

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No.337/2019/SIC-II

Shri Sanjeev Phaldessai,
'306', D Pulamol,
St. Juse de Areal,
Curtorim, Salcete Goa.

.....Appellant

V/S

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

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 26/11/2019

Decided on: 20/07/2021

FACTS IN BRIEF

1. That the Appellant , Shri. Sanjeev Phal Desai vide application dated 06/06/20219 sought the following information under sec 6(1) of the Right to Information Act 2005 (Act) from PIO of Kadamba Transport Corporation Limited (KTCL), Porvorim Goa.

“Please furnish following information which is not on KTCL website which I have inspected. In case the information is on website, I may be provided the reference and page no of the file so that I can trace the information directly from the website:

1. The service condition in KTCL governing the retiral benefits applicable to FR 56(J) Compulsory retirement included in resolution 723.”

2. Said application is responded by PIO on 01/07/2019 stating that information which exist with KTCL are uploaded on KTCL website

and the information sought by Appellant has been already furnished to him on his earlier application under RTI dated 09/07/2018, 31/07/2018 and 01/08/2018 and requested the Appellant to refer the website of the KTCL for details.

3. Appellant aggrieved by the reply of PIO filed first appeal before Managing Director of KTCL, being First Appellate Authority (FAA) on 26/07/2019.

The FAA by its order dated 10/10/2019 dismissed said first appeal by upholding the reply of PIO. Being aggrieved with the said Order of FAA, Appellant preferred this Second Appeal under sec 19(3) of the RTI Act.

4. The matter was taken up on the board and listed for hearing. Pursuant to the notice, PIO, Shri. Sanjay Ghate appeared and filed his reply on 27/02/2020. He submitted that Appellant by his application dated 06/06/2019 admits that he had gone through the website of KTCL, and he is demanding the reference and page number of the file. He further submits that information which exist with the Corporation is uploaded on website, meaning that information which is not on the website is the information which does not exist with Corporation.
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) on 20/06/2008 and since then he has been filing multiple RTI applications to take revenge on his ex-employer.
6. PIO submitted that said Kamat has so far filed 40 applications and first appeals before FAA and various appeals before this Commission. His applications / appeals are repetitive in nature and pertain to same subject matter.

7. It is his further contention that, since said Kamat was warned by Appellate Authorities while dismissing his earlier appeals, he changed his modus operandi by filing applications through his relatives, friends and sometimes through his colleagues on the same subject matter only to harass the KTCL Authorities. Thus said Kamat is abusing and misusing the RTI Act to settle his personal scores, even in the present appeal, Appellant neither appeared before FAA nor before this Commission. Shri. Mahesh Kamat is appearing and arguing the matter with the pretext of letter of Authority and present appeal is benamy application filed by Mahesh Kamat to harass the PIO.
8. I have perused the Appeal memo, reply of PIO, heard arguments of the parties and scrutinise the documents on records.
9. On perusal of application filed under RTI, the Appellant herein is seeking the explanation, view, clarification and opinion of documents/ information which is uploaded on website.

It is not denied by the Appellant that, he had earlier sought the information on 09/07/2018, 31/07/2018 and 01/08/2018 on same subject as alleged by PIO.

First appeal filed by the Appellant is also dismissed by the FAA by its Order dated 10/10/2019 thereby upholding the reply of PIO.

10. The issue raised by the Appellant has been deliberated, discussed and decided by this Commission in its various earlier judgements and this issue has become stale issue and this Commission does not want to discuss the same again.
11. On perusal of records, it is seen that the Appellant has never appeared before this Commission nor before the First Appellate Authority to assess the identity of the Appellant and therefore

allegation of the PIO appears to be probable that, Mahesh Kamat has filed this fictitious appeal only to harass the PIO/KTCL Authorities.

12. The Hon'ble High Court of Punjab and Harayan in Chandigarh **Karamjit Singh v/s State Information Commission in CWP No. 5456/2011** has held that:

"Since the information sought by Petitioner No. 1 as a member of Gram Panachyat under RTI Act, had already been supplied to Petitioner No. 2 as a member of Gram Panachyat, by Respondent No. 2, the State Information Commissioner, Punjab was right in declining supply of the same information time and again."

In view of above ratio laid down by Hon'ble High Court, Commission feels that once the information was supplied to the Appellant, the PIO has rightly denied to furnish the same information under separate RTI application to the same applicant.

13. The Commission therefore finds that, such RTI application filed is an utter abuse of RTI Act and has been filed to settle personal scores and mainly to harass the PIO and other Officers of Public Authority.

Hon'ble Supreme Court in **CBSE v/s Aditya Bandopadhyaya, (2011) 8 CCC 497**, has held that,

"67. Indiscriminate and impractical demands or directions under the 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 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, tranquillity and harmony among the citizen. Nor should it be converted into a tool of oppression or intimidation of honest official striving to their duty."*

14. The object of the Act is to harmonise the conflicting Public interest i.e. ensuring transparency to bring an accountability and curtailing corruption on one hand and at the same time ensure that the revelation of information in actual practise, does not harm or adversely affect other Public interest which includes efficient functioning of the Government, optimum use of limited fiscal resources. The information sought by Appellant is having no relationship to public interest or public activity and therefore cannot be considered.
15. In view of above discussion, I find that Appellant failed to show any malafide on the part of PIO, I am therefore of the opinion that no case is made out for imposition of any penalty. In above given circumstances following order is passed.

O R D E R

Appeal stand dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner