

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 338/2019/CIC**

Shri Ramesh Kamat,  
Kamat Vilas- 4,  
Caranzalem,  
Panaji-Goa.

-----Appellant

**v/s**

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

-----Respondent

**Shri Vishwas R. Satarkar** - State Chief Information Commissioner

**Filed on:-28/11/2019**

**Decided on: 28/04/2021**

**BRIEF FACTS**

1. That the Appellant Ramesh Kamat vide application dated 02/05/2019 sought certain information u/s 6(1) of RTI Act 2005 from the Public Information Officer (PIO), Kadamba Transport Corporation Ltd. Porvorim-Goa.
2. The Appellant seeks information on 5 points, namely details of compulsory retirement under FR 56 (j), bearing reference no. KTC/ADMN/1-2/2009-09/20 dated 20/06/2008 and asking some clarification, opinion, advice from the Public authority.
3. The matter was taken up on the board and listed for hearing, pursuant to the notice of the Commission, both the parties present. Appellant engaged the services of Shri. Mahesh Kamat to appear in the matter.

4. The contention of the Appellant that even though the information is uploaded on KTCL website, said information is not specific, and is misleading and restricted to the records held by the Accounts , Legal and Personnel Department only. PIO deliberately avoided seeking information from the Office of the Chairman, Managing Director and General Manager, KTC.
5. On the other side , PIO submitted that Mahesh Kamat was an employee of KTCL and his service has been terminated by KTCL by compulsory retirement under FR 56 (j) on 20/06/2008 and said Kamat has been time and again filing various vexatious applications under RTI to take the revenge on his ex-employer.
6. The PIO also submitted that said Kamat has so far filed about 37 applications and First Appeal before First Appellate Authority (FAA) and various appeals in this Commission. His applications are repetitive in nature and pertains to the same subject.
7. The PIO also submits that KTCL has initiated its website [www.ktclgoa.com](http://www.ktclgoa.com) and all the available information has been uploaded on said website by giving serial numbers to pages and no page in serial is missing and whatever information held by the KTCL has been uploaded on its website.

He further submits that, because of filing of repetitive applications KTCL Department has been bogged down with non-productive work of collecting and furnishing petty information repeatedly.
8. The PIO further submitted that since the applications and appeals of Shri Kamat were dismissed by various authorities like PIO/FAA/SIC and SCIC he has changed his modus – operandi to harass the officers of public authority by filing applications/Appeals through his relatives, friends and sometimes through his colleagues on the same subject matter.

In present case also he has filed the present appeal in the name of one Ramesh Kamat. However, said Ramesh Kamat never appear before the Commission for hearing nor he is interested in obtaining the information and present appeal is also filed by non-other than Shri Mahesh Kamat, Ex-Employee of KTCL to settle his personal score thus he is abusing and misusing the RTI Act.

9. The PIO relied upon the previous Judgment of this Commission filed by the present Appellant in Appeal No. 65/2019/SIC-II dated 18/12/2019.
10. I have perused the Appeal memo, reply of the PIO, order passed by FAA, perused the written submissions filed by the both parties and scrutinized the documents on record.
11. After going through the details of the application dated 02/05/2019, it is noticed that, Appellant is seeking the explanation, clarification, opinion advice from the PIO on the information available on the website. The PIO is not bound to provide such information as PIO is not authorised by the law to interpret the law or rule for the satisfaction of applicant. It is the obligation of the PIO to provide the information as it exist in his records.
12. Appeal filed by the Appellant was also dismissed by First Appellate Authority by its order dated 10/10/2019, thereby upholding the reply of PIO.
13. I have also perused the order relied upon by the PIO, passed by this Commission in **Appeal No. 65/2019/SIC-II** dated 18/12/2019 filed by the Appellant wherein this Commission held in Para No. 12 and 13 as under:

*"12. The Commission finally finds that the FAA has passed a justifiable and speaking order while also specifying in his*

*Order the details of various RTI applications filed by several people on behalf of Mr. Mahesh Kamat and has provide a list of various RTI applications filed by Mr. Mahesh Kamat under various names.*

*13. Decision: No intervention is required with the order of the FAA dated 13/02/2019. As the information pertains to third party (Shri Mahesh Kamat) and which has no relation to any public activity and further in view that the application is submitted by the Appellant in connivance with Shri. Mahesh Kamat, ex employee of the KTCL with malafide approach and finally in view that all information pertaining to employment, suspension and compulsory retirement of Shri. Mahesh Kamat has been already uploaded on the website. Nothing further survives in the Appeal case which accordingly stands dismissed."*

14. The Hon'ble Delhi High Court in dealing with similar kind of issue **in Hansi Rawat & Anr. v/s. Punjab National Bank & Ors.** in LPA No. 785/2021 held that, filing of plethora of RTI applications against ex-employer to settle the personal score is nothing but misuse of RTI Act.
15. This Commission therefore finds that issue raised by the Appellant is stale issue and having no relationship to any public interest or public activities thus utter abuse of the RTI Act.
16. Hon'ble Supreme Court in **Central Board Secondary Education v/s Aditya Bandopadhyaya , (2011) 8 CCC 497,** has held that,

*"67. Indiscriminate and impractical demands or directions under 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 the 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, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty.*

17. The object of the Act is to harmonise the conflicting Public interest i.e. ensuring transparency to bring in accountability and curtailing corruption on one hand and at the same time ensure that the revelation of information in actual practice, does not harm or adversely affect other public interest which includes efficient functioning of the Government, optimum use of limited fiscal resources.
18. It is also to be considered that information is related to the right of the third party information and the Appellant has failed to show any reason for seeking the information in public interest.

In the absence of any merit following order is passed:

### **O R D E R**

Appeal stands dismissed.

Proceedings closed.

Pronounced in open court.

Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner  
Goa State Information Commission,  
Panaji-Goa.

