

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 189/2022/SCIC**

Mr. Milton Gerard D’Cruz,  
R/o. H.No. 146, Cruz Vaddo,  
Quitula, Aldona,  
Bardez-Goa 403508.

.....Appellant

V/S

1. The Public Information Officer,  
Dy. Collector (LA),  
Disaster Management Cell,  
Collectorate of North Goa District,  
Panaji-Goa 403001.

2. The Additional Collector-II and  
The First Appellate Authority,  
Collectorate of North Goa District,  
Panaji-Goa 403001.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 07/07/2022**

**Decided on: 10/11/2023**

**ORDER**

1. The Appellant Mr. Milton Gerard D’Cruz r/o. H. No. 146, Cruz Vaddon, Quitula, Aldona, Bardez-Goa vide his application dated 28/09/2021 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office of the Collector, North Goa and Chairman, North Goa District Disaster Management Authority, Disaster Management Cell, Panaji-Goa.
2. The said application was responded by the PIO on 22/11/2021 in the following manner:-

<i>Sr. No.</i>	<i>Questions</i>	<i>Answer</i>
<i>1</i>	<i>Action taken/ Reply given by your office with respect to my letter to your office dated 16-07-2020 with Sub: wrong Date Mentioned of Requisition Order in Relieving Order with respect to Relieving Order</i>	

	<i>Bearing No. 50-4/CoLL(N)/DMC/REQU/2020-21/219 dated 13/07/2020 issued by your office.</i>	
2	<i>Action taken/ reply given by your office with respect to my letter to your office dated 22/02/2021 Reminder-I with respect to Sub: Wrong date mentioned if Requisition order in Relieving Order with respect to the above requisition order.</i>	<i>Corrigendum vide bearing No. 50-4/COLL(N)/DMC/REQ/COVID/21-22/2192 dated 27/10/2021 issued to rectify said mistake. Copy enclosed herewith.</i>
3	<i>Action taken/ reply given by your office with respect to my letter to your office dated 19/04/2021 Final Reminder-II with respect to Wrong date mentioned if Requisition order in Relieving Order with respect to the above requisition order.</i>	
4	<i>Action taken/ reply given by your office with respect to my letter to your office dated 16-07-2020 Sub: Wrong Experience Certificate/ Attendance Certificate</i>	
5	<i>Action taken/ reply given by your office with respect to my letter to your office dated 22/02/2021-Reminder –I with respect to Sub: Wrong Experience Certificate/ Attendance Certificate with respect to the above Requisition Orders</i>	<i>Information is Nil</i>
6	<i>Action taken/ reply given by your office with respect to my letter to your office dated 19/04/2021 Final Reminder-II with respect to Sub: Wrong Experience Certificate/ Attendance Certificate with respect to the above Requisition Orders</i>	<i>Information is Nil</i>
7	<i>Copy of the Action taken by your office with respect to the point No. 6.</i>	
8	<i>Copy of the letter bearing Ref. No. ITG/2019-20/3578 dated 12/03/2021 written by the Office of Info Tech Corporation of Goa</i>	

	<i>Limited, IT Hub 3<sup>d</sup> Floor, Altinho, Panaji-Goa with respect to subject: Issue of Appreciation Certificate for Covid 19 related duties.</i>
9	<i>Copy of the letter bearing Ref. No. ITG/2019-20/1242 dated 26/07/2021 written by the Office of Info Tech Corporation of Goa Limited, IT Hub 3<sup>d</sup> Floor, Altinho, Panaji-Goa with respect to subject: Issue of Appreciation Certificate for Covid 19 related duties.</i>
10	<i>Copy of Action taken by your office with respect to the point No. 7.</i>
11	<i>Copy of Appreciation Letter issued to the undersigned by R. Maneka, IAS Collector &amp; District Management, Chairperson Disaster Management Authority, North Goa District Panaji.</i>
12	<i>List containing Names of Staff, Designation of Staff, Names of the respective Offices/ Departments aongwith Addresses of Office's/Department in the State of Goa to whom the Appreciation Letters have been issued for the work done towards management and containment of COVID-19 declared as 'Pandemic' by the World Health Organisation and notified as 'Disaster' by the Government of India.</i>
13	<i>List containing name of Staff/ Designation of Staff of M/s Info Tech Corporation of Goa Limited, IT Hub, 3<sup>d</sup> Floor, Altinho, Panaji-Goa 403001 to whom the Appreciation Letters have been issued for the work done towards management of containment of covid-19 declared as 'Pandemic' by the World Health Organisation and notified as 'Disaster' by the Government of India.</i>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Additional Collector-II, Collectorate of North Goa District, at Panaji-Goa, being the First Appellate Authority (FAA).

