

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

Appeal No. 05/2022/SCIC

Shri. Mahesh Kamat,
"Blossom" 101, Seasons Coop. Housing Society,
Murida, Fatorda-Goa. 403602.Appellant

V/S

Shri. Sanjay Ghate,
The Public Information Officer,
Kadamba Transport Corporation Ltd.,
Parasio de Goa, Alto,
Porvorim-Goa.Respondent

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 03/01/2022

Decided on: 21/04/2022

FACTS IN BRIEF

1. The Appellant, Shri. Mahesh Kamat, r/o. "Blossom" 101, Seasons Coop. Housing Society, Murida, Fatorda-Goa by his application dated 23/08/2021 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO) of Kadamba Transport Corporation Limited at Alto, Porvorim Goa.
2. The said application was responded by the PIO on 21/09/2021 in the following manner:-

"With reference to your application cited above, the information sought under RTI Act is furnished as under; The applicant cannot ask the Public Information Officer (PIO) questions in form like whether, who, why etc.

We have replied to your application in past in above matters, hence repetitive seeking of information is not entertained.

First Appellate Authority (FAA) has already directed to reject your applications as regards above matters, as

you have been making repetitive applications, in judgement dated 15/06/20218."

3. Dissatisfied with the reply of the PIO, the Appellant preferred first appeal before the Managing Director, Kadamba Transport Corporation Limited, at Porvorim Goa being the First Appellate Authority (FAA).
4. The FAA upheld the reply of the PIO and dismissed the first appeal of the Appellant by order dated 10/12/2021.
5. Being aggrieved with the order of FAA, the Appellant landed before the Commission with this second appeal under section 19(3) of the Act, with the prayer to direct the PIO to furnish the information.
6. Notice was issued to the parties, pursuant to which the PIO, Shri. Sanjay Ghate appeared and filed his written statement on 17/02/2022.
7. According to the Appellant, he was seeking the opinion formed by the Board of KTCL in the matter of compulsory retirement of the Appellant under FR 56(J).
8. According to the PIO, the information sought by the Appellant has been already furnished to him on his earlier applications under the Act and available information has been uploaded on KTCL website and same is serially numbered.

Further according to him, Appellant was the employee of KTCL, however his service has been terminated by the KTCL by compulsory retirement under FR 56(J) on 20/06/2008 and since then he has been filing multiple RTI applications to take revenge on his ex-employers.

Further according to him, Appellant has so far filed about 49 applications and first appeals before the FAA and various second

appeals before the Commission. His applications and appeals are repetitive in nature and pertains to same subject matter only to harass the officers of Respondent authority.

9. Perused the pleadings, written statements, scrutinised the documents on records and considered the written and oral argument of the rival parties.

10. On perusal of application filed under RTI dated 23/08/2021 by the Appellant it reveals that the Appellant is seeking the opinion formed by the Board in deciding the compulsory retirement of Appellant under FR 56(J).

11. It is a consistent stand of the PIO that available information has been uploaded on KTCL website with pages numbered serially and no information is available with the KTCL other than which is available on website.

12. The FAA also in its order dated 10/12/2021 observed as under:-

"Records of this office also shows that to facilitate giving the information, the PIO had earlier also advanced the facility of inspection of the relevant files so that the Appellant can go through these files and seek or take the relevant information."

13. To support this contention, the PIO has submitted that upon direction of the Commission in case No. 33/2018/SIC-I the Appellant was given inspection of all files to the Appellant on 26/03/2018 and prepared inspection report. The Appellant neither controverted the above submissions of the PIO nor denied that the inspection was held by him.

14. The Act provides access to citizens to the information under the control of PIO, however such information has to exist

physically or in digital forms in the records of public authority. There is neither any scope for providing opinions nor any scope for explanation which is not part of any record.

15. The High court of Andhra Pradesh in the case of **Divakar S. Natrajan v/s State Information Commission (W.P. No. 20182/2008)** has held that:-

"16. Before undertaking further discussion as to the legality or otherwise of the order passed by the respondents, the distinction between 'information' on the one hand and the 'reason' for existence or non-existence of a particular state of affairs on the other hand, needs to be noticed. The Act has comprehensively defined the word 'information'. It takes in it's fold large variety of source of information, including documents, emails, opinions, press release, models and data materials etc. The common feature of various categories mentioned in the definition is that they exist in one form or the other and the PIO has only to furnish the same, by way of copy or description. In contrast the reasons or basis as to why a particular state of affairs exists or does not exist cannot be treated as a source or item of information."

16. The right conferred by the Act should be exercised carefully and responsibly. It appears that the Appellant has been filing multiple stereotypes appeal to built pressure on public authority and PIO on same subject matter. Under the Act, the public authority and impliedly the PIO has to disseminate information sought by the citizen under the reasonable restriction provided in the Act. Though the statute does not provide for limitation, that is the number of RTI application to be filed by a citizen on same

subject, there cannot be free ride to the habitual applicant. It cannot be anybody's case that one single citizen should monopolise the time and resources of the public authority under the Act.

The High Court of Rajasthan in **Hardev Arya v/s Chief Manager (PIO) & Ors (W.P. No. 10828/2012)** has held that:-

"11. 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, the 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 to abuse or misuse....."

In view of the above facts and discussion, and the principles established by the judiciary, I find there is nothing in the present appeal to grant relief. I find no merit in the appeal and consequently the appeal is disposed off with the following:-

ORDER

- The appeal stands dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner