

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Penalty No. 38/2023
in
Appeal No. 269/2022/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa 403507.

.....Appellant

V/S

1. The Public Information officer,
Office of the Goa Board of Indian
System of Medicines & Homeopathy,
T.B. Cunha Hospital Campus,
Margao-Goa.

2. The First Appellate Authority,,
Office of the Goa Board of Indian
System of Medicines & Homeopathy,
T.B. Cunha Hospital Campus,
Margao-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 31/08/2023

Decided on: 14/11/2023

FACTS IN BRIEF

1. While disposing the Appeal bearing No. 269/2022/SCIC, the Commission vide its order dated 17/07/2023 directed the Public Information Officer (PIO) to furnish parawise reply/ information to the Appellant as per his RTI application dated 27/06/2022 within the period of fifteen days from the date of receipt of the order.
2. The Commission also issued show cause notice to the said PIO as to why penalty should not be imposed on him in terms of Section 20(1) and /or recommend for disciplinary proceeding against him in terms of Section 20(2) of the Act.
3. Pursuant to the notice, the Appellant appeared in person on 31/08/2023. The representative of the PIO, Dr. Rajendra Kanekar appeared and filed his reply on 10/10/2023 and submitted that, the

RTI application of the Appellant was already replied to the Appellant on 10/11/2021 by Registered Post. He further submitted that officiating Registrar Dr. Dilip Vernekar who was looking after the issue expired on 03/01/2022 and hence at the relevant time, escaped attention. The Commission therefore directed the PIO to produce on record the copy of said reply alongwith Registered A/D card and matter was posted for clarification on 14/11/2023.

4. In the course of hearing today i.e. on 14/11/2023, Adv. Nand Kishore Dubey appeared on behalf of the PIO and submitted that the Appellant had filed identical RTI application before the public authority on 17/08/2021. The then Officiating Registrar of Goa Board of Homoeopathy, late Dr. Dilip Vernekar already furnished parawise reply to the Appellant vide reference No. GBH/2021/R.T.I./24 dated 10/11/2021 and dispatched at the registered address of the Appellant at Khorlim, Mapusa-Goa and to substantiate his claim he produced on record the copy of reply dated 10/11/2021 alongwith postal receipt of registered letter.
5. I have perused the earlier reply dated 10/11/2021 and I find that the present RTI application is identical to application dated 17/08/2021, except, the date of application. Under the Act, there is no scope for filing repetitive application.
6. The Hon'ble Central Information Commission in the case **Mr. Ramesh Chand Jain v/s Delhi Transport Corporation (CIC/AD/A/2013/001326-SA)** has inter alia held as under:-

"20. The Commission infers from the above that though RTI Act, did not specifically provide as a ground of refusing the information, it is implied from the objective and various provisions of RTI Act, that right of citizen to information is limited to one time and does not extend to repetition of request for that directly or indirectly.

25. For the above reasons and based on objective of the RTI Act, its provisions their interpretation by the Information Commissioner referred above, reading them together this Commission observes:

The citizen has no right to repeat 'the same or similar or slightly altered information request under RTI Act for which he already got a response.'"

Considering the above, I find no merit in the contention of the Appellant.

7. On perusal of the material on record, it is revealed that, this fact has not been disclosed by the Appellant while filing this second appeal. It is settled law that, the Appellant who approached the court/ forum for an equitable order should make full disclosure of fact. It is evident that, the Appellant approached before the Commission with most unclean hands.
8. The Hon'ble Supreme Court in the case **Ramjas Foundation and Anrs. v/s Union of India & Ors. ((2010) 14 SCC 38)** has held as under:-

"21. The principle that a person who does not come to the Court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief, is applicable not only to the petitions filed under Article 32, 226 and 136 of the Constitution but also to the cases instituted in other Courts and judicial forums."

9. After receiving the reply from the representative of the PIO, the Appellant did not appear for subsequent hearing on 14/11/2023 or provided satisfactory explanation. Therefore, I do not find anything

on record to show that the PIO has acted contrary to the law. In view of above, the show cause notice dated 02/08/2023 issued in the present proceeding against the PIO is dropped.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner