

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 217/2022/SIC**

Smt. Swatika Siddhartha Banaulikar,  
R/o. H.No.49, Dabholwado,  
Chapora, Bardez-Goa.

-----Appellant

**v/s**

1. Public Information Officer,  
Joint Director of Accounts,  
Directorate of Accounts,  
Panaji-Goa.

2. Public Information Officer,  
Directorate of Accounts,  
PA-III Section, Panaji-Goa.

3. Public Information Officer,  
Directorate of Accounts,  
GPF Section, Panaji-Goa.

4. First Appellate Authority,  
Directorate of Accounts,  
GPF Section, Panaji-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 01/04/2022
PIO replied on	: 05/05/2022
First appeal filed on	: 22/06/2022
First Appellate Authority order passed on	: 22/07/2022
Second appeal received on	: 04/08/2022
Decided on	: 13/02/2023

**ORDER**

1. Aggrieved by non furnishing of the complete information by Public Information Officers and also by the order of the First Appellate Authority, appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed second appeal which came before the Commission on 04/08/2022.
2. The brief facts of this appeal as contended by the appellant are that, she had sought information on two points from Respondent No.1, Public Information Officer (PIO), Directorate of Accounts, Government of Goa. Being aggrieved with the reply of the PIO, appellant preferred appeal before Respondent No. 4, First Appellate Authority (FAA), Directorate of Accounts, Government of Goa. FAA vide order dated 22/07/2022 directed Respondent No.1, PIO, Deputy

Director of Accounts, Respondent No. 2, PIO, Directorate Of Accounts, PA-III section and Respondent No. 3, PIO, Directorate of Accounts, GPF section to furnish information on point no. 2 and denied information on point no. 1.

3. It is the contention of the appellant that respondents have not applied their mind in order to provide complete and correct information, hence he is aggrieved by the action of the PIOs as well as by the order of the FAA. That, she requires the said information for further legal actions.
4. Notice was issued to the concerned parties and the matter was taken up on board for hearing. Advocate Atish P. Mandrekar appeared on behalf of the appellant and argued for the correct and complete information. Respondent No. 1, PIO, Shri. Gajanan Naik appeared in person, whereas Respondent No. 2, PIO and Respondent No. 3, PIO were represented by Smt. Ankita Malpekar and Shri. Kiran K. Naroji respectively. Smt. Siddha H. Kurtikar and Smt. Shweta Aditya Sardesai appeared on behalf of Respondent No. 4, FAA. PIOs filed joint reply on 19/10/2022 and submission dated 01/12/2022. Reply was filed on 19/10/2022 on behalf of FAA.
5. FAA stated that, the main contention of the appellant was non furnishing of information on point no. 1 of her application and delay in furnishing the information. That, after hearing both the sides and taking into consideration the objection raised by the third party, FAA directed PIOs, Respondent Nos. 1, 2 and 3 to provide information on point no. 2. However, information on point no. 1 was not provided as the same relates to personal information of the third party and disclosure of the same would have caused unwarranted invasion into the privacy of the individual.
6. PIOs stated that, the appellant had sought information pertaining to letter dated 03/09/2022 received from Smt. Rajashree Shrikant Banaulikar, mother of late Dr. Siddhartha S. Banaulikar, requesting the release of pensionary and other benefits to her as one of the legal heirs, and copy of service records including nomination details w.r.t. GPF, Gratuity and other pensionary fund of Dr. Siddhartha S. Banaulikar. Since the information was in respect of the third party, under section 11 of the Act clarification was sought from the third party Smt. Rajashree Shrikant Banaulikar. PIOs further stated that, considering the objection raised by the third party they decided not to disclose the information to the appellant.

PIOs further submitted that, as per the direction of the FAA information on point no. 2 was furnished free of cost and there was no delay on their part. PIOs stated that, with respect to the information on point no. 1 they shall obey the direction of the Commission.

7. Advocate Atish P. Mandrekar, while arguing on behalf of the appellant stated that, appellant is the legally wedded wife of late Dr. Siddhartha S. Banaulikar, whose pensionary and service details are sought by her. Pensionary benefits were released to her by the authority, after filing of the appeal before the Commission, yet information on point no. 1, is not furnished. It is fundamental right of the appellant to get complete information as sought vide application dated 01/04/2022.
8. Upon perusal of records of the present matter it is seen that PIOs initially denied the information after receiving third party's objection to disclose the same. However, later, furnished information on point no. 2 in compliance with the order of the FAA. Also, PIOs submitted before the Commission that they had taken the decision to deny the information under Section 8 (1) (j) of the Act, However, they shall obey the direction of the Commission in the said matter. Thus, the Commission finds that the PIOs had taken decision to deny the information by interpreting Section 8 (1) (j) in their own capacity and they were willing to follow the direction of the authority even if the decision goes against them. Hence, no malafide intention can be attributed to the action of the PIOs.
9. The Commission observes that, the appellant under point no.2 of her application had sought information pertaining to nomination and pensionary details of her late husband. Appellant under point no. 1 had sought for copy of letter received from Smt. Rajashree Shrikant Banaulikar, mother of appellant's husband, regarding release of pensionary and other benefits to her as one of the legal heir. The Commission holds that the appellant being the wife of the deceased person, whose pensionary and other benefits are claimed by the third person, has full right to seek and get the said information.
10. This being the case, the Commission during the present proceeding directed the PIOs to furnish remaining information to the appellant. Accordingly, on 01/12/2022 and 15/12/2022 remaining information was produced before the Commission by the PIOs and the same was received by the legal representative of the appellant. Time was granted to the appellant to register her objections/ reservations, if

any, with respect to the information furnished by the PIOs. However, no objection /reservation was received from the appellant till date. Hence, the Commission concludes that the information on point no. 1 and 2 as sought by the appellant vide application dated 01/04/2022 has been furnished by the PIOs in compliance with the direction of the Commission.

11. In the background of the above mentioned facts, the Commission holds that the complete information sought by the appellant vide application dated 01/04/2022 has been furnished and no more intervention of the Commission is required in the present matter.
12. Hence, 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

