

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in

Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 21/2020/SIC-I

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 / Dy. Director (Admin.),
Institute of Psychiatry & Human Behaviour (IPHB),
Bambolim Goa 403202.

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

.... Respondents

Filed on : 23/01/2020

Decided on : 25/08/2021

Relevant dates emerging from appeal:

RTI application filed on	: 07/10/2019
PIO replied on	: 07/11/2019
First appeal filed on	: 12/11/2019
FAA order passed on	: 17/12/2019
Second appeal received on	: 23/01/2020

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 23/01/2020.

2. The brief facts leading to the Second Appeal, as contended by the Appellant are that :-

(a) The Appellant vide application dated 07/10/2019 sought information from the PIO on following three points:-

(i) Service book copy (IV-History and verification of service) since joining from 11/05/1987 till date.

(ii) Payment records/monthly salary certificates (for salary paid monthwise) since joining from 11/05/1987 till date (According to the salary certificate format attached).

(iii) Record of special increment paid (monthwise) for additional qualification for diploma in Psychiatric Nursing from recognised institution (NIMHANS, Bangalore) from approval date 31/07/2006 till date.

(b) The Appellant received reply from the PIO dated 07/11/2019. However, the Appellant did not receive information on point 1 and Point 2, whereas information furnished on point 3 was incomplete.

(c) Being aggrieved, the Appellant filed first Appeal dated 12/11/2019 before the Respondent No. 2, First Appellate Authority (FAA). The FAA vide order dated 17/12/2019 directed the PIO to provide the information to the Appellant by 6th January 2020 and transfer the RTI application to the appropriate PIO, if the information is not available with the Respondent No. 1.

(d) The PIO furnished only partial/incomplete information and denied critical information, even after the order of the FAA.

(e) Being aggrieved, the Appellant filed Second Appeal before the Goa State Information Commission on 23/01/2020 with various prayers including complete information free of cost and penalty on the PIO.

3. After notifying the concerned parties the Commission scheduled the matter for hearing on 14/02/2020. The PIO filed reply and affidavits during the subsequent hearings. The Appellant too filed reply and written submissions.

4. After perusal of the Appeal memo and replies and other submissions filed by the Appellant and the Respondents, 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. 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.

b) The PIO has filed three affidavits dated 21/02/2020, 12/03/2020 and 31/07/2020. In these affidavits, the PIO has stated the details of information available and not available in her office. The Commission has noted that the PIO has made efforts to go through the old records dating back to 1987 and has tried to furnish information to the Appellant on 4 to 5 occasions during the proceedings of this Appeal.

c) More information has also been furnished vide reply received in the Registry dated 06/11/2020 wherein the PIO has specifically stated that the information sought under point No. 1, point No. 2 and point No. 3 is furnished to the Appellant. The PIO later made one more submission received in the Registry dated 16/07/2021, that as directed by the Commission, the additional information has been furnished to the Appellant through speed post.

5. 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.

6. The Commission has noted that during the proceeding of this Appeal the Appellant has asked for some additional information apart from the information sought vide RTI application dated 07/10/2019. It was not mandatory on the part of the PIO to furnish the same. However the PIO has even made efforts to furnish part of additional information sought by the Appellant. In a similar matter in the case of Madanlal Mirg V/s. Ministry of Home Affairs, New Delhi, F.No. CIC/80/A/2006/00105 dated 30/06/2006 the Central Information Commission has ruled that once information already furnished, no further queries can be excepted.
7. As mentioned in para 4(b) above, the PIO has stated on affidavit that certain information is not available. The Commission find no ground to discard and /or disbelieve the said affidavit. In the above circumstances, the Commission holds that the said information does not exist and there is no ground to invoke power under section 20(1) and or 20(2) as non furnishing of the information cannot be held as deliberate or malafide. Needless to say that in case at any time the statement in the said affidavit are found false, the person swearing it would be liable for action for perjury.
8. In the background of 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.
9. 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