

**GOA STATE INFORMATION COMMISSION**

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

Tel No. 0832-2437908/2437208 email: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) website:www.gsic.goa.gov.in

---

**Appeal No.164/2020**

Shri. Peter Martins,  
H.No. 36(532), Riberio Waddo,  
Porvorim, Socorro, Bardez,  
Goa. 403507.

.....Appellant

V/S

1. The Public Information officer,  
Section Officer (Personnel-I),  
Department of Personnel,  
Government of Goa,  
Secretariat, Porvorim-Goa.

2. The First Appellate Authority,  
Joint Secretary (Personnel),  
Government of Goa,  
Secretariat, Porvorim-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 07/10/2020**

**Decided on: 06/01/2022**

**FACTS IN BRIEF**

1. The Appellant, Shri. Peter Martins, H.No. 36(532), Riberio Waddo, Porvorim, Socorro, Bardez, Goa, by his application dated 05/03/2020 under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer, Personnel Department, Secretariat, Alto, Porvorim-Goa.
2. The said application was replied by the PIO on 25/06/2020 informing that information sought for qualifies as personal information within the meaning of provision of sec 8(1)(J) hence cannot be furnished.
3. Not satisfied with the reply of the PIO, Appellant filed first appeal under sec 19(1) of the Act before Joint Secretary, Department of Personnel, Secretariat, Porvorim Goa being the First Appellate Authority (FAA).

4. The FAA by its order dated 10/09/2020 dismissed the said appeal thereby upholding the reply of PIO.
5. Being aggrieved with the order of FAA, the Appellant preferred this second appeal before the Commission under sec 19(3) of the Act with the prayer to quash and set aside the order of FAA and to direct the PIO to furnish the information.
6. Notice was issued to the parties, pursuant to which the PIO appeared and filed her reply on 22/03/2021, representative of FAA appeared and filed her reply on 20/09/2021.
7. I have perused the pleadings, replies and scrutinized the documents on records.
8. According to Appellant, the impugned order of FAA is not legally tenable since the information asked by him is not of any individual, but the same relates to the order passed by the Government Department. He also emphasized that the Appellant is one of the party in the said inquiry report and therefore he is entitled to know the details of the outcome of the said inquiry.

Further according to him, he is seeking the inquiry report submitted by the Superintendent of Police to the Personnel Department in relation to Commuindade of Serula. As entire investigation and inquiry is over, he is entitled for the report of the same. To substantiate his case he relied upon the judgment of CIC in case of **Mr. Jerald Rebello v/s Mr. Bidhi Chand (CIC/SG/A/2011/002673)**

9. In reply to the pleadings in appeal, the PIO submitted that information sought by the Appellant pertains to complaint filed by Goa Police against Shri. Agnelo Lobo and Reginaldo Lobo in the matter of Comunidade of Serula and involves the investigation against the four Government Officers viz. Narayan Gad,

Shri. Sabaji Shetye, Irene Sequeira and A.R. Naik, therefore information sought by the Appellant qualifies as personal information and coming within the purview of sec 8(1)(J) of the Act and O.M. No. 11/2/2013-1R(pt) dated 14/08/2013 issued by Department of Personnel and Training, New Delhi is applicable and hence the information sought cannot be furnished to the Appellant.

10. Sec 8(1)(J) reads as under:-

**"8. Exemption from disclosure of information. \_\_\_**  
*(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,\_\_\_*

*(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:*

*Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."*

From the above reading it is evident that exemption is attracted if the information is personal in nature.

11. In the present case, the information sought by the Appellant is not of any individual officer but relates to the order issued by the Under Secretary, Personnel (I), and in respect of the file copies/ the letter from the Superintendent of Police (Crime) dated 27/11/2014 sent to Personnel Department.

The Appellant has sought copy of order dated 01/07/2019 which is an order of the Government i.e a public document and cannot be treated as personal information of any officer. Yet another, information sought pertains to the record file of the Superintendent of Police, sent to Personnel Department. This file also does not relate to any personal information of any officer but said information is generated by public authority in the course of the official duty and therefore does not fall under section 8(1)(J) of the Act.

12. The judgment referred by FAA in its order dated 10/09/2020 i.e **Girish Ramchandra Deshpande v/s Central Information Commission & Ors. (Supra)** is squarely not applicable, as in the said judgment, the petitioner sought for copies of all memos, show cause notice and censures punishment awarded by employer to the employee and also detail about movable and immovable properties, investments, lending and borrowing from the Banks and other financial institutions details of gifts accepted by the employee and his family members, friends and relatives at the marriage of his son etc. Therefore said judgment is distinguishable and not so much relevant to the present case.

The Office Memorandum relied upon by the PIO, i.e O.M. No. 11/2/2013-1R(pt) dated 14/08/2013 issued by Department of Personnel and Training, New Delhi is based on the decision of the Supreme Court of India in the matter of **Girish Deshpande v/s CIC and Ors (SLP(c) No. 27734/2012)** in which decision related to service records of an employee was discussed. The operative part of the said Office Memorandum reads as under:-

*"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the*

*expression 'personal' information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual. The Supreme Courts further held that such information could be disclosed only if it would serve larger public interest."*

13. Considering the above position, I find that the information sought by the Appellant does not relate to personal information which could cause unwarranted invasion of the privacy of the individual. This information also cannot be denied to Parliament or State Legislature and therefore the same cannot be denied to the Appellant, hence the Memorandum which is relied upon by the PIO/FAA is not applicable to the present case.

14. In the backdrop of the above fact, I dispose the present appeal with following:-

## **ORDER**

- The appeal is allowed.
- The PIO is hereby ordered to give the inspection of file and furnish the Appellant the information as sought in his application dated 05/03/2020, free of cost, within **FIFTEEN DAYS** from the date of receipt of this order.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner