

**GOA STATE INFORMATION COMMISSION**

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

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

**Appeal No. 174/2022/SIC**

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

-----Appellant

**v/s**

Shri. Derrick Pereira Neto,  
First Appellate Authority,  
Kadamba Transport Corporation Ltd,  
Paraiso de Goa, Alto, Porvorim-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 02/03/2022
PIO replied on	: 06/04/2022
First appeal filed on	: 05/05/2022
First Appellate Authority order passed on	: 09/06/2022
Second appeal received on	: 27/06/2022
Decided on	: 29/12/2022

**ORDER**

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent First Appellate Authority (FAA), Kadamba Transport Corporation Ltd (KTCL), Porvorim-Goa, came before the Commission on 27/06/2022. Appellant has prayed for remanding of the matter to the FAA.
2. It is the contention of the appellant that vide application dated 02/03/2022 he had sought certain information from the PIO. He filed appeal before the FAA, against the reply of the PIO, which was decided by the FAA vide order dated 09/06/2022. Being aggrieved by the said order, he filed second appeal before the Commission.
3. Notice was issued, pursuant to which appellant appeared and filed submissions on 09/08/2022 and 10/10/2022. Arguments of appellant were heard on 10/10/2022. Shri. Hitendra Satarkar, Assistant Legal Advisor, KTCL, appeared on behalf of FAA and filed submission dated 27/07/2022 and another submission on 10/10/2022.
4. Appellant stated that, the FAA dismissed the appeal on the ground taken by the PIO, however, FAA erred in presuming some ground not taken by the PIO. FAA has acted as PIO by adding additional ground for refusal of information, forgetting his role as appellate authority,

therefore, FAA has not acted on the basis of material on record, as claimed. Hence, the matter needs to be remanded to FAA for passing clear and specific order.

5. FAA, while objecting to the prayer of remanding the matter, submitted that he had decided the appeal based on the submission of both the parties. Hence, the present appeal is meritless and ought to be dismissed.

FAA further stated that, the appellant is misusing the Act with repetitive applications on similar subject matter, information on which has already been provided, over the years with malafide intention to harass the respondent. Appellant being conversant with the Act, and past record reveals that since the year 2007, the appellant is resorting to the RTI Act and filed applications under Section 6 (1) of the Act, and carried inspection of the records, as such it ought to be within knowledge of the appellant that the role of PIO is to provide information as exists and as available in records of the public authority. The dispute of compulsory retirement was already dealt and decided by the Hon'ble High Court of Bombay at Goa in Writ Petition No. 569/2008. The appellant is misusing the Act, as is also evident from the plethora of applications and appeals before the appellate authorities. Similarly, the First Appellate Authority has been deciding number of appeals filed by the said appellant, as provided by law.

6. Appellant while arguing his case stated that, there are several instances where the higher authority has remanded cases for re-examination of the lower authority who have misapplied the law and decided the matter without supporting evidence on record. Only issue for determination in the instant matter is whether the FAA was right to dismiss appeal on grounds different from the grounds taken by the PIO, and other issues raised by the respondent here does not merit a reply.

Appellant further argued that, he had sought for the information pertaining to employment of Shri. Sanjay Ghate after superannuation and compulsory retirement of the appellant under rule FR 56 (J). The information pertaining to compulsory retirement of the appellant was disclosed before the Hon'ble High Court of Bombay at Goa in Writ Petition No. 569/2008, and he is seeking the same information. It is not the case of appellant harassing the respondent authority by filing number of applications and appeals, but it is the designated PIO and FAA of the authority who are not

furnishing the information to harass the appellant, hence, the appellant is compelled to file repetitive applications and appeals.

7. Upon careful perusal of the records of the present appeal, it is seen that the appellant vide application dated 02/03/2022 had sought information on 07 points, out of which information sought on point no. 1 pertains to the employment of Shri. Sanjay Ghate in KTCL after superannuation, whereas information sought from point no. 2 to 7 pertains to compulsory retirement under rule FR 56 (J), of the appellant. The said application was replied by the PIO vide letter dated 06/04/2022. Being aggrieved by the reply, appellant filed appeal before the FAA. FAA while dismissing the appeal held that "there is no case made out for interference as the information pertaining to the contractual appointment of Shri. Sanjay Ghate, General Manager, has been given by the respondent and other information pertaining to the compulsory retirement of the appellant was already given by the respondent. Whatever information not available has been categorically informed as not available."
8. While perusing the order passed by the FAA, the Commission observes that, the said appeal was filed on 05/05/2022 and the FAA held hearing on 20/05/2022 and 07/06/2022. After hearing both the sides, FAA passed a reasoned order on 09/06/2022, dismissing the appeal. The appeal was disposed within 45 days, as provided under Section 19 (6) of the Act, on merit. The appellant as well as the PIO was given due hearing wherein, appellant pressed for the information, whereas, PIO submitted that the available information has already been furnished in similar types of applications filed by the appellant earlier and that the appellant is wasting time of PIO and appellate authority, and misusing the Act intentionally. The FAA upheld the submission of PIO and concluded that no intervention is required in the matter.
9. The Commission finds that the FAA had heard and decided the appeal as provided in the Act and had passed an order to dispose the appeal, on merit. The said order is clear and specific and a reasoned order, yet challenged by the appellant before the Commission.
10. Appellant, while arguing before the Commission as well as in his submissions has levelled various charges against the respondent FAA and also against the PIO. Similarly, appellant has expressed apprehensions that authority might have filed false affidavit and might have manipulated records. Appellant has suspected

administrative corruption of authorities in the KTCL, i.e. respondent authority.

11. One of the subject matter of the application which has resulted in the present appeal is compulsory retirement under rule FR 56 (J) of the appellant by the management of the KTCL. It is seen from the records that the appellant had challenged the said action and the Hon'ble High Court of Bombay at Goa and Hon'ble Supreme Court had upheld the compulsory retirement from KTCL. The Commission has no jurisdiction to look into the issues raised by the appellant, which are mentioned above. Similarly, the Commission does not wish to entertain the appellant on the issues which are already decided by the Hon'ble High Court of Bombay at Goa and Hon'ble Supreme Court.
12. With these observations, the Commission finds that the FAA vide his order dated 09/06/2022 has acknowledged the fact that information on point no. 1 of the application was furnished by the PIO and information on point no. 2 to 7 was furnished on earlier, similar types of applications to the appellant. The said order is based on merit and there is no need to remand the present matter to the FAA for fresh hearing.
13. In the light of above discussion, the Commission concludes that the instant appeal is devoid of merit and no relief can be granted to the appellant. Thus, the appeal is disposed as dismissed and the proceeding stands closed.

Pronounced in the open court.

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

