

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 80/2021/SIC**

Shri Suraj J Behere,  
H.No. 41/GL/149,  
Nr. Govt. High School, Head Land Sada,  
Goa 403804.

..... Appellant

**v/s**

1. The Public Information Officer (PIO),  
Gauri Loliencar,  
Directorate of Mines & Geology,  
Institute Menezes Braganza,  
Panaji-Goa.

2. The First Appellate Authority (FAA),  
Shri Abhir Hede, Dy. Director,  
Directorate of Mines & Geology,  
Institute Menezes Braganza,  
Panaji-Goa.

..... Respondents

Filed on : 01/04/2021

Decided on : 18/02/2022

## **Relevant dates emerging from appeal:**

RTI application filed on	: 20/06/2019
PIO replied on	: 15/07/2019
First appeal filed on	: 04/01/2021
FAA order passed on	: 09/02/2021
Second appeal received on	: 01/04/2021

## **ORDER**

1. The second appeal filed by the appellant under section 19(3) of the Right to Information Act, 2005 (for short, the Act) against respondent No. 1 Public Information Officer (PIO) and respondent No. 2 First Appellate Authority (FAA) came before the Commission on 01/04/2021.

2. The brief facts of the appeal, as contended by the appellant are that the appellant vide application dated 20/06/2019 sought information on three points from the PIO. The appellant received reply dated 15/07/2019 from PIO. Later he filed a complaint dated 29/06/2020 before the Director, Directorate of Mines and Geology, against the PIO for furnishing wrong information. The appellant was requested by Shri. Abhir Hede, Deputy Director of Mines vide letter dated 17/09/2020 to file first appeal. The appellant filed first appeal dated 04/01/2021 before the FAA.
3. It is the contention of the appellant that the FAA disposed the appeal vide order dated 09/02/2021 concluding that the PIO has furnished the information within the stipulated period and also directing the PIO to provide for inspection of the concerned file. Being aggrieved, the appellant filed second appeal before the Commission.
4. Parties were notified, pursuant to which the appellant appeared in person before the Commission. Respondent PIO remained absent initially, however later Shri. Baban Gaonkar, present PIO appeared in person. Appellant filed submissions dated 28/07/2021, 25/10/2021, 01/12/2021, 22/12/2021 and 18/01/2022. Reply and submission dated 25/10/2021, 23/11/2021 and 22/12/2021 are filed by the PIO.
5. The appellant stated that the information under point no. 1 and 2 is provided to him by the PIO and he is satisfied with the same. However information provided under point No. 3 is wrong and PIO is required to furnish correct information. Further, the appellant stated that under point no. 3 he sought details about date and inward number of a file submitted to the Government for 'consideration' as per Circular No. 19-02-2004-GAD/Part dated

30/03/2012. However information furnished by the PIO is related to a file submitted for 'scrapping of the selected posts of Field Supervisors and Assistant Data Entry Operator in Directorate of Mines and Geology, which has no relevance with the information requested by appellant. The procedure followed by the said Directorate in view of the circular mentioned herein is not proper and the PIO has furnished wrong information related to some other file, which is not sought by the appellant. This is done with an intention to cover up their failure.

6. The PIO stated that the available information has been furnished to the appellant and further the appellant was given an opportunity to inspect the relevant file and the appellant has carried out the inspection. Directorate of Mines & Geology has followed proper procedure as per Circular 19-02-2004-GAD/Part dated 30/03/2012. Objection filed by the appellant regarding the term 'consideration' and 'scrapping' is only an argument and a matter of interpretation of the information provided. The Directorate had moved a note to the Government, copy of which has been provided to the appellant vide letter dated 12/10/2021. The said file pertaining to the recruitment of Field Supervisor is available for inspection and information as available in the records has been furnished to the appellant.

7. Upon perusal of the records of this matter, it appears that the appellant, who was one of the applicant for some post in the Directorate of Mines and Geology, is aggrieved under the presumption that wrong information has been furnished to him. He had sought, under point no. 3, details about date and inward register number of the file submitted to the Government for consideration as per Circular No. 19-2-2004-GAD/Part dated 30/03/2012. Smt. Gauri Lolienkar, the then PIO furnished

information vide letter dated 15/07/2019 stating "the file was inwards in the office of the Hon'ble Chief Minister, Government of Goa under reference No. 5845-F dated 27/07/2012." The appellant contends that the subject of the file of said reference number was 'scrapping of the selection for the post of Field Supervisor', and not 'consideration'. Here the appellant assumes that the PIO furnished him wrong information.

Later during the proceeding, Shri. Baban Gaonkar, the present PIO in his reply stated that the correct information has been furnished by the then PIO. The present PIO has also furnished copy of a note signed by Shri. Prasanna A. Acharya, Director of Mines and Geology, which was moved to the Government explaining the issue related to the said file. Hence, the Commission is in agreement with the say of the PIO that the whole issue is only with respect to usage of different words having similar meaning.

8. It is noted that the FAA also has observed in his order that the information is not denied by the PIO, and is furnished to the appellant within the stipulated period. And that the appellant has not pointed out to a specific information being denied to him.
9. With reference to this discussion and with the findings mentioned above, the Commission concludes that the PIO has furnished the information to the appellant, as sought by him vide application dated 20/06/2019 and his objections regarding correctness of the information furnished do not sustain. Hence no relief can be granted to the appellant.
10. In the light of above discussion, 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

Kk/-