

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 215/2022/SIC

Shri. Pemnath B. Ibrampurkar,
H.No. 162, Deulwada, Harmal,
Pernem-Goa.

-----Appellant

v/s

1. The Public Information Officer,
O/o. The Goa Building and Other Construction,
Workers Welfare Board, 2nd floor,
Shramshakti Bhavan, Patto,
Panaji-Goa.

2. The First Appellate Authority,
Commissioner of Labour & Employment,
Shramshakti Bhavan, Patto,
Panaji-Goa.

3. The Public Information Officer,
Dy. Labour Commissioner,
Shramshakti Bhavan, Patto,
Panaji-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 02/05/2022
RTI application transferred on	: 04/05/2022
PIO replied on	: 05/05/2022, 07/07/2022
First appeal filed on	: 14/06/2022
First Appellate Authority order passed on	: 07/07/2022
Second appeal received on	: 01/08/2022
Decided on	: 17/04/2023

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), The Goa Building And Other Construction Workers Welfare Board, Respondent No. 2, First Appellate Authority (FAA), Commissioner of Labour & Employment and Respondent No. 3, Public Information Officer (PIO), Deputy Labour Commissioner, which came before the Commission on 01/08/2022.
2. The contention of the appellant is that he was not furnished complete and correct information within 30 days by Respondent No. 3, PIO and the application was wrongly transferred to Respondent No. 1, PIO. It is the contention of the appellant that Respondent No. 1, PIO asked him to pay Rs. 10,000/- without furnishing details of the said

amount. Being aggrieved, he preferred appeal before the FAA (Respondent No. 2).

3. It is the contention of the appellant that the FAA was pleased to allow the appeal thereby directing Respondent No. 1, PIO to furnish point-wise information and inspection of the relevant records. Yet, Respondent No. 1, PIO furnished incomplete information and no inspection was provided. Being aggrieved, he has appeared before the Commission by way of second appeal.
4. Pursuant to the notice, appellant appeared alongwith Adovcate Anish S. Bacal, whereas Respondent No. 1, PIO Shri. Vinay Naik and Respondent No. 3, PIO, Shri. Prasad Pednekar appeared in person. Appellant filed a submission on 22/12/2022. Respondent No. 1, PIO filed reply dated 17/10/2022 and submission dated 12/01/2023. Respondent No. 3, PIO filed reply dated 17/10/2022, additional reply on 22/12/2022, affidavit in reply on 12/01/2023 and another additional reply dated 02/03/2023.
5. Shri. Vinay Naik, Respondent No. 1, PIO stated that, upon receipt of the application from Respondent No. 3, PIO, he processed the said application immediately and requested the appellant to pay Rs. 10,000/- towards the charges. However, the appellant did not pay the charges, instead proceeded to file first appeal. During the proceeding of the first appeal as per the instructions of the FAA, inspection was provided to the appellant on 04/07/2022 and reply to the appellant was given on 07/07/2022. Shri. Vinay Naik further stated that, he has furnished all available information and delay in furnishing the same was not intentional but due to factual circumstances.
6. Shri. Prasad Pednekar, Respondent No. 3, PIO stated that, the appellant had sought information pertaining to Shri. Hemant Jagannath Thakur, who was not employed in his section, and was an employee of Goa Building and Other Construction Workers Welfare Board, hence he transferred the application to Respondent No. 1, PIO. That, he has promptly transferred the application to the appropriate PIO of the concerned authority within the specified time limit and discharged his duty as per the provisions of the Act.
7. Advocate Anish S. Bacal, while arguing on behalf of the appellant contended that, information pertaining to Shri. Hemant Jagannath Thakur, who is employed in E.S.I Scheme, was sought from Respondent No. 3, PIO. The application should have been transferred to the E.S.I. Scheme Department. The said PIO wanted to hide some

information, hence he deliberately transferred the application to Respondent No. 1, PIO, The Goa Building and Other Construction Workers Welfare Board. Hence, Respondent No. 3, PIO should be directed to furnish correct information and penalty be imposed against him.

8. Advocate Anish S. Bacal further argued that, Respondent No. 1, PIO issued reply asking the appellant to pay Rs. 10,000/- without giving details of the charges. The said move was to prevent the appellant from getting the information. The information sought is eligible as information under the Act, hence, the same has to be provided to the appellant.
9. Upon perusal it is seen that, the appellant vide application dated 02/05/2022 had sought information pertaining to the service of Shri. Hemant Jagannath Thakur. The said information was sought from the PIO of the office of Labour Commission (Respondent No.3, PIO). The said PIO vide letter dated 04/05/2022 transferred the application to Respondent No. 1, PIO, The Goa Building and Other Construction Workers Welfare Board, since the concerned employee Shri. Hemant Jagannath Thakur, according to him, was employee of the office of Respondent No. 1, PIO.
10. It is observed that Respondent No. 1, PIO vide reply dated 05/05/2022 requested the appellant to pay Rs. 10,000/- towards the charges of the information. The Commission agrees with the contention of PIO that the information sought is voluminous, thus he requested the appellant to pay Rs. 10,000/- and he would have returned the balance amount if actual charges were less than Rs. 10,000/-. However, the said PIO is reminded of the provision in Section 7 (3) of the Act which mandates the PIO to furnish details of the cost to the appellant. Nevertheless, the appellant did not respond to the request of the PIO and proceeded to file appeal before the FAA.
11. It is further noted that, Respondent No. 1, PIO vide letter dated 07/07/2022 furnished part information to the appellant, in partial compliance of the direction of the FAA. Being aggrieved by non-receipt of the complete information, appellant filed second appeal before the Commission.
12. The Commission, after careful perusal of the records finds that, the concerned person whose information was sought by the appellant (Shri. Hemant Jagannath Thakur) was not employed in the section of Respondent No. 1, PIO and was an employee of the office of

Respondent No. 3, PIO, as stated by Respondent No. 3, PIO. It was the appellant who was under misconception, had stated that the concerned person was an employee of Respondent No. 3, PIO, thus the appellant was expecting the information from Respondent No. 3, PIO. Upon the direction of the Commission, Respondent No. 3, PIO conducted an enquiry by calling upon the Administrative Medical Officer, ESIC Goa, wherein it was established by Dr. Shubhangi S. Lotlikar, Administrative Medical Officer that Shri. Hemant Jagannath Thakur was not appointed in the office of Respondent No. 3, PIO as well as in the office of the Administrative Medical Officer, ESI Scheme and no details of his appointment are available in their office.

13. On the other hand, it is seen that Respondent No. 1, PIO vide reply dated 07/07/2022 had furnished part information to the appellant and later, upon the direction of the Commission, vide letter dated 12/01/2023 furnished additional information which was received by the appellant before the Commission.
14. In the background of the facts as mentioned above, the Commission concludes that the information sought by the appellant vide application dated 02/05/2022 was available in the records of Respondent No. 1, PIO and the action of Respondent No. 3, PIO to transfer the said application to Respondent No. 1, PIO was in accordance with the Act. Similarly, Respondent No. 1, PIO has furnished the information as available in his records, which has been acknowledged by the appellant. Respondent No. 1, PIO though furnished the information after marginal delay, no malafide intention behind this delay has been established, hence, no penal action is required to be initiated against him. This being the case, the appeal is required to be disposed accordingly.
15. In the light of the above discussion, as the information has been furnished to the appellant, no more intervention of the Commission is required in the present matter. 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