

**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)

---

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

**Appeal No. 96/2022/SIC**

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.,  
Paraso de Goa, Alto,  
Porvorim-Goa.

-----Respondent

**Relevant dates emerging from appeal:**

RTI application filed on	: 12/01/2022
PIO replied on	: 10/02/2022
First appeal filed on	: 18/02/2022
First Appellate Authority order passed on	: 16/03/2022
Second appeal received on	: 30/03/2022
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 Shri. Sanjay L. Ghate, Public Information Officer (PIO), Kadamba Transport Corporation Ltd (KTCL), Porvorim-Goa, came before the Commission on 30/03/2022.
2. The brief facts of the appeal, as contended by the appellant are that, vide application dated 12/01/2022 he had sought certain information from PIO. Not satisfied with the response from the PIO, he preferred appeal before the First Appellate Authority (FAA). The first appeal was disposed vide order dated 16/03/2022. It is the contention of the appellant that, he has not received the information, nor the same has been uploaded on the website of the authority, as stated by the PIO, hence, he has appeared before the Commission by way of second appeal.
3. The concerned parties were notified and the matter was taken up for hearing. Pursuant of the notice, appellant appeared in person, filed arguments dated 13/06/2022, counter arguments dated 09/08/2022, submission on 28/11/2022 and another submission on 26/12/2022. On the other hand, PIO appeared and filed reply dated 09/05/2022,

on 25/07/2022 filed written arguments, and on 20/12/2022 filed additional reply.

4. Appellant stated that, it is not the case that information cannot be furnished, hence PIO must furnish the information. However, PIO has not furnished any information and made false submission that the information is already given in earlier applications and the said information is uploaded on the website of the authority i.e. KTCL. That, the PIO has not sought assistance of other officers and Managing Director and Chairman of his authority, nor rejected the information under exemption clause, hence PIO is required to furnish the information.
5. PIO stated that he has furnished the information in past while replying to applications from the appellant seeking the same information again and again. In spite of this fact, the appellant is filing applications before PIO, first appeals before FAA and second appeals before the Commission. PIO further stated that the appellant by filing repetitive applications for the similar information is wasting time of the authorities designated under the Act.
6. Appellant, while arguing his case stated that, the Hon'ble High Court of Bombay at Goa in Writ 569/2008 held that the order of compulsory retirement of the appellant, issued by the public authority, KTCL, is legal and not arbitrary, and Hon'ble Supreme Court in SLP 21066/14 confirmed that the requisite opinion is formed following the process and procedure of compulsory retirement, and he is seeking the same information which is not furnished by the PIO.
7. PIO argued stating that, the appellant has been repeatedly seeking information pertaining to his compulsory retirement from KTCL and every time it is informed to the appellant that what so ever information is available has been furnished to him and the same is uploaded on the website of the authority. That appellant is wasting time of PIO as well as appellate authorities in seeking same information and filing similar appeals. Hon'ble High Court of Bombay and Hon'ble Supreme Court have already dismissed petition filed by the appellant, challenging the order of his compulsory retirement, however, he is interpreting the said judgments as per his wish. PIO further argued that the appellant is now personally cursing and attacking the PIO in indecent language.
8. The Commission has perused replies, submission and heard arguments of both the sides. Upon careful perusal of the records it is

seen that the appellant had sought information from PIO pertaining to his compulsory retirement under rule FR 56 (J). The same appellant earlier had sought similar information on the issue of his compulsory retirement from the KTCL and records show that the Commission in similar appeals had held that relevant information has been furnished by the PIO in earlier applications. In spite of that appellant has been requesting for the same information with some alternation of words in his applications. Similarly, the appellant has been filing first appeals before the FAA, second appeals and complaints before the Commission. Many of such appeals and complaints were disposed by the Commission, even then, the appellant continues to file similar applications under Section 6 (1) of the Act before PIO, similar appeals under Section 19 (1) of the Act before FAA and complaint under Section 18 and second appeals under Section 19 (3) of the Act before the Commission.

9. The Commission had made similar observations while deciding many such appeals of the same appellant in the past, such as Appeal No. 167/2017, Appeal No. 33/2018, Appeal No. 169/2018, Complaint No. 55/2018, Complaint No. 56/2018, Appeal No. 228/2019, Appeal No. 82/2020, Appeal No. 05/2022 etc. Similarly, the Commission on 12/03/2018 had provided inspection of the files related to the subject matter and appellant had undertaken inspection of the records, yet never controverted the submission of PIO that the information was furnished and uploaded on the website of KTCL.
10. In spite of the facts mentioned above, the appellant continues to file applications and appeals, including the instant appeal seeking the same information again and again. Such an act of the appellant is sheer misuse of the beneficial provisions of the Act. The right conferred by the Act should be exercised judiciously and with responsibility. Here, it appears that the appellant is aggrieved with the authority due to compulsory retirement given to him and he is trying to derive sadistic pleasure by filing number of applications before the PIO and appeals before the FAA of the authority. Though the statute does not provide for limitation of the numbers of applications under Section 6 (1) of the Act on same subject, applicant cannot be allowed to go on filing repetitive applications seeking the same information.
11. The Hon'ble High Court of Rajasthan, in writ Petition No. 10828/2012 in the matter as Hardev Arya V/s. Chief Manager (Public Information Officer) and Others has held in para 12:-

