

GOA STATE INFORMATION COMMISSION

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Appeal No. 321/2022/SCIC

Hemant Waman Vaze,
"Shantadurga", A/3 Rukmini Nagar Part 1,
Karad, District Satara,
Maharashtra, 415110.

.....Appellant

V/S

1. The Public Information Officer,
Asst. Director of Agriculture (Ext),
Directorate of Agriculture,
Krishi-Bhavan, Tonca, Caranzalem,
Panaji-Goa 403002.

2. The First Appellate Authority,
The Director, Directorate of Agriculture,
Krishi-Bhavan, Tonca, Caranzalem,
Panaji-Goa 403002.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 27/12/2022

Decided on: 30/10/2023

FACTS IN BRIEF

1. The Appellant, Shri. Hemant Waman Vaze r/o. "Shantadurga" A/3, Rukmini Nagar Part 1, Karad, District Satara, Maharashtra, 415110 vide his application dated 21/07/2022 filed through Registered Post under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), Assistant Director of Agriculture (EXT), Directorate of Agriculture, Krishi-Bhavan, Toca, Caranzalem, Goa:-

"Regarding complaint against Zonal Agricultural Officer (ZAO), Valpoi, Sattari Goa by Shri. Waman Krishna Vaze sent by regt. Ad. on 6th June, 2022 and delivered on 10th June, 2022 to the Director of Agriculture, Goa, please give attested copy of following:-

- 2) Report of inquiry conducted by your department.*
- 3) Facts found in that inquiry.*

4) Action taken by the department on that inquiry on facts found."

2. The said application was responded by the PIO on 24/08/2022 alongwith the enclosure NOTE in the following manner:-

1. Report of inquiry conducted by your department.

Letter No. 3/5/Extn/26-C/2022-23/D/ Agri./448, dated 19/8/2022, based on the inquiry conducted in the matter addressed to Shri. Waman Krishna Vaze, Satara, Maharashtra is enclosed.

2. Facts found in that inquiry.

Refer letter enclosed at No. 1 above for information.

3. Action taken by the department on those inquiry facts found.

Refer letter enclosed at No. 1 above for information.

3. Being aggrieved and dissatisfied with the reply of the PIO, the Appellant preferred first appeal through Registered Post on 12/09/2022 before the Director, Directorate of Agriculture, Krishi Bhavan, Toca Caranzalem, Goa, being the First Appellate Authority (FAA).
4. The FAA by its order upheld the reply of the PIO and disposed off the first appeal on 12/10/2022.
5. Being aggrieved and dissatisfied with the order of the FAA dated 12/10/2022, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which, representative of the Appellant, Adv. Sneha Shetye put her appearance in the matter, the representative of the PIO, Smt. Joyti Satardekar appeared and placed on record the reply of the PIO on 06/02/2023, the FAA, Shri. Nevil Afonso appeared and filed his reply on 06/02/2023.

7. Perused the pleadings, replies, rejoinder, scrutinised the documents on records and considered the submissions made by Adv. Arjun Naik on behalf of the Appellant.
8. It is the case of the Appellant that, one Waman Krishna Vaze has been appointed as the head of the family by Hon'ble Civil Court Valpoi Goa on 12/02/2019 in Inventory Proceeding and he is looking after the ancestral property situated at Amboli, Sattari-Goa. Thus, he is the only legally authorised person to carry bank transaction including the krishi loan.

It is the contention of the Appellant that, one Mr. Manohar Krishna Vaze has availed the KCC Loan from the State Bank of India, Valpoi Branch in September 2020 by submitting krishi card issued by Zonal Agriculture Officer (ZAO) Valpoi. Therefore, he lodged a complaint on 06/06/2022 against said ZAO, Valpoi before the Director, Directorate of Agriculture, Caranzalem, Panaji-Goa.

Upset over no action has been initiated on his complaint, the Appellant by his RTI application dated 21/07/2022 sought information about inquiry/ action taken by the Director of Agriculture against the ZAO, Valpoi, Goa.

9. Refuting the contention of the Appellant, the FAA through his reply contended that he decided the first appeal as per his wisdom by order dated 12/10/2022. This is a strange case where neither the then PIO nor the incumbent PIO took pains to file a formal reply in the matter. The Commission records its displeasure and warn the incumbent / then PIO for their irresponsible attitude towards the RTI process.
10. At the outset, it is revealed that, this second appeal is full of anomalies and discrepancies. Moreover, there is no prayer clause existing in the appeal memo. Hon'ble Supreme Court in the

recent judgement in the case **Akella Laita v/s Konda Hanumantha (Appeal No. 6325-6326/2015)** observed that a relief for which no prayer or pleading was made should not be granted.

11. Records reveal that, the subject matter of this appeal is the action taken on the alleged complaint dated 06/06/2022 which was filed before the Director, Directorate of Agriculture, Krishi Bhavan, Panaji-Goa. Same was categorically replied by the Director, Directorate of Agriculture on 19/08/2022 in the following manner:-

"With reference to above referred letter, it is to inform that inquiry in the matter was conducted and prima facie it is felt that as a normal procedure Zonal Agricultural Officer, Valpoi has blocked both the krishi cards."

Thereafter, his role limits as he has no control over the acts or on the fraudulent behaviour of the person whose krishi card is blocked as alleged in your letter. It is therefore suggested that the issue may be taken before Appropriate Authority to seek relief in the matter."

12. I have perused the order of the FAA dated 12/10/2022, the paragraph No. 7,8,9 and 10 of the said order reads as under:-

"7. I have carefully gone through the RTI application, reply given by the PIO and the appeal filed by the Appellant. The subject matter of the information, is a Complaint dated 06/06/2022 made by Shri. Waman Krishna Vaze against Zonal Agricultural Officer, Valpoi Sattari to the Director of Agriculture, requesting to look into the matter and taking necessary action. The complaint of the Appellant was

forwarded to the Zonal Agricultural Officer, Valpoi Goa, vide Note No. 3/5/EXT/26-C/2022-23/D.Agr./413 dated 29/07/2022 to give point-wise reply and say in the matter to initiate further enquiry on top priority and to submit the reply within 3 working days from the receipt of the same. The Zonal Agricultural Officer vide letter No. 1/Admn/Gen/ZAOS/2022-23/554 dated 05/08/2022 replied the said Note which is as under:-

"This office has already blocked krishi Card of Shri. Manohar Krishna Vaze on 06/06/20218 and of Shri. Mahendra Manohar Vaze Krishi Card blocked on 14/01/2021, after receiving letter from Shri. Waman Krishna Vaze on 26/07/2022 then after no correspondence has been done between above mentioned farmers and Zonal Agricultural Officer.

Also Shri. Wamna Krishna Vaze has asked information through RTI on 21/02/2020 by register AD, subsequently required information made available with us and informed accordingly but information seeker Shri. Waman Krishna Vaze has not received the same. "

8. I find that, the reply given by the ZAO, Valpoi was informed to the appellant vide letter No. 3/5/Extn./26-C/2022-23/D.Agr./448 dated 19/08/2022. Therefore, it is to be noted that necessary action in response to the complaint filed has been taken.

9. Under these circumstances, I find that the information furnished by the Public Information Officer and the Zonal Agricultural Officer is correct.

10. The Appeal is therefore dispose off accordingly."

From the reading of the above, it reveals that necessary cognizance of the complaint has been taken by the Director, Directorate of Agriculture at Panaji and the same is communicated to the Appellant.

13. RTI cannot be confused with instrument of grievance redressal forum, there is no provision under the Act to redress the grievances. If the Appellant feels that any official is not performing his duty in proper manner or doing something contrary to the law, he can approach the concerned competent authority or approach an appropriate court of law for seeking legal remedy, but he cannot compel the public authority to act in a particular way.
14. By no stretch of imagination, the ZAO Valpoi can be held liable for disbursing KCC Loan to one of the Krishi Card holder by the State Bank of India, Valpoi Branch. A possible action has been initiated by the ZAO Valpoi by blocking the Krishi Card and accordingly communicated to the higher authorities and same is conveyed to the Appellant. Therefore, I am of the view that this is a feeble attempt made by the Appellant to settle his personal vendetta.
15. The High Court of Andhra Pradesh in **Divakar S. Natarajan v/s State of Information Commissioner A.P. (AIR 2009 (NOC) 1362 (AP))** has held that:-

"26. The Act is an effective device, which, if utilized judiciously and properly, would help the citizens to become more informed. It no doubt relieves an applicant from the obligation to disclose the reason as to why he wants the information. However, indiscriminate efforts to secure information just for the sake of it, and without there being any useful purpose to serve, would only put enormous pressure on the

limited human resources, that are available. Diversion of such resources, for this task would obviously, be, at the cost of ordinary functioning. Beyond a point, it may even become harassment, for the concerned agencies. Much needs to be done in this direction to impart a sense of responsibility on those, who want to derive benefit under the Act, to be more practical and realistic.”

16. In the above stated circumstances, I find no merit in the appeal and hence dispose the appeal with following:-

ORDER

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner