

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.scic.goa.gov.in

Complaint No. 57/2019/SIC

Shri Ramnath Mauzekar,
R/o. H.No. 40,
Talewada, Veling,
Mardol-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: 19/04/2021

FACTS IN BRIEF

1. That the Complainant Ramnath Mauzekar vide application dated 06/06/2019 sought certain information u/s 6(1) of RTI Act 2005 from PIO, Kadamba Transport Corporation Ltd. Goa.
2. The application seeks information on 9 points, namely the service condition invoked for final settlement of premature compulsory retirement of Shri Mahesh Kamat under FR (56) J, the copy of Affidavit filed by Shri. Sanjay Goel, before the Hon'ble High Court, the records of review committee report, recommendations, acceptance of recommendations and formation of mandatory opinion under FR (56) J and records of report of the representation committee.
3. The matter was taken up on the board and listed for hearing, pursuant to the notice of the Commission both the parties remained present. The Complainant engaged the services of Shri Mahesh Kamat to argue the matter, which is

objected by the PIO, Sanjay Ghate, on the ground that the information sought by the Complainant is respect of third party and the said third party is non other than Mahesh Kamat. He also submits that, Mahesh Kamat in collusion with the complainant has filed the present complaint.

4. It is admitted fact that, said Kamat has appeared before First Appellate Authority (FAA) on 27/08/2019 and again on 12/09/2019. Even today he appeared on behalf of Complainant through his letter of authority which is on record.
5. It is the contention of the Complainant that even though information is uploaded on KTCL website, said information is restricted to the records held by Accounts, Legal and Personnel Department and the information held by the office of Chairman, Managing Director and General Manager is not uploaded on website.

The Complainant further argued that the PIO has failed to furnish the information and therefore penalty be imposed for providing misleading and incomplete information.
6. The 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 applications under RTI to take revenge on his ex-employer.
7. The PIO also submitted that said Kamat has so far filed about 37 applications and First appeal before FAA and various Appeals in this Commission. His applications are repetitive in nature and pertain to same subject matter.
8. It is his further contention that since the said Kamat's appeals were dismissed by various authorities like PIO /FAA /SIC and SCIC he has changed his modus –operandi to harass the public authority by filing the application through his relatives, friends and sometime through his colleagues

on the same subject matter. Thus said Kamat is abusing and misusing the RTI Act to settle personal scores.

9. The PIO argued that, because of filing of repetitive appeal, the KTCL Department has been bogged down with non-productive work of collecting and furnishing petty information repeatedly.

He further submits that KTCL has initiated its website www.ktclgoa.com and all the information has been uploaded on said website giving serial number to pages and no page in serial is missing and whatever information held by the KTCL has been uploaded on its website.

10. I have perused the complaint memo, reply of the PIO, heard the submissions made by both parties, perused the written submissions on records and scrutinize the documents on record.

11. Complainant herein is seeking the explanation /opinion on the information available on website.

It is not denied by the Complainant that he had earlier sought the information under RTI on 12/07/2018, 10/08/2019 and 31/10/2018 as alleged by the PIO.

12. First appeal filed by the Complainant was also dismissed by First Appellate Authority by its order dated 10/10/2019, thereby upholding the reply of the PIO.

13. Issue raised by the Complainant in his application under RTI is stale. This issue has been deliberated discussed and decided by this Commission in its various earlier judgments.

14. Hon'ble Delhi High Court in dealing with similar kind of issue held as under in **Hansi Rawat & Anr V/s Punjab National Bank & Ors in LPA No. 785/2021**

" 3. The CIC in its order noted, that the appellant No. 2 had been removed from service of the respondent Bank; that the appellants had sought information on 39 points; that the grievance of the appellants was that misleading

15. 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."

16. 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 practise, does not harm or adversely affect other public interest which includes efficient functioning of the Government, optimum use of limited fiscal resources.

17. It is also to be considered that information which related to the right to the third party and is having no relationship to any public activity is not required to be furnished.

18. In view of above discussion, I find that Complainant failed to show any malafide on the part of Opponent. The PIO has acted deligently under RTI Act, therefore I am of the opinion that that is not a fit case for considering imposition of any penalty on the PIO.

In the above given circumstance following order is passed.

O R D E R

Complaint stand dismissed.

Proceedings closed.

Pronounced in open court.

Authenticated copies of the Order should be furnish to the parties free of cost.

Sd/-

(Vishwas R. Satarkar)

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