

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 318/2022/SIC

Shri. Ulhas Ramchandra Mainikar,
R/o. H. No. 170/3, Pethwada, Kudnem,
Bicholim Goa 403505.

-----Appellant

v/s

1. The First Appellate Authority,
Mamlatdar of Bicholim Taluka,
Bicholim Goa.

2. The Public Information Officer,
The Awal Karkun,
O/o. Mamlatdar Bicholim Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 20/09/2022
PIO replied on	: 23/09/2022
First appeal filed on	: 04/10/2022
First Appellate Authority order passed on	: 21/10/2022
Second appeal received on	: 08/12/2022
Decided on	: 25/05/2023

ORDER

1. Being aggrieved by non furnishing of complete and correct information sought under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), appellant filed second appeal under Section 19 (3) of the Act, against Respondent No. 1, First Appellate Authority (FAA) and Respondent No. 2, Public Information Officer (PIO), which came before the Commission on 08/12/2022.
2. It is the contention of the appellant that, the information sought on eight points was initially denied by the PIO. Later, complying with the direction of the FAA, PIO furnished information on point no. 1, 2, 4, 5, 6 and 8. It is the contention of the appellant that, information on point no. 3 and 7 was denied to him by the respondents under Section 8 (1) (j) of the Act. Being aggrieved, he has appeared before the Commission by way of second appeal.

3. The concerned parties were notified, pursuant to the notice appellant appeared in person praying for the remaining information. Shri. Dattatray Parab, PIO appeared in person, filed reply dated 15/02/2023 and a submission on behalf of the PIO was received in the entry Registry on 17/03/2023.
4. PIO stated that, since the requested information was of personal nature pertaining to service of Shri. Pravin Shetkar, L.D.C. during his tenure in the office of the Mamlatdar of Bicholim Taluka, the same was denied by him under Section 8 (1) (j) of the Act. However, later in compliance of the FAA's directions he furnished information on point no. 1, 2, 4, 5, 6 and 8. PIO further submitted that he has acted within the provisions of the Act and shall adhere to any directions of the Commission.
5. Upon perusal it is seen that the appellant had sought information on eight points and after FAA's direction PIO provided the appellant information on point no. 1, 2, 4, 5, 6 and 8. PIO did not furnish information on point no. 3 and 7 since the FAA held that the said information is exempted from disclosure under Section 8 (1) (j).
6. Appellant under point no. 3 and 7 of his application has sought information as below :-

"3.Furnish me certified copies of attendance register of LDC Pravin Shetkar of Mamlatdar, Bicholim Goa, for the year 2015 to till date. Furnish me in details month wise.

7. Furnish me certified copies of Memos, Memorandum, Notices, Censar order issued to LDC Pravin Shetkar, office of the Mamlatdar, Bicholim Goa, from date of joining to till date."

The appellant has requested for attendance register of an employee of the office of the Mamlatdar from the year 2015 till date and copy of memos, memorandums, notices etc, issued to the said employee. It is clear from the above –mentioned details that the information sought pertains to the service records of Shri. Pravin

Shetkar, L.D.C. in the office of the Mamlatdar of Bicholim, and that the said information appears to be of personal nature. However, Shri. Pravin Shetkar is a Government employee, draws salary from the public exchequer, thus the above mentioned details pertaining to his service cannot be treated as personal information. Hence, public should have right to know details regarding his attendance and memorandums, notices he was issued during his tenure etc. Such information may disclose the sincerity / insincerity of the said public servant.

7. Hon'ble High Court of Bombay at Goa in Writ Petition No. 1 of 2009, in Kashinath J. Shetye V/s. Public Information Officer and others, has held that public has a right to know regarding how sincere or insincere a public servant is in discharge of his /her duty.
8. Subscribing to the said ratio laid down by the Hon'ble High Court of Bombay at Goa, the Commission directed PIO to furnish information on point no. 3 and 7. Accordingly, in compliance with the said direction, PIO on 17/03/2023 furnished the remaining information and the same was acknowledged by the appellant.
9. In the background of the facts as mentioned above, the Commission finds that the information sought by the appellant vide application dated 20/09/2022 has been furnished. The Commission observes that there was no malafide intention on the part of the PIO while denying the said information under Section 8 (1) (j) of the Act. Hence, it is concluded that the information as sought by the appellant has been furnished and nothing more survives in the instant appeal proceeding.
10. Thus, the present appeal is disposed accordingly 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.