mahesh Kamat has got information which is provided by PIO and

can very well share the information to Appellant rather than wasting time of public authority and of this Commission by putting entire machinery in motion for supplying same information.

7. Perused the records and considered the submissions and pleadings of the parties. In the present case, Uday Barad has sought the information pertaining to FR 56(J) pertaining to suspension compulsory retirement and disciplinary proceeding and related act of Shri. Mahesh Kamat. Such records may contain some allegations, stigmas etc against the concerned employee, said imputations or stigmas are personal in nature, besides the above position, I find no public interest or public activity is involved in seeking such information.
8. Hon'ble Supreme Court in case of **Girish Ramchandra Deshpande v/s Central Information Commission & Ors (Special Leave Petition (Civil) No. 27734 of 2012** in para no. 12 has observed as under:

"12. The petitioner herein sought for copies of all memos, show cause notices and censure /punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the above mentioned information sought for qualifies to be "personal

information” as defined in clause (j) of Section 8(1) of the RTI Act.”

In view of above ratio laid down by Hon’ble Supreme Court, information which is personal in nature and not involving any public interest or activity is beyond dissemination to the Appellant under the Act.

9. It is the submission of PIO that the Appellant is proxy of Mahesh Kamat, who had filed several applications seeking similar information only to harass the PIO and ex-employer.

It is noted from the records that Uday Barad has stayed away from the proceeding right from the beginning. Shri. Mahesh Kamat has appeared on behalf of the Appellant on pretext of letter of Authority and seeking information, pertaining to himself. In such circumstances the allegations of PIO that, Mahesh Kamat is proxy to the Appellant appears to be probable, thus I find some force in the contention of PIO.

10. Considering the above position, I find that submission of the PIO that the person seeking information is a result of subverted process of law in regard to CRS of Shri. Mahesh Kamat.

11. The issue raised by the Appellant has been deliberated, discussed and decided by this Commission in its various earlier judgments and Commission does not find it necessary to discuss the issue again.

12. In view of above discussion, I find that Appellant failed to show any bonafide in the case.

In the above given circumstances, following order is passed.

O R D E R

Appeal is dismissed.

Proceedings closed.

Pronounced in open court.

Notify the Parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner