

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Complaint No. 56/2019/SIC-II

Shri Anuj Kamat,
Blossom 101,
CD Seasons Co-op Housing Society,
Murida, Fatorda Goa.

-----Complainant

v/s

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

-----Opponent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-26/11/2019

Decided on:-20/07/2021

FACTS IN BRIEF

1. The Complainant, Shri. Anuj Kamat vide application dated 15/05/2019 sought certain information under sec 6(1) of Right to Information Act, 2005 (short for "Act") from PIO of Kadamba Transport Corporation Limited, Panaji Goa (KTCL), pertaining to FR 56 (J) i.e. premature compulsory retirement of a public servant.
2. Complainant avers that, Respondent PIO of KTCL, vide letter dated 12/06/2019 furnished incomplete and misleading information.

Not satisfied with the reply of PIO, Complainant preferred First Appeal before First Appellate Authority (FAA) on 24/06/2019.

FAA vide order dated 10/10/2019 dismissed the said appeal, upholding the reply of the PIO. In this background, Complainant filed this present complaint under sec 18 of RTI Act, praying therein that penalty may be imposed on PIO and also recommending the disciplinary inquiry in the matter.

3. Notices were issued to both the parties. PIO by his letter dated 12/06/2019 stated that the information which exists with Corporation is uploaded on KTCL website, and secondly the information which is sought by the Complainant has been already furnished to him in his earlier RTI application dated 13/07/2018.
4. According to PIO, Complainant had filed similar application on 13/07/2018 and thereafter filed First Appeal which was followed by second appeal before State Information Commission. SIC by its order dated 27/03/2019 dismissed the said appeal.
5. It is the contention of PIO, that Complainant is wasting the time and resources of the Public Authority by seeking the information which is already in the Public domain and which is also replied to him in time. He also contends that Complainant filed the present complaint but never appeared in the matter personally either before FAA or before the Commission.
6. It is the contention of PIO, that one Mr. Mahesh Kamat has filed this application in the name of Complainant and therefore Complainant never appeared before this Commission since filing of the appeal till final argument. Said Mr. Mahesh Kamat appearing on behalf of Complainant in the pretext of letter of Authority from Complainant but main brain behind this appeal is Mr. Mahesh Kamat.
7. PIO further submits that, said Mr. Mahesh Kamat is 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 said Kamat has been time and again filing repetitive application under RTI Act to take revenge on his ex-employer.

8. It is further contended by PIO that since the said Kamat's application were dismissed by various authorities like PIO/FAA/SIC and SCIC, he has changed his modus operandi to harass the Public authority and now filing the RTI applications through his colleagues, friends and relatives on the same subject matter, thus said Kamat is abusing and misusing the provision of RTI Act to settle his personal scores. He also relied upon the Judgment passed by this Commission on 27/03/2019 which is decided against Appellant.
9. I have perused the complaint memo, reply of the PIO, scrutinized the documents and heard the submissions made by both parties.

On perusal of records it is found that complainant never appeared before this Commission even to appraise that he is independent to that of Shri. Mahesh Kamat. It appears that Complainant has also not appeared before FAA, hence I find that the contention of PIO that said Mahesh Kamat is using the Complainant as his proxy appears to be probable.

10. Complainant by his application under RTI Act raised the issue regarding the retirement benefit of premature compulsory retirement under FR 56(J). This issue has become a stale issue now, as the same has been deliberated, discussed and decided by this Commission in its earlier Judgments including that of **Shri Anuj Kamat v/s Public Information Officer, Kadamba Transport Corporation Limited in Appeal No. 238/2018/SIC-I decided by State Information Commissioner on 27/03/2019.** Para no. 20 of said Order reads as under:

as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished. Moreover, there is a categorical finding if the CIC, of the appellants misusing the RTI Act, as is also evident from the plethora of RTI applications filed by the appellants. In view of the said factual findings of the CIC and which is not interfered by the learned Single Judge, we are not inclined to interfere with the order of the learned Single Judge.

7. We do not find any merit in the appeal which is dismissed”.

12. The Commission therefore finds that, such RTI application filed is in utter abuse of the 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, tranquility and harmony among the citizen. Nor should it be converted into a tool of oppression or intimidation of honest official striving to their duty.”

13. 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.

14. This Commission is of considered opinion that, information which is sought by the Complainant is having no relationship to any public interest but eventually intention of the Complainant is only to harass the PIO and Public Authority.

15. In view of above discussion, I find that Complainant failed to show any malafide on the part of Respondent PIO. The PIO has acted diligently under RTI Act; therefore I am of the opinion that, this is not a fit case for consideration of imposing any penalty on the PIO. In the above circumstances following order is passed.

O R D E R

Complaint stand dismissed.

Proceedings closed.

Pronounced in open court.

Notify the Parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner