

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 29/2022/SCIC**

Dr. Ashutosh Prabhu Dessai,  
Associate Professor,  
Institute of Psychiatry & Human Behaviour,  
R/o. I/4, Namrata Bldg, Cardozo Wado,  
Taleigao, Panaji-Goa 403002.

.....Appellant

V/S

1. The Public Information Officer,  
Institute of Psychiatry & Human Behaviour,  
Bambolim-Goa.

2. The First Appellate Authority,  
Institute of Psychiatry & Human Behaviour,  
Bambolim-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 19/01/2022**

**Decided on: 24/03/2023**

**FACTS IN BRIEF**

1. The Appellant, Dr. Ashutosh Prabhu Dessai, Associate Professor, Institute of Psychiatry & Human Behaviour, Bambolim-Goa vide his application dated 15/11/2021 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), Institute of Psychiatry & Human Behaviour (IPHB), Bambolim-Goa.
2. The said application was responded by the PIO on 01/12/2021 in the following manner:-

1	Name of Reporting officers and if available the Reviewing Officers to whom the ACRs for years 2008-2017 & the year 2020-2021 were sent, dates on which the Annual Confidential Report (ACRs) for the years 2008-2017 and the year 2020-2021 were forwarded to each of them and dates on which the	14 copies enclosed as 'Annexure A'
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	ACRs were received back to IPHB from each of them	
2	Dates on which the ACRs were forward to the Public Health Department for the years 2008-2017 and the year 2020-2021.	07 copies enclosed as 'Annexure B' The ACR for the year 2020-21 yet to be forwarded to Public Health Department.
3	Any Circular/ Order/ Memorandum/ Note/ Standing Instruction concerning- as to who should hold the charge (link officer) of Professor & HOD IPHB (ag) during Earned / Casual leave/ RH/ Special holiday or absence of Dr. Shilpa Waiker, Associate Professor (HOD ag) in the months of September 2021 to November 2021 (29/09/2021 to 3/10/2021, 5/11/2021 & 08/11/2021)	1 copy enclosed
4	Letter dt 10/4/2017 by Dr. Shilpa Waiker on "Sub: Request to post additional consultant on my OPD day as 1 <sup>st</sup> on call/ to look after clinical duties, till such time that I hold additional charge of Medical Superintendent of PIHB.	Information sought cannot be disclosed under section of 8(1)(j) of the RTI Act, 2005.

3. Aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal on 10/12/2021 before the Director/ Dean, IPHB, Bambolim-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order upheld the reply of the PIO and dismissed the first appeal on 19/01/2022.
5. Being aggrieved and dissatisfied with the order of the FAA dated 19/01/2022, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which the representative of the PIO, Mr. Seby Dias appeared and placed on

record the reply of the PIO on 25/02/2022. The FAA duly served opted not to appear in the matter.

7. I have perused the pleadings, reply, rejoinder, written submissions and scrutinised the documents on record.
8. Admittedly, the Appellant has collected the information with regards to information at point No. 1, 2 and 3 by paying the requisite fee of Rs. 44/- on 02/12/2021. The information at point No. 4 has been denied by the PIO being exempted from disclosure as per Section 8(1)(j) of the Act.
9. A perusal of the application dated 15/11/2021 filed under Section 6(1) of the Act, particularly at point No. 4, it reveals that Appellant is seeking the copy of the letter dated 10/04/2017 drawn by his colleague Dr. Shilpa Waiker in exercising her public duty and same has been generated by the public authority. Prima facie the Commission noticed that said information has been denied on wrong footing and hence directed the PIO on 14/06/2022 to furnish the said information at point No. 4 to the Appellant on next date of hearing and the matter was posted for compliance on 18/07/2022.
10. That in the course of hearing on 18/07/2022, the APIO, Sebby Dias appeared and furnished the information at point No. 4 to the Appellant as per the direction of the Commission. However, the Appellant raised another query and submitted that he is not satisfied with the information provided at point No. 1 as letters of returning the Annual Confidential Report for the year 2009 to 2013 by the Reporting officer were not provided to him. The Commission therefore directed the APIO to locate the information and furnish to the Appellant and matter was fixed for further compliance on 23/09/2022.

11. During the course of hearing on 23/09/2022, APIO, Shri. Seby Dias appeared alongwith the dealing hand staff, Smt. Sonal Kudalkar and submitted that, search has been carried out to locate the copies of returning the ACR for the year 2009-2013 by the Reporting Officer, but no such documents have been traced. She also placed on record the letter dated 22/09/2022 to support her contention, copy of the same was supplied to the representative of the Appellant, Dr. Srishti Parbhu Dessai.
12. The Appellant remained absent for all subsequent hearings viz. 13/10/2022, 21/11/2022, 21/12/2022, 03/02/2023, 08/03/2023 and 24/03/2023 and did not participate in the proceeding, therefore I presume and hold that the Appellant has no say to offer.
13. In the present case, the PIO replied the RTI application on 01/12/2021 i.e. within the reasonable time and furnished the available information. The APIO also complied the direction of the Commission and furnished the information at point No. 4 during the pendency of second appeal, on 18/07/2022.
14. Considering the fact and circumstances hereinabove, I do not find any substance in the matter, hence the appeal is dismissed.
  - Proceeding closed.
  - Pronounced in the open court.
  - Notify the parties.

Sd/-  
**(Vishwas R. Satarkar)**  
State Chief Information Commissioner