

GOA STATE INFORMATION COMMISSION
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Appeal No.161/2024/SCIC

Shri. Shriram S. Raiturkar,
H. No. 163, Pajifond,
Isidoro Emilio Baptista Road,
Margao, Goa. -----Appellant

V/s

- 1) The Public Information Officer,
Directorate of Fire Services,
St. Inez, Panaji, Goa.
- 2) The First Appellate Authority,
Directorate of Fire Services,
St. Inez, Panaji, Goa. -----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	29/02/2024
PIO replied on	15/03/2024
First Appeal filed on	10/04/2024
First Appellate order on	
Second appeal received on	29/08/2024
Decided on	22/09/2025

Information sought and Background of the Appeal

1. Shri. Shriram S. Raiturkar filed an application dated 29/02/2024 under RTI Act, 2005 to the PIO, Directorate of Fire and Emergency Services, seeking information at 13 points pertaining to the initial recruitment of Shri. Nitin V. Raiker, Director of Fire and Emergency Services, Government of Goa.
2. On receipt of the RTI application, PIO, Directorate of Fire and Emergency Services vide letter dated 05/03/2024 transferred the application u/s 6(3) of the RTI Act, 2005 to the PIO, Department of

Home (General), Secretariat, Porvorim with a request to provide information directly to the Applicant under intimation.

3. Subsequently, PIO, Directorate of Fire and Emergency Services vide letter dated 15/03/2024 requested the Appellant to visit the office on any working day with prior appointment to inspect the file as sought vide RTI application dated 29/02/2024.
4. Then, PIO vide letter dated 27/03/2024 informed the Appellant that *"the available file has been inspected by you on 19/03/2024 and no other initial recruitment file is available in the office"*.
5. Being aggrieved by the reply furnished by the Respondent PIO, Appellant filed first appeal dated 10/04/2024 before the First Appellate Authority stating that after directing the Appellant to inspect the files, Respondent PIO denied information sought at Point No. 01 to 07 regarding initial recruitment of Shri. Nitin Raiker, Directorate of Fire and Emergency Services.
6. First Appellate Authority (FAA/Director, Fire and Emergency Services) heard the parties to the first appeal on 29/04/2024. As per the written submission of the Respondent PIO placed before the First Appellate Authority, Appellant was allowed to inspect the initial personal file on 19/03/2024 but after inspection, Appellant has not submitted in writing the documents required. As there was no response from the Appellant, available information was kept ready and vide letter dated 27/03/2024 Appellant was informed to collect the information by paying an amount of Rs. 232/- (116 pages).

Appellant placed on record Judgement dated 13/09/2013 of the Hon'ble High Court of Delhi in the matter of *UOI V/s Vishwas Bhamburkar and of Bombay High Court in the matter of Vivek V. Kulkarni V/s State of Maharashtra*. Upholding the decision of the Respondent PIO, First Appellate Authority vide order dated 30/04/2025 disposed off the matter.

- 7.** Being aggrieved by the order passed by the First Appellate Authority, Appellant preferred second appeal dated 29/08/2024 before the Commission stating that instead of files pertaining to the initial recruitment of Shri. Nitin V. Raiker, some other files like leave applications file have been given for inspection on 19/03/2024. On 27/03/2024, Respondent PIO informed that initial recruitment files are not traceable. Appellant further stated that order of the First Appellate Authority is malafide, perverse and without considering facts and circumstances mentioned in the first appeal.

FACTS EMERGING IN COURSE OF HEARING

- 8.** Pursuant to the filing of the present appeal by the Appellant, matter took up for hearing on 23/01/2025 for which Appellant present and Shri. Pundalik Parab present for PIO. Respondent No. 02 (FAA) Shri. Nitin Raiker also present. Matter adjourned to 19/02/2025.
- 9.** When matter took up for hearing on 19/02/2025, Appellant, present PIO Shri. Pundalik Parab and then PIO, Shri. Aleixo Vaz present. The then PIO, furnished his reply dated 19/02/2025 along with his reply/information dated 27/03/2024 furnished to the Appellant. First Appellate Authority to file rejoinder and Appellant to file submission on or before the next date of hearing on 13/03/2025.
- 10.** When matter called out for hearing on 13/03/2025, Appellant absent but present and then PIO present. Registry on 12/03/2025 received reply of Respondent No. 02 (FAA) with additional copy to the Appellant and the Respondent No. 01 (PIO). Matter adjourned to 17/04/2025.
- 11.** Appellant absent but Respondent PIO (present and the then) present for the hearing held on 17/04/2025. Matter posted to 08/05/2025 for which Appellant and Respondent PIOs present. The Appellant filed rejoinder to the reply of Respondent No. 01 and 02 (PIO

and FAA respectively). In his rejoinder dated 08/05/2025, Appellant submitted that:

- a) Not provided inspection of files pertaining to initial recruitment.*
- b) Not furnished RRs of Assistant Station Fire Officer.*
- c) Not furnished advertisement published in newspaper about initial recruitment of Shri. Nitin V. Raiker.*
- d) Not furnished bio data claiming as non-traceable.*
- e) Not furnished list containing marks scored by all candidates including Shri. Raiker in written exam and oral interview stating as non-traceable.*
- f) Neither granted inspection of files nor provided certified copies of the minutes of Selection Committee towards the post of 'Sub-Officer' and also DPC in respect of Station Fire Officer.*
- g) Not furnished Vigilance Clearance towards promotion to the post of Station Fire Officer stating as non-traceable.*

12. Matter further called out for hearing on 24/06/2025 for which Appellant, present PIO and then PIO present.

13. On 05/06/2025, Registry of the Commission received reply dated 04/06/2025 of the Respondent No. 01 (PIO) and Respondent No. 02 (FAA) to the rejoinder of the Appellant. Respondent No. 01 and 02 in their reply to the Appellant's rejoinder submitted that :

- a) 34 year old initial recruitment files are not traceable in office records.*
- b) Recruitment Rules of Sub Officer were furnished to the Appellant. It is clarified that as per Goa State Fire Force Rules 1997, the Recruitment Rules for Assistant Station Fire Officer and Sub Officer are one and the same and duties attached to both posts are similar in nature.*
- c) After going through the minutes of the DSC, it is noticed that candidates for the post of sub officers were sponsored by the Regional Employment Exchange, Panaji and accordingly call letters were sent. Hence it is presumed that the posts were not published in the newspaper.*

- d) The recruitment file for the post of Sub Officer/ Assistant Station Fire Officer is not traceable.*
- e) Minutes of Selection Committee towards the post of Sub Officer/Assistant Station Fire Officer is already furnished.*
- f) Vigilance clearance is not traceable in office records.*

14. During the hearing on 24/06/2025, Appellant filed sur-rejoinder to the reply of the PIO dated 04/06/2025, countering the submission of the PIO.

15. Hearing in the matter continued on 17/07/2025, for which Appellant, Present PIO and then PIO present. Respondent PIO's reply dated 03/07/2025 to the sur-rejoinder of the Appellant furnished to the Appellant.

Respondent PIO submitted that :

- a) Whatever files available in the office were provided to the Appellant for inspection.*
- b) PIO has not made any false statement as the recruitment file is not available.*
- c) As per the Recruitment Rules of Sub officer dated 24/11/1983, post of Sub Officer shall be filled by promotion failing which by direct recruitment.*
- d) The recruitment file for the post of Sub-Officer/Assistant Station Fire officer is not traceable and hence the Bio-data cannot be furnished.*

16. Respondent PIO furnished copy of the Official Gazette of the Government of Goa, Daman and Diu dated 04th November 1983, Series I, No. 34 with regards to the recruitment of Sub Officer (Fire Brigade) and Station Officer (both Non Ministerial and Non-Gazetted).

17. Appellant in his written argument dated 17/07/2025 stated that Respondent PIO replied as "not-traceable" to the information sought at Point No. 01, 03, 04, 05 and 07 and with regard to Point No. 02, PIO has not furnished Recruitment Rules applicable towards the post of

Assistant Station Fire Officer on which rank Shri. Nitin Raiker was initially appointed vide order dated 03/01/1991. Appellant prayed that PIO be directed to provide information sought at Point No. 01 to 05 and 07 of the RTI application dated 29/02/2024, free of cost.

18. Matter again took up for hearing on 13/08/2025 for which Appellant, Present PIO and then PIO present. The reply of the PIO to the written argument of the Appellant received at the Registry on 30/07/2025 furnished to the Appellant, who after receiving the same requested the Commission for oral arguments on the next date of hearing scheduled on 22/09/2025.

19. Respondent PIO in his reply dated 29/07/2025 to the written argument of Appellant, submitted with regard to Point No. 01 that the file in respect of the initial recruitment of Shri. Nitin Raiker, Director, Fire and Emergency Services, Government of Goa, is not available in the possession of the PIO but personal file which is in possession of the PIO was provided to the Appellant for inspection.

The information sought by the Appellant is initial recruitment file of 35 years old and same could not be traced in the records of the Directorate despite diligent search. Similarly, information sought at Point No. 3, 4, 5 and 7 could not be provided to the Appellant as the same is not in possession of the PIO.

20. Matter took up for final hearing on 22/09/2025. Appellant's additional written arguments to the reply dated 29/07/2025 of the PIO received at the Registry on 19/09/2025 furnished to the Respondent PIO. Appellant reiterated that following information has not been furnished by the PIO :

- a) Initial recruitment file.*
- b) RRs of Assistant Station Fire Officer wrongly furnished RRs of 'Sub Officer', which was not sought.*
- c) Newspaper advertisement with regards to initial recruitment.*
- d) Bio-data of Shri. Nitin Raiker.*

- e) List containing marks scored by all candidates in written and oral interview*
- f) Minutes of Selection Committee in respect of Sub Officer*
- g) Vigilance clearance towards the promotion as 'Station Fire Officer'*

21. In response to the additional written argument of the Appellant dated 19/09/2025, the present. Respondent PIO filed additional written argument dated 22/09/2025 clarifying that –

- i. Since the 35 years old initial recruitment files were not traceable, available personal files in respect of Shri Nitin Raiker, Director, Fire & Emergency Services was provided for inspection by the Appellant*
- ii. Recruitment Rules of Sub Officers were available and furnished to the Appellant. Duties of Sub Officer and Asstt. Station Fire Officer are identical*
- iii. Since initial recruitment files are not traceable, information sought at Point No. 3,4 & 5 could not be furnished*
- iv. Minutes of the Selection Committee for the post of Asstt. Station Fire Officer was furnished to the Appellant*
- v. Vigilance Clearance Certificate was not traceable in office records.*

COMMISSION'S OBSERVATION

- a) The file pertaining to the information sought by the Appellant is of 35 years old initial recruitment file.*
- b) The file inspected by the Appellant is personal file of the officer referred by the Appellant in the RTI application and not the actual initial recruitment file sought by the Appellant.*
- c) The initial recruitment was conducted through Regional Employment Exchange.*

d) Minutes of the selection committee for the post of Sub officer/Assistant Station Fire Officer is furnished to the Appellant by the PIO.

e) Respondent PIO has furnished all available information except few which includes files pertaining to initial recruitment, certified copies of newspaper advertisement with regard to the initial recruitment made through Regional Employment Exchange and certified copy of vigilance clearance granted for promotion of the officer in question.

DECISION

- i. Considering the facts and circumstances of the appeal, material available on record and the submissions as well as arguments made by the parties to the present appeal, Commission has come to the conclusion that Respondent PIOs (then and present) have furnished all available information to the Appellant but they could not furnish certain information sought by the Appellant on the ground that files in question is 35 years of old and untraceable.**
- ii. Even though the Respondents have made diligent efforts to trace the sought files/information, Appellant's submission is that he has not received information sought at point numbers 1 to 5, 8 and 12 in the RTI application dated 29/02/2024.**
- iii. Since Respondent PIOs have already stated in their written submissions that information sought at the above cited points (1-5, 8 & 12) is not available or not traceable despite diligent efforts, Commission hereby directs the present PIO to furnish in an 'Affidavit' within 10 days from the receipt of this order stating that the***

information sought at point numbers 1-5,8 and 12 of the Appellant's RTI application dated 29/02/2024 is not available or not traceable in the office records of the Directorate of Fire and Emergency Services, Government of Goa.

iv. File compliance report to the Commission within 15 days from the receipt of this order.

- Matter disposed.
- Proceeding stands closed.
- Notify the parties.

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/-

(ARAVIND KUMAR H. NAIR)

State Chief Information Commissioner, GSIC