*"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. Every statute acts and operates within its scope and ambit, therefore, the duty rests with the Courts to discourage litigious obduracy."*

12. Records show that the decision of compulsory retirement was challenged by the appellant in the Hon'ble High Court of Bombay at Goa and the said Writ (Writ 569/2008) of the appellant was dismissed. Later Hon'ble Supreme Court (SLP 21066/14) confirmed the ruling of the High Court. Hence, the Commission is of the opinion that the said matter has been already decided by the Hon'ble High Court and Hon'ble Supreme Court, these authorities have already held that prescribed procedure was followed by the KTCL, this being the case, the Commission does not wish to entertain any grievance of the appellant pertaining to the same issue. Similarly, appellant being the petitioner in the said matter before the Hon'ble High Court of Bombay at Goa and Hon'ble Supreme Court, must be in possession of relevant documents and information pertaining to his compulsory retirement.
13. From the facts brought on record it is clear that the appellant is aggrieved with the PIO and FAA of the public authority not because the information is not furnished, but because they represent the said public authority which handed him compulsory retirement. This implies that the appellant has grievance against the PIO and the FAA and his application and appeal is as good as misuse of the Act which has been filed with the intention to pressurize and harass the PIO and the authority.
14. The Hon'ble High Court of Delhi in Hansi Rawat & Anr. v/s. Punjab National Bank & Ors. in LPA No. 785/2012, it is held that:-

*"6.The proceeding under RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No. 2 from the employment of the respondent Bank is admittedly pending consideration before the appropriate fora. The purport of the RTI Act is to enable the appellants to effectively pursue the said*

*dispute. The question, 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 disputes as to the correctness of the information furnished. Moreover, there is a categorical finding of 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."*

15. Appellant during his arguments stated that, the main issue is whether the order of compulsory retirement under FR 56 (J) is issued by following the prescribed procedure or not. The Commission reminds the appellant that the Hon'ble High Court of Bombay at Goa and Hon'ble Supreme Court have already decided the matter and inspite of the said decision if the appellant is aggrieved , then he is required to approach the appropriate authority. Subscribing to the ratio laid down by the Hon'ble High Court of Delhi, as mentioned in para 14, the Commission has no jurisdiction to hear the said grievance of the appellant.
16. In addition to this, the Commission notes that the appellant under Section 19 (1) of the Act had filed first appeal before the FAA and after due hearing FAA, while dismissing the appeal held that "appellant has not made out any case for grant of relief as prayed for as the required information whatever was available has been made available by the PIO and wherever the information is not available, the PIO has categorically stated as not available."

Appellant, while preferring second appeal under Section 19 (3) of the Act has not challenged the order of the FAA. Hence, the Commission holds that the appellant is not aggrieved by the order of the FAA which states that information has been furnished. Since, it is held by the appellate authority that the information has been furnished, and the same is not challenged by the appellant, the Commission concludes that the prayer in the instant matter for information becomes inconsequential and the same cannot be granted.

17. The Commission takes note of the submission dated 28/11/2022 filed by the appellant, objecting to the appearance of Shri. Sanjay L. Ghate as PIO. Appellant stated that the status of Shri. Sanjay L. Ghate as employee of KTCL has come to an end on attaining the age of 60 years and his contractual employment is on the basis of new approval after superannuation and the appointment order as PIO on contract is not issued to him, as such he cannot appear in this proceeding and file submission as PIO. Appellant has filed a copy of order dated 31/08/2021 signed by Managing Director of KTCL. The said order mentions appointment of FAA, PIO and APIO under the Act. Similarly, appellant vide submission dated 26/12/2022 has raised reservations on the appointment on contract of Shri. Sanjay L. Ghate as General Manager of KTCL and has prayed for appropriate order as regards the authority of Shri. Sanjay L. Ghate to act as General Manager and PIO of KTCL.

On the other hand, Shri. Sanjay L. Ghate, PIO stated vide reply dated 20/12/2022 that as per the said order, General Manager of KTCL is the PIO and Shri. Sanjay L. Ghate is currently the General Manager, hence he is the PIO of the authority, i.e. KTCL. The said order dated 31/08/2021 was notified by the Director of Printing and Stationary, Government of Goa for information of general public.

18. With this, the Commission finds that Shri. Sanjay L. Ghate, during the regular appointment as General Manager of KTCL, was the designated PIO of the authority and Shri. Ghate, after superannuation has been re-appointed as General Manager, hence he continues to be the PIO of the authority. The Act does not mandate any authority to designate any officer only in regular service as PIO and the Act does not object designation of an officer on contract, post- superannuation, as PIO. Similarly, issues raised by the appellant regarding the appointment of Shri. Sanjay L. Ghate as General Manager and PIO of KTCL are purely of administrative nature, pertaining to service matter. Therefore, the Commission shall not intervene in the said matter. The Commission, after careful perusal of submissions of both the sides, does not find anything wrong in appearance of Shri. Sanjay L. Ghate as PIO in the present matter, however, the appellant if not satisfied, may approach appropriate authority for adjudication of the issue. In the eyes of the Commission, objection raised by the appellant for appearance of Shri. Sanjay L. Ghate as PIO in the present matter holds no merit, thus dismissed.
19. In the light of above discussion, the Commission concludes that the instant appeal is devoid of merit. This being the case, the appellant

deserves no relief and the appeal is required to be disposed accordingly. Thus, the present 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