

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 106/2020

Mrs. Josephine Vaz,
Flat No. 8, 1st Floor, Soares Apartment,
Near Ponda Municipal Council,
Ponda, Tisk Goa .403401. Appellant

v/s

1. Dr. Pooja M. Madkaiker,
Public Information Officer (PIO) / Dy. Director (Admin.),
Institute of Psychiatry & Human Behavior (IPHB),
Bambolim Goa 403202.

2. Prof. Dr. S.M. Bandekar,
First Appellate Authority (FAA), Director/Dean,
Institute of Psychiatry & Human Behaviour (IPHB),
Bambolim Goa 403202. Respondents

Filed on : 3/07/2020
Decided on : 25/08/2021

Relevant dates emerging from appeal:

RTI application filed on	: 28/01/2020
PIO replied on	: 04/02/2020 and 3/03/2020
First appeal filed on	: 06/03/2020
FAA order passed on	: 07/04/2020
Second appeal received on	: 03/07/2020

ORDER

1. The Second Appeal filed under section 19 (3) of the Right To Information Act (RTI Act) by Ms. Josephine Vaz, R/o. Ponda Goa, against Respondent No. 1 Public Information Officer (PIO), Dr. Pooja M. Madkaiker, Deputy Director (Admin), Institute of Psychiatry and Human Behaviour (IPHB), Bambolim-Goa and Respondent No. 2 the First Appellate Authority (FAA), Director/Dean, Institute of Psychiatry and Human Behaviour (IPHB), Bambolim-Goa came before this Commission on 03/07/2020.
2. The brief facts leading to the Second Appeal, as contended by the Appellant are that :-

- a) The Appellant vide application dated 28/01/2020 sought following information from the PIO:-
"My (GPF) Government Provident funds Contribution A/C No. 210 6285. As per my contribution records during my service with IPHB, since joining dated 11/05/1987 till when it stopped with my 6th pay, 7th pay arrears plus interest in the GPF Slip. As per the format attached. According to the year wise ."
- b) The PIO transferred the said RTI application to Directorate of Accounts on 4/02/2020. The Appellant received part information vide letter dated 3/03/2020 from the Directorate of Accounts. However information regarding 6th and 7th pay arrears and interest was not provided, and the same was to be provided by the IPHB.
- c) The Appellant filed first Appeal dated 06/03/2020 before the FAA. The FAA by an order dated 07/04/2020 directed the PIO to furnish remaining information. The FAA also directed the PIO to transfer the said application to the concerned authority, if the information is not available with the PIO.
- d) The Appellant did not receive complete information and therefore filed the second Appeal dated 03/07/2020 under section 19(3) of the RTI Act with various prayers including complete information free of cost and written warning to PIO to adhere to the time limit specified in the RTI Act etc.
3. After notifying the concerned parties, the matter was taken up for hearing on 30/07/2020. The Appellant and PIO appeared before this Commission and both the Respondents, i.e. PIO and FAA filed reply. Subsequently additional reply and submission was filed by both the sides and arguments were advanced. The Commission directed the PIO to facilitate inspection of the documents as desired by the Appellant. Accordingly inspection was provided by the PIO to the Appellant, on 9/11/2020.
4. The Commission has perused the appeal memo, replies, other submissions and have heard the arguments of both the sides. After careful perusal, the commission has arrived at following findings:-

- a) The Appellant has sought information related to her service, dating back to 1987. Accordingly, the PIO at various stages, before the second Appeal, and after filing of second Appeal, has furnished information.
 - b) Information was furnished by the PIO vide letters dated 3/03/2020, 9/03/2020, 13/03/2020, 28/09/2020. Copy of these letters are part of the records of this Appeal. The PIO later made one more submission received in the Registry on 16/07/2021 stating, that as directed by the Commission additional information has been furnished to the Appellant through speed post.
 - c) The PIO in her affidavit dated 09/12/2020 has stated that as per the directions of the Commission inspection was provided to the Appellant on 09/11/2020 in the presence of staff of the PIO's Office. On the same day, it was telephonically informed to the Appellant to appear on the next day for inspection of remaining two pay bill Registers, which were not inspected by the Appellant. The pay bill Registers were kept ready for inspection but Appellant failed to inspect the same.
5. The events unfolded above indicate that the PIO has either furnished information and/or has given inspection of the record to enable the Appellant to indentify and accordingly decide what is required. Nothing more can be expected from PIO.
 6. The Appellant is seeking this information because she has some grievances related to her service and pay. However, the State Information Commission has no jurisdiction to hear service grievances of the Appellant. The role of the Commission is limited to ensure that a citizen is provided with information that he/she seeks.
 7. In a similar matter in the case of Tushar Kanti Chatterjee V/s S. P.I.O, P and RD Directorate, no. 1785 (3), decided by West Bengal Information Commission on 25/08/2019 it is stated:-

"Since service matters are guided by memos, rules, order, circular etc., which are being followed by the concerned department and it is impossible for the Commission to go into every detail of the complexity of Government Establishment. Nor the Commission can assume the charge of an expert about every service matter of a Government Department and would be able to adjudge whether or not an information has been

correctly furnished. For the purpose of ameliorating grievances of the members of staff, the Government Administrative Tribunals have been set up which is a proper forum."

This position has been made clear by different State Information Commissions and also by the Central Information Commission.

8. In another matter regarding delay in supplying the information the Hon'ble High Court of Bombay at Goa bench in a Writ Petition No. 488 of 2011 (Shri. Shivanand Salelkar and others V/s the Goa State Information Commission and others) has observed:-

"That apart, in the present case, the delay is really not very substantial. The information was applied on 26.10.2009 and therefore, the same had to be furnished by 25.11.2009. On 30.11.2009 itself the complainant made his complaint and no sooner, the petitioner on 15.01.2010 actually furnished the information. If all such circumstances considered cumulatively and the law laid down by this Court in the case of A. A. Parulekar (supra) is applied, then, it does appear that there was no justification for imposing penalty of Rs. 6,000/- upon the petitioner."

Considering the ratio laid down by the Hon'ble High Court of Bombay as above, the Commission is not convinced to invoke power under section 20, of the Act as delay in furnishing the information cannot be held as deliberate and malafide.

9. In the background of the above discussion and as per the documents brought on record the Commission concludes, that the available information has been furnished by the PIO and the Appeal is thereby required to be disposed with the following:-

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

(b) All other prayers are rejected.

10. 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