

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 204/2022/SIC

Shri. Sushant P. Nagvenkar,
R/o. H.No. c-321, Fonduvem ,
Ribandar-Goa.

-----Appellant

v/s

1. The Public Information Officer,
Goa Tourism Development Corporation Ltd,
Paryatan Bhavan, Panaji-Goa.

2. The First Appellate Authority,
Goa Tourism Development Corporation Ltd,
Paryatan Bhavan, Panaji-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 22/04/2022
RTI application transferred on	: 25/04/2022
PIO replied on	: Nil
First appeal filed on	: 30/05/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 26/07/2022
Decided on	: 24/04/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 26/07/2022.
2. The brief facts of the appeal, as contended by the appellant are that, his application filed under Section 6 (1) of the Act before the PIO of Tourism Department was transferred under Section 6 (3) of the Act to Respondent No. 1, PIO. No reply was received from the respondent PIO, hence, appellant filed first appeal before the FAA. It is the contention of the appellant that the appeal was not heard by the FAA. Being aggrieved by the acts of the PIO and the FAA, he preferred second appeal before the Commission.
3. Notice was issued to the concerned parties, pursuant to which Advocate Pranita Gawandi appeared on behalf of the PIO and filed reply dated 09/11/2022, submission on 20/01/2023, application dated 06/02/2023 and compliance on 27/02/2023. Appellant

appeared in person and filed memo dated 08/11/2022 and submission dated 01/02/2023.

4. PIO stated that, the inspection and information asked by the appellant is about the service file of Smt. Netty Almeida who is a retired employee of Goa Tourism Development Corporation Ltd. The said service file contains personal and private information, the disclosure of which has no relation with any public activity or interest, hence, the same cannot be furnished as provided under Section 8 (1) (j) of the Act.
5. Appellant submitted that, the representative of the PIO had undertaken before the Commission to provide the information to the appellant, yet the information was not furnished. The Act mandates PIO to furnish the information in a time bound manner and that he requests the authority to direct the PIO to provide for inspection of the relevant file, sought vide application dated 22/04/2022.
6. Upon perusal of the records, the Commission observes that the appellant had requested for inspection of the service file of Smt. Netty Almeida, retired employee of the public authority. PIO failed to reply to the said application, further, FAA failed to hear and dispose the first appeal. Later, during the present proceeding the PIO, relying on Section 8 (1) (j) of the Act stated that the said inspection and information cannot be furnished.
7. However, the Commission found that the said file can be provided for inspection by removing /covering the exempted portions of personal information of the said employee. Accordingly, the Commission directed the PIO to provide for inspection on 16/12/2022 and the appellant agreed to visit PIO's office for inspection. Later, vide letter dated 21/12/2022 PIO furnished information to the appellant. PIO, while furnishing the information stated in the said letter that recruitment rules sought by the appellant are not available in the said file. On the other hand, the appellant stated that part of the identified information was not furnished to him.
8. This being the case, the Commission on 20/01/2023 directed the PIO is provide another inspection to the appellant on 02/02/2023. Since the appellant who did not appear before the Commission on 20/01/2023, might be unaware of the said direction, did not visit PIO's office on 02/02/2023 hence, the Commission on 06/02/2023 directed the PIO to provide yet another inspection to the appellant on 22/02/2023 with prior intimation sent via Registered Post. In

compliance, PIO vide letter dated 06/02/2023 requested the appellant to visit his office on 22/02/2023 at 10.30 a.m. for inspection. The said letter was received by the appellant on 07/02/2023.

9. Respondent PIO vide application of compliance of direction dated 06/02/2023, filed before the Commission on 27/02/2023 stated that as directed he has provided the inspection and the appellant inspected the relevant file on 22/02/2023 and that the PIO has complied with the direction of the Commission.
10. It is seen that, the appellant had requested for inspection of the service file of Smt. Netty Almeida, employee of the public authority, and copies of the documents from the said file. PIO though did not reply within the stipulated period, later during the present proceeding upon the direction of the Commission, provided for inspection of the file on 16/12/2022 and furnished the information. However, since the appellant was not satisfied, two more opportunities were provided to him to inspect and identify the desired information. Appellant inspected the file on 22/02/2023, as PIO complied with the direction of the Commission.
11. Further, it is seen that, the appellant who was holding the PIO liable for not furnishing correct and complete information has not stated anything on record after carrying out the inspection on 22/02/2023. Opportunity was provided to him on 27/02/2023 and again on 16/03/2023 in order to enable him to register his grievance, if any. Even so, the appellant has not raised any issue post inspection. On the other hand, PIO has contended that he has complied with the direction of the Commission.
12. On this background the Commission concludes that the inspection and the information sought by the appellant vide application dated 22/04/2022 has been furnished by the PIO during the present proceeding, hence, no more intervention of the Commission is required in the instant matter.
13. Before closing, the Commission cannot overlook the irresponsible conduct of the FAA in the present matter. The Act has given statutory right to the applicant to file appeal under Section 19 (1) of the Act before the FAA and the FAA under Section 19 (6) of the Act is required to hear and dispose the appeal within maximum of 45 days from the date of receipt of the appeal. Contrary to this provision, FAA did not dispose the appeal. The PIO and the FAA are the officers

appointed under the Act to dispense and facilitate the information. However, presumably if the PIO erred in discharging duty, the FAA should, after an appeal is filed before him, intervene through the order to meet the ends of justice. Here, the FAA showed no concern to the appeal filed by the appellant. Further, more surprisingly, the FAA did not offer any clarification before the Commission to justify his action. Such an arrogant act on the part of the said officer is deplorable. However, unlike the PIO though the Act do not hold the FAA personally liable for penal action, the Commission mentions that the conduct of the FAA is completely non cooperative and non transparent, which is least of all that is expected from senior officer in the Government administration.

14. In the light of above discussion and with respect to the conclusion of the Commission as mentioned in Para 12 above, no any relief is required to be granted to the appellant in the present matter. Thus, the 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

