

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 316/2023/SIC**

Smt. Priyanka P. Vaingankar,  
R/o. H. No. 1341/A, "Aditri Niwas",  
St. Barbara, St. Cruz,  
Tiswadi-Goa 403505.

-----Appellant

**v/s**

1. Smt. Shambhavi Gaonkar,  
Public Information Officer/ Head Clerk,  
Directorate of Women & Child Development,  
Panaji-Goa 403001.

2. Smt. Sangeeta Porob,  
First Appellate Authority,  
Director of Women & Child Development,  
Panaji-Goa 403001.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 16/05/2023
PIO replied on	: 14/06/2023
First appeal filed on	: 21/06/2023
First Appellate Authority order passed on	: 25/08/2023
Second appeal received on	: 13/09/2023
Decided on	: 27/02/2024

**ORDER**

1. Being aggrieved by the reply of Respondent No. 1, Public Information Officer (PIO) and order passed by Respondent No. 2, First Appellate Authority (FAA), the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), has filed the second appeal on 13/09/2023, before the Commission.
2. Notice was issued to the concerned parties, pursuant to which, Smt. Shambhavi Gaonkar, PIO appeared in person, filed reply on 20/11/2023 and on 18/12/2023, filed reply to the rejoinder of the appellant. Smt. Sangeeta Porob, FAA appeared in person and filed reply dated 18/10/2023. Appellant appeared in person and filed rejoinder dated 23/11/2023, to the reply of PIO.
3. Appellant stated that, she had sought information on five points and received correct information only on point no. 1 within the stipulated period. Information on point no. 2, 3 and 4 was denied under various reasons, and irrelevant information was provided on point no. 5. Hence, she is aggrieved by the action of the PIO. Appellant further

stated that, the FAA disposed the first appeal after expiry of mandatory period, that too without giving any consideration to her request for complete information. That, the appellant had sought the said information as the same is required for initiating legal action against Smt. Sumedha Belokar, Probation officer, Apna Ghar and thus, the said information cannot be identified as personal information.

4. PIO stated that, vide reply dated 14/06/2023, issued within the stipulated period, she had furnished information on point no. 1 and 5. Further, she had informed the appellant that information on point no. 2 is not available in her records and information on point no. 3 and 4, being personal information, cannot be disclosed and the FAA had upheld the said stand. However, later, in compliance of the direction of the Commission, she provided inspection of relevant files with respect to point no. 3 and 4 and the appellant has already inspected the said files.
5. Upon perusal of records and submissions of both the sides, it is seen that, the appellant had sought information on five points and the appellant was denied information on point 2, 3 and 4. The appellant is aggrieved mainly on two grounds. One- denial of information on point 2, 3 and 4 and Two- delay in disposal of first appeal by the FAA.
6. With respect to the first grievance of the appellant, the Commission observes that the information on point no. 2 was not furnished by the PIO, since the same is not available in the records. Further, information on point no. 3 and 4 was denied by terming the said information as personal information. Appellant under point no. 3 had requested for "certified photocopies of the Memos/warning letters issued by the Director and Dy. Directors of Directorate of Women and Child Development to Smt. Sumedha Belokar from the date of appointment as Probation Officer, till date, including the additional charge held by her in different offices". Appellant under point no. 4 had requested for "certified photocopy of the memo /letters /Email issued to Smt. Sumedha Belokar, to seek reply to the Order dated 13<sup>th</sup> June 2022 regarding complaint filed by the undersigned which is issued by the Secretary, Goa Human Rights Commission, Panaji-Goa".
7. Though the said information pertains to the employment of Smt. Sumedha Belokar, Probation Officer, Smt Belokar is an employee of the public authority and draws salary and allowances from public

exchequer. Thus, the information regarding her work, performance, action taken against her, etc. cannot be denied under Section 8 (1) (j). The said information needs to be furnished as available in the records.

8. The Hon'ble High Court of Bombay at Goa in Kashinath Shetye v/s Public Information officer and Ors. (W.P. No. 1/2009) has held in para No. 7 as under:

*"7. The first thing that needs to be taken into consideration is that the petitioner is a public servant. When one becomes a public servant, he in strict sense becomes a public servant and as such, every member of public, gets a right to know about his working, his honesty, integrity and devotion to duty. In fact, nothing remains personal while as far as the discharging of duty. A public servant continues to be a public servant for all 24 hours. Therefore, any conduct/ misconduct of a public servant even in private, ceases to be private. When, therefore, a member of a public, demands an information as to how many leaves were availed by the public servant, such information though personal, has to be supplied and there is no question of privacy at all. Such supply of information, at the most, may disclose how sincere or insincere the public servant is in discharge of his duty and the public has a right to know."*

9. Subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa, and as held in Para 7 above, the Commission holds that the PIO is required to furnish the information as available in her records, on point nos. 2, 3 and 4. Appellant, during the present appeal proceeding, was provided inspection of relevant files and upon inspecting the records, submitted before the Commission that she prays for information on point no. 3 and 4 and that she had seen during the inspection that the information on point no. 2 was not available.
10. With respect to the second ground as mentioned at Para 5 above, it is a fact that the first appeal was not disposed within the mandatory period of 45 days. Section 19 (6) of the Act mandates the FAA to hear and decide the first appeal within maximum of 45 days from the date of filing the same. Though there was a delay on the part of the FAA in deciding the first appeal, the said delay is marginal and the appeal was decided after giving due hearing to both the sides. Yet, the Commission directs the FAA to hear and decide the first appeals received under Section 19 (1) of the Act, hereafter, as provided by law.

11. In the background of the facts of the present matter and findings of the Commission, the present appeal is disposed with the following order:-

- a) PIO is directed to furnish information on point no. 3 and 4, sought by the appellant vide application dated 16/05/2023, as available in her records, within 15 days from receipt of this order, free of cost.
- b) All other prayers are rejected.

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.