

# GOA STATE INFORMATION COMMISSION

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

## **Appeal No. 82/2020/SIC-II**

Shri Mahesh Kamat,  
CD Seasons Cooperative,  
Housing Society, Murida, Fatorda ,  
Salcete Goa, 403602

.....Appellant

**V/s.**

Shri Sanjay Ghate,  
Public Information Officer (PIO),  
Kadamba Transport Corporation Ltd. (KTCL),  
Paraiso De Goa Building,  
Alto, Porvorim Goa.

... Respondent/Opponent

Filed on : 20/04/2020

Decided on : 15/09/2021

### **Relevant dates emerging from appeal:**

RTI application filed on	: 09/10/2019
PIO replied on	: 08/11/2019
First appeal filed on	: 26/11/2019
FAA order passed on	: 04/02/2020
Second appeal received on	: 20/04/2020

## **ORDER**

1. The Appellant Shri. Mahesh Kamat filed Second Appeal under section 19(3) of the Right to Information Act, 2005 (RTI Act) against Respondent Public Information Officer (PIO) Shri. Sanjay Ghate, General Manager, Kadamba Transport Corporation Ltd., Porvorim-Goa, with following prayers:-
  - (a) The PIO should be directed to furnish the information accessing it from the website if that record is uploaded on the website.
  - (b) That the information be furnished free of cost, for not furnishing the available records within the specified time.
2. The brief facts leading to the Second Appeal, as contended by the Appellant are:-

- (a) That the Appellant vide application dated 9/10/2019 sought information from the PIO on 19 points.
  - (b) That the PIO vide letter dated 8/11/2019 raised some unrelated issues to the application but did not furnish the information, nor denied the request for information.
  - (c) That the Appellant filed first Appeal dated 26/11/2019 before the First Appellate Authority (FAA), Kadamba Transport Corporation Ltd. The FAA dismissed the Appeal vide order dated 4/02/2020.
  - (d) Being aggrieved, the Appellant filed Second Appeal before the Goa State Information Commission on 20/04/2020.
3. The matter was taken up on board, parties were notified and was listed for hearing on 24/03/2021. Pursuant to the notice of this Commission, Appellant was present in person. Respondent No. 1 PIO appeared and filed reply on 15/04/2021. Later on at 17/08/2021 the Appellant filed written arguments.
  4. The Commission has perused all the submissions carefully including Appeal Memo. It is observed that the PIO in his reply/written submission dated 15/04/2021 has stated that, the Appellant is wasting time of the PIO by asking the same information inspite of supplying all information and inspection of all files, concerned to the Appellant earlier. The PIO contended that the Appellant is habitually filing applications under the RTI Act, only to harass the officer of the Respondent authority. The PIO has also contended that the Appellant has filed more than 35 RTI applications and appeals and these application are of repetitive nature, pertaining to his service matter. The PIO prayed for dismissal of the Appeal.
  5. The Appellant in his written arguments furnished on 17/08/2021 has contested PIO's statements and stated that the application dated 9/10/2019 was filed because relevant information was not furnished by the PIO earlier.
  6. It is seen from earlier records in this Commission that, as pointed out by the PIO, the Appellant has been making repeated requests for information on same matter in the recent past. The Appellant has not shown any public interest, apparent in these applications. Therefore,

the observation of the PIO that the Appellant is wasting Respondents time by asking same information repeatedly has substance.

7. The FAA in his order dated 4/02/2020 has made same observation and also has highlighted the fact that the application of the Appellant dated 9/10/2019 contain 19 listed items and sub items, and the information sought by him is already obtained by the Appellant earlier.

8. The Hon'ble High Court of Rajasthan, in writ Petition No. 10828/2012 in the matter as Hardev Arya V/s. Chief Manager (Public Information Officer) and others has held in para 12:-

*"It is true that Parliament has enacted the Right to Information Act, for transparency in administration, so also affairs of the state so as to strengthen the faith and trust of the people in the governance of the Country. Therefore, this Act is a vital weapon in the hands of the citizens. At the same time, however, this may not be lost sight of that no law shall be allowed to be wielded unlawfully so as to put it abuse or to misuse. Every statute acts and operates within its scope and ambit, therefore, the duty rests with the Courts to discourage litigious obduracy."*

9. The Hon'ble High Court of Punjab and Haryana at Chandigarh, in Kamarjit Singh and others V/s State Information Commission in CWP No. 5456 of 2011 has held-

*" The State information Commissioner, Punjab was right in declining supply of the same information time again."*

10. From the facts brought on record, it is clear that the Appellant was the employee of Kadamba Transport Corporation Limited and has been given compulsory retirement under FR 56 (J). This implies that the Appellant has grievance against the PIO and his office, and this RTI application is nothing but misuse of RTI Act and has been filed with the intention to harass the PIO and the Public Authority.

11. The Hon'ble Delhi High Court in Hansi Rawat & Anr. v/s. Punjab National Bank & Ors. in LPA No. 785/2012, it is held that:-

*"proceeding under RTI Act do not entail detail adjudication of grievance. The dispute relating to the termination of*

*employment can be raised in appropriate forum. The proceeding under RTI cannot be converted into proceeding for adjudication of dispute as to correctness of the information furnished. Filing the plethora of applications is nothing but misusing of the RTI Act".*

12. Hon'ble Supreme Court in Civil Appeal 6454 of 2011 of CBSE V/s Aditya Bandopadhyaya has held in para 37:-

*"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 counterproductive 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, tranquillity 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. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."*

13. Subscribing to the ratios laid down by the Hon'ble High Court of Rajasthan, High Court of Punjab and Haryana, High Court of Delhi and the Apex Court and also considering the facts of this Appeal the Commission concludes that no intervention of this Commission is required in the said matter.

14. The Appeal is dismissed, proceedings stand closed.

Pronounced in the open hearing.

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