4. The FAA vide its order dated 08/06/2022, partly allowed the first appeal and directed the PIO to provide the copy of corrigendum and information at point No. 7 and 8 of the RTI application dated 28/09/2021 within 7 days.
5. Aggrieved and not satisfied with the order of the FAA dated 08/06/2022, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act.
6. Admittedly, the information at point No. 1, 3 and 5 was provided to the Appellant. Therefore, his grievance has been restricted to information at point No. 2,4,6,7,8, 9,10,11,12 and 13.
7. It is the case of the Appellant that, he is working as Assistant Accounts Officer for M/s Info Tech Corporation of Goa Ltd., Altinho, Panaji-Goa and as a result of lockdown for COVID-19, he was deputed at Secretariat, Porvorim-Goa to handle food help line by virtue of requisition order dated 17/04/2020 and order dated 09/06/2020 in the office of Disaster Management Authority, North Goa. It is the contention of the Appellant that after the end of COVID pandemic period, the Chairperson of Disaster Management Authority, North Goa District, Panaji-Goa issued appreciation letter to acknowledge the excellent work done during the pandemic period.

Further, according to the Appellant the Chairperson of Disaster Management Authority North Goa has shown disparity towards issuance of the appreciation letter. Upset over no appreciation letter was issued to him, and in order to know the factual position, the Appellant by RTI application dated 28/09/2021 sought the list containing names of staff, designation of staff, name of parent office to whom the letters of appreciation have been issued by the office of Collector and Chairperson of North Goa District Disaster Management Authority, Panaji-Goa. However, according to him no information has been provided to him till date.

8. On the other hand, the PIO through his reply contended that, based on information available in the office records the reply was furnished to the Appellant on 22/11/2021. According to the PIO, the list containing the names of staff, designation of the staff to whom the letter of appreciation was issued is not available in the records of the public authority.

Further, the PIO contended that, no provision exist in the Disaster Management Act, 2005 which mandate for issue of "Appreciation letter". Further, according to the PIO, such information is not required to be maintained under the law, hence, appreciation letter cannot be demanded as a matter of right under the RTI Act.

Further according to the PIO he has complied with the order of the FAA and provided the copy of 'Corrigendum' dated 16/03/2022.

9. Perused the pleadings, reply and scrutinised the documents on record.

10. An appreciation letter is a note to demonstrate gratitude or acknowledgement of the excellent work performed by any person. It is a recognition for devotion and determination one shows in the tough time. It is not a matter of right. If the higher authorities satisfied with devotion of your work, he may or may not issue such letter of appreciation.

11. In the present case, it is true that, Ms. R. Maneka, Collector North Goa and Chairperson, Disaster Management Authority North Goa has given an appreciation letter to the COVID warriors during the testing time. However, said is not the matter of right. It may be probable that, the person who failed to provide expected result, could have been denied the letter of appreciation.

12. The Appellant cannot compel a public authority to take particular action and provide the information. The Commission also is not empowered to look into the competence of the public authority to act in a particular manner.
13. It is a consistent stand of the PIO that, information sought for by the Appellant is not available. The Appellant substantially failed to establish that the information sought for is actually generated by the public authority and that the PIO denied said information with malafide intention.
14. The extend and scope of the information and the nature in which it is to be dispensed is elaborately discussed and laid down by the Hon'ble Supreme Court in the case of **Central Board of Secondary Education v/s Aditya Bandodpadhyay (Civil Appeal No. 6454/2011)** wherein it is observed:-

*"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant."*

15. In a similar judgement the Patna High Court in the case **Shekhar Chandra Verma v/s State Information Commission (Letter Patent A. No. 1270/2009)** has held that:-

*"10. In our view, the [RTI Act](#) contemplates furnishing of information which is available on records, but it does not go so far as to require an authority to first carry out an enquiry and thereby 'create' information, which appears to be what the information seeker had required of the appellant."*

16. In the course of argument, the Appellant is insisting for attendance certificate with regards to the Requisition Order.

Admittedly, the Appellant was paid his salary when he was deputed at Secretariat, Porvorim, in office of Disaster Management to handle food help line during the COVID-19 pandemic. It would be highly improbable to expect that his salary was conferred to the Appellant without appraising his attendance in the service. It is no where the case of the PIO that no muster roll/ attendant sheet was not at all maintained during the pandemic period. Since the salary has been paid to the Appellant as per his attendance in service, it cannot be held that no information is generated or exists with the public authority. The PIO has no bonafide and logical explanation to this aspect, therefore, the Appellant is entitled for the copy of attendance sheet or attendance certificate during his duty on deputation particularly with regards to Requisition Orders/ Deputation.

17. In the backdrop of the above facts, the appeal is partly allowed with the direction to the PIO, Deputy Collector (LA), Disaster Management Authority, Disaster Management Cell to provide the Attendance sheet / Attendance Certificate to the

Appellant as per his RTI application dated 28/09/2021 within the period of **FIFTEEN DAYS** from the date of receipt of the order.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner