

GOA STATE INFORMATION COMMISSION

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Appeal No. 49/2022/SCIC

Shri. Mahesh Kamat,
"Blossom" 101,
Seasons Co-op Housing Society,
Murida, Fatorda-Goa 403602.

----Appellant

V/s

1.The Public Information Officer,
Kadamba Transport Corporation Ltd.,
Paraiso de Goa, Alto Porvorim,
Bardez-Goa 403521.

2.First Appellate Authority,
Kadamba Transport Corporation. Ltd,
Paraiso de Goa, Alto Porvorim,
Bardez-Goa 403521.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	- 16/10/2021
PIO replied on	- 19/11/2021
First Appeal filed on	- 06/12/2021
First Appellate order on	- 25/01/2022
Second appeal received on	- 10/02/2022
Decision of the Second Appeal on	- 13/02/2025

Information sought and background of the Appeal

1. Shri. Mahesh Kamat filed an application dated 16/10/2021 under RTI Act, 2005 to the PIO, Kadamba Transport Corporation Ltd. (KTCL.) seeking following information in connection with the matter of compulsory retirement of Shri. Mahesh Kamat :
 - i. *Reference of files to the review committee for review of performance of Shri. Mahesh Kamat.*
 - ii. *Recommendation of review committee.*
 - iii. *Acceptance and approval of recommendations by the appropriate authority.*
 - iv. *Mandatory opinion formed and recorded by appropriate authority that the compulsory retirement of the Applicant is in public interest.*
 - v. *Recommendations of the representation committee at appeal stage.*

- vi. *Acceptance of the recommendations of representation committee by the competent authority.*
- vii. *Location of information on the website of Kadamba Transport Corporation Ltd.*

2. It is quite surprising to see from the material available before the Presiding Commissioner along with the present appeal that the above said RTI queries were filed again to the PIO, Kadamba Transport Corporation Ltd. vide RTI applications dated 17/10/2021, 18/10/2021, 19/10/2021, 20/10/2021, 21/10/2021 which undoubtedly amounts to the abuse of the RTI Act, 2005 causing harassment as well as unwarranted inconvenience to the PIO, Kadamba Transport Corporation Ltd.
3. In response to the above said six RTI applications dated October 16th, 17th, 18th, 19th, 20th and 21st, 2021, PIO (Shri. S.L. Ghate, General Manager, Kadamba Transport Corporation Ltd.) vide letter dated 19/11/2021 replied as under :
 - i) *"Information sought in above applications is already given to you in reply to your last several applications under RTI Act, 2005. You are requested to refer the same.*
 - ii) *You may refer **ktcgoa.com** for any documents if required. No correspondence with Kadamba Transport Corporation Ltd will be entertained."*
4. Being aggrieved by the reply/information furnished by the PIO, Appellant six first appeals dated 06/12/2021 before the First Appellate Authority (Managing Director, Kadamba Transport Corporation Ltd.) inter alia stating that :
 - a. PIO has filed a wholesale reply dated 19/11/2021 which is not compliance under RTI Act.
 - b. Information sought is based on the support of the Judgements of the courts in Writ Petition No.492/2007, 569/2008 & 347/2019 and SLP 21066/2014 uploaded on websites.
 - c. Information sought is based on the support of Affidavit filed by the M.D in above writ petitions.

- d. Appellant is compulsorily retired under FR56(J).
- e. M.D. of Kadamba Transport Corporation Ltd. had issued order of compulsory retirement which is not possible without records of process and procedure of compulsory retirement followed by the Appropriate Authority.
- f. The Appropriate Authority cannot form the opinion without the recommendation of the Review Committee.
- g. Review Committee cannot make the recommendations without service records referred to the committee by the Department of Kadamba Transport Corporation Ltd.
- h. Appellant suspect false affidavits are filed before the courts by the M.D. of Kadamba Transport Corporation Ltd.
- i. Appellant suspect that legal fraud is committed by the PIO and FAA in the pre-decision and post decision stage respectively while exercising the FR 56 (J).

5. FAA (M.D/KTCL, Shri. Derrick Pereira Neto) vide order dated 25/01/2022 dismissed all six (06) first appeals filed by the Appellant with the following Judgement:

"Appellant was made known that due to multiplicity applications filed by him on the same issue and they being heard in appeal and also by the CIC and SIC and attained finality and hence there cannot be any further applications on the same issues between the same parties and before the same authority and appeals are hit by the doctrine of Res-Judicta.

Having heard both the parties, I am of the opinion that there is no intervention required as all the information have been furnished earlier and the information which is not available has been categorically stated as not available by the PIO. The Appellant is further advised to stop filing multiple applications in the same issue again and again as he has also availed the facilities of inspection of the respective files and making applications/appeals on the same issue is not in good spirit."

6. Being aggrieved by the order passed by the FAA, Appellant preferred Second appeal dated 10/02/2022 before the Commission stating that :
- i. The PIO should be directed to furnish the records of assistance sought by him from the M.D and Chairman, Kadamba Transport Corporation Ltd. u/s. 5(4) and incase of refusal of assistance by the M.D and Chairman, the PIO should declare the MD and Chairman as Deemed PIO.
 - ii. The PIO should be directed to produce the evidence of having furnished the required information to the Appellant or uploaded on the website.

- iii. The PIO should be directed to furnish information as per Section 3 of the Act.
- iv. The PIO should be directed to pass clear and specific order that whether the requisite information is information or not under the RTI Act.

Facts Emerging in Course of Hearing

7. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 30/03/2022 for which Appellant and Respondent PIO appeared in person. Respondent PIO filed written arguments dated 30/03/2022 stating that :

- i. All the six RTI applications of the Appellant dated October 16-21, 2021 were replied on 17/11/2021 by merging all applications as connected to same subject and replied by the PIO to the earlier applications of the Appellant.*
- ii. The FAA has rightly observed that Appellant has sought information on same issue and subject and it is mere waste of time of PIO, FAA and Commission.*
- iii. When the subject matter and information asked on same matter, it is the correct decision of the FAA to dispose off the matter clubbing together.*
- iv. Since 2017 till date, Appellant has filed 39 applications on the same subject matter in his own name and 36 applications from colleagues/friends making total 75 applications on same subject matter.***
- v. If the Appellant suspects legal fraud and irregularities in the matter, he should approach suitable judiciary and not to waste the time of the Hon'ble Commission.*
- vi. Appellant is well aware that judiciary has refused to intervene in the matter.*
- vii. Appellant be debarred from asking the same information from time to time wasting the time of Hon'ble Commission.*
- viii. Appellant is referring to the filing of Affidavits by M.D, Kadamba Transport Corporation Ltd. before the Hon'ble High Court vide*

applications dated October 18,19, 20 and 21, 2022 and Appellant should have actually approach High Court for getting information but Appellant failed to convince the judiciary.

- ix. Present appeal may please be dismissed.*
- x. Appellant's future applications on the same subject matter will not be replied by the PIO/KTCL as his applications amounts to harassment to Public Authority and waste their time and resources.*

8. Respondent No.2 (FAA) also filed written reply dated 30/03/2022 to the Appeal stating that :

- i. Appellant be made to strictly prove that his applications dated October 16, 17, 18, 19, 20 and 21, 2021 are not repetitive and are not on the same subject matter.*
- ii. Appellant has filed a number of Appeals before the Respondent No.2 pertaining to the same subject matter, which were sought by the Appellant again and again.*
- iii. Appellant has filed repetitive and multiple applications under RTI on the same issue and subject matter causing harassment to the officials of this present appeal.*
- iv. Present appeal is meritless and ought to be dismissed with strong stricture on the Appellant as the Respondent PIO has given the Appellant all the opportunities by way of inspection of all concerned files, putting up all the available information on the websites.*

9. When the matter took up for further hearing on 06/05/2022, Appellant filed written arguments which interalia states that :

- i. The office of the Public Information Officer (PIO)/First Appellate Authority (FAA)/Second Appellate Authority (SAA) is only administrative officers and their decisions are only administrative orders. Appellant object to the PIO/FAA/SAA assuming and equating their offices as Court of law, status as Judges and orders as Judgements pronounced in the Open Court. The PIO/FAA/SAA equating themselves as Court of law, as Judges of Court of law and Judgement passed by Court of law is illegal.*
- ii. The Appellant state that PIO/FAA/SAA are not taking cognizance of the Judgements passed by the High Court in Writ Petition 569/2008 and by*

the Supreme Court in SLP 21066/2014 that has determined that compulsory retirement is not contrary to the rule FR 56(J) as established before the Court by the M.D by filing affidavit.

- iii. The Appellant is seeking the specific information about his compulsory retirement in accordance with provisions of Rule FR 56(J).
- iv. In the Writ Petition 569/2008, M.D of Kadamba Transport Corporation Ltd. by filing affidavits and producing materials has satisfied the Court in Judicial review under Article 226 of the Constitution that process and procedure of compulsory retirement is followed by Kadamba Transport Corporation Ltd.
- v. The Board of Kadamba Transport Corporation Ltd. formed the opinion that the applicant should be compulsorily retired in public interest in exercise of power conferred by Rule FR 56(J) as administrative decision in public interest.
- vi. The submission made by the PIO in respect of the information about his compulsory retirement under FR 56(J) was approved by past and present FAA and previous SAA, Smt. Pratima Vernekar and SAA Shri Vishwas Satardekar, present SAA.
- vii. Appellant state that information sought by him is about his compulsory retirement which is not exempted under provisions of the RTI Act.
- viii. The PIO/FAA/SAA are facilitating and enabling M.D, Kadamba Transport Corporation Ltd. in not revealing the factual position.
- ix. PIO had miserably failed to discharge his duties under RTI since he has not invoked Section 5.
- x. Appellant state that the FAA/SAA miserably failed in their duties since they failed in directing the PIO to invoke Section 5.
- xi. I suspect strong collusion between PIO/FAA/SAA and M.D, Kadamba Transport Corporation Ltd. in the non-disclosure of information.
- xii. I suspect the collusion between M.D, Kadamba Transport Corporation Ltd. (Shri. Derrick Pereira Neto) and other authorities constituted under RTI, i.e. PIO/FAA/SAA to cover up the massive and huge irregularities committed by executives of Kadamba Transport Corporation Ltd. and it

will be misuse and abuse of useful provisions of RTI Act by PIO/FAA/SAA, wastage of public resources and nothing short of fence eating the grass.

- xiii. Personal Section replied under RTI that no proposal of compulsory retirement is moved from the Personnel Department and hence there is a combined effort of PIO/FAA/SAA to protect M.D, Kadamba Transport Corporation Ltd. and prevent the disclosure of factual position.

10. Documents available with the present appeal contain a letter dated 07/06/2022 addressed to the Dy. Director (Admn.), Directorate of Transport, Government of Goa by Managing Director, Shri. Derrick Pereira Neto. The letter states that Shri. Mahesh Kamat, Ex-Officer of Kadamba Transport Corporation Ltd. (Appellant in the present Appeal) was given Compulsory Retirement under Section FR 56(J), which he had challenged before the Hon'ble High Court and Supreme Court but he did not succeed.

Thereafter, Shri. Mahesh Kamat started making various representations and filed RTI applications for the documents pertaining to his issue of Compulsory Retirement u/s FR 56(J). The files containing documents available with this authority were given by the PIO and the inspection of all files available at various departments were given for inspection at the office of the Goa State Information Commission. Shri. Mahesh Kamat has taken all the documents available to the file. However, inspite of this, Shri. Mahesh Kamat is deliberately making the representations and applications under RTI Act repeatedly and having being entertained and inspection given and required documents were collected by him. Since inspection of all the required files have been given and taken by Shri Mahesh Kamat, there is no scope for any giving directions or entertaining his applications any further.

11. Appellant vide written submission dated 10/10/2022 stated that the Appellant must get the records of decision making process supporting the order of compulsory retirement. Later vide letter dated 18/10/2022, Appellant submitted that the Government of Goa has

issued the detailed guidelines on compulsory retirement such as rules under which, the Government holds the absolute power, mandatory service review to ascertain whether the Government Servant should be retained or retired from service, time schedule to be followed, maintenance of register, Constitution of Review Committee, Appropriate Authority, Representation Committee, Screening Committee, Criteria to be followed etc.

Along with his written submission dated 18/10/2022, Appellant has submitted a copy of the Office Memorandum dated 10/10/2022 issued by the Department of Personnel, Government of Goa having the signature of Under Secretary (Personnel-II). The memorandum contains instructions/provisions relating to -

- i. Pre-mature retirement in the Goa State Civil Services (Retirement) Rules, 2000.
- ii. Maintenance of Register.
- iii. Composition of Review and Representation Committee.
- iv. Constitution of Internal Committee.
- v. Broad Criteria to be followed by the Review Committee.
- vi. Approval of Appropriate/Appointing Authority.
- vii. Representation against Premature Retirement.

12. In the next hearing on 28/11/2022, Appellant filed an application objecting the appearance of Shri. S. L. Ghate as PIO or his representative in the matter and it was taken on record duly furnishing a copy to the other side. Matter then fixed for reply on preliminary objection raised by Appellant on 03/01/2023.

PIO's reply to preliminary objection filed by the Appellant was taken on record on 03/01/2023 duly furnishing copy of the Appellant.

13. Hearing in the matter continued for another few months. When the matter called out on 17/08/2023, Appellant filed a written submission denying that the PIO has given any information in the past or uploaded the requisite information on website of the public authority in the present appeal. Appellant further submitted that :

- i. PIO/FAA/SAA has given different and contrary replies in the matter and in view of the different and multiple replies in the same subject, confusion is created by the PIO/FAA/SAA.
 - ii. If the Appellant cannot combine Appeals, PIO and FAA cannot combine the appeals.
 - iii. There is misuse of FR 56 (J) by Managing Director of Kadamba Transport Corporation Ltd. in issuing order without aid and advice of the Review Committee/Appropriate Authority, Representation Committee/Competent Authority.
 - iv. The false affidavit is filed before the Court by the MD, Kadamba Transport Corporation Ltd.
 - v. The rule of order is changed by M.D, Kadamba Transport Corporation Ltd.
 - vi. There is misuse of RTI Act by PIO/FAA/SAA (SIC and SCIC) in enabling that the irregularities committee by the MD, Kadamba Transport Corporation Ltd. remain buried for reasons like :
 - a. *Section 5(3) (4) is not invoked against the MD seeking his assistance to locate the records.*
 - b. *Section 4(d) is not invoked to provide the records of administrative decisions to the affected party.*
 - c. *Information is not provided u/s 7.*
 - d. *PIO/FAA/SAA passing contradictory orders in the same subject matter.*
 - vii. The M.D, Kadamba Transport Corporation Ltd. in Writ Petition No.569/2008 satisfied the Court by filing an affidavit.
 - viii. M.D, Kadamba Transport Corporation Ltd. prevented the Courts from interfering in the order as per settled law.
14. Appellant prayed PIO be directed to invoke Section 5(3) (4) against M.D seeking information and provide to the Appellant within a specified time, PIO/FAA should be directed to put their version of available/not available, u/s. 2, 8, 9 and 10 and the SAA should pass orders to furnish information to the Appellant within 15 days on the basis of Court Judgements 569/2008 and 347/2019.
15. Matter called out on multiple occasions for further hearing and for the hearing on 23/01/2024, Appellant and present PIO,

Mrs. Akash S. Sakhardande appeared in person. Matter fixed for order on 04/03/2024.

However, matter was not heard from March 2024 to September 17, 2024 as the post of SCIC and SIC remained vacant.

16. **Matter was taken up for hearing on 20/09/2024 by incumbent SCIC immediately after assuming the office on 17/09/2024 for which Appellant, present PIO and representative of the FAA appeared.** Matter fixed for reply of PIO/FAA, if any, on 13/11/2024. Appellant appeared in person on 13/11/2024 and representative of the PIO appeared. Presiding Commissioner adjourned the matter to 09/12/2024 with the direction for the presence of the PIO.

17. When the matter called out for hearing on 09/12/2024, Appellant and Respondent PIO appeared in person and PIO filed written reply dated 09/11/2024 with an additional copy to the Appellant.

In the written reply, PIO submitted that :

- a. *Respondent had replied to the Appellant's RTI request vide letter dated 19/11/2021.*
- b. *Appellant's first appeal was dismissed by the Respondent No.2 (FAA) stating that Appellant is repeatedly making similar applications.*
- c. *Appellant repeatedly sought information regarding Review of service records by the Review Committee, recommendations of the Review Committee, and recommendations of the representative Committee, examination of the recommendations of the Representation Committee by the Competent Authority etc.*
- d. *Appellant has been provided reply vide letter dated 22/02/2016 and 27/02/2017 but Appellant has been subsequently seeking information on the same subject matter repeatedly.*
- e. *The order/process of decision making on compulsory retirement of the Appellant is not within the scope and purview of Respondent No.1, being the PIO as the role of the PIO is only to provide available and permissible information under the provisions of the RTI Act, 2005.*

- f. Appellant had approached the Hon'ble Supreme Court and High Court challenging the order of his compulsory retirement, which has been dismissed by both the Courts.*
- g. Appellant has been given ample opportunity to peruse his records by way of multiple inspections, inspite of that the Appellant is in a habit of filing repeated RTI request on the same subject matter only to cause mental torture and harassment to the Respondent.*
- h. Respondent has extended all cooperation to the Appellant in providing the available information by way of inspection of files before the Respondent as well as the Hon'ble State Information Commission and also provide certified copies of documents. Moreover, the entire service records of the Appellant are accessible on the website -www.ktcl.goa.com.*

18. Respondent No.1 had filed a copy of the information vide letter dated 27/02/2017 furnished by the then PIO, Shri. S.L. Ghate to the Appellant in response to the 24-Point RTI application dated 31/01/2017. The said letter clearly furnished information to the Appellant's core queries pertaining to his compulsorily retirement. Some of the said information is as under :

- i. Report of Screening Committee, Review Committee, Board and Representation Committee on Compulsory Retirement to Shri. Kamat as mandated by FR 56(J) is not made and hence not available (Point No.4).
- i. No Screening Committee/Review Committee is on records of the Corporation. As such particulars of such Committee members cannot be furnished (Point No. 10 - a)
- ii. Since no representation committee is on the records of the Corporation, their particulars as desired by you cannot be furnished (Point No. 10 - c)
- iii. The opinion recorded by the Appropriate Authority is not available (Point No.10).
- iv. No name of the Advisors to the Board and their advisory notes are available on the records of the Corporation (Point No. 10 - g).
- v. No such records are available with the Corporation (Point No.14 and 15)
- vi. No reports of the O.M, M.D, Screening Committee Representation Committee are on the records of the Corporation. Hence the same cannot be provided (Point No.23).
- vii. No performance review of all officers under Rule 56 (j) is available with Corporation (Point No. 24).

19. Since the core issue reflected in the RTI applications as well as the submissions placed by the Appellant is pertaining to his compulsory retirement w.e.f. 19/09/2008 under the order issued on 20/06/2008, perusal of the judgement of the Hon'ble High Court of Bombay at Goa in the Appellant's Writ Petition No 569 of 2008 challenging the order dated 20/06/2008 of Kadamba Transport Corporation Ltd. compulsorily retiring the Appellant w.e.f. 19/09/2008 revealed the following observations by the Hon'ble High Court -

- i. *"We find that there was material before the Respondent No.1- Corporation (Kadamba Transport Corporation Ltd in this Writ Petition No. 569/2008) to make the assessment for the purpose of compulsorily retiring the petitioner (Appellant in the present appeal).*
- ii. *Respondent No. 1- Corporation in the affidavit and documents placed on the record of this Court shows that the decision of the Respondent No.1 - Corporation to compulsorily retire the petitioner cannot be said to be arbitrary or contrary to the provisions of FR 56.*
- iii. *The concept of compulsory retirement came into force to remove a public servant whose services are no longer useful to the general administration or in public interest, if it is felt that for better administration, for augmenting efficiency it is necessary to chop of the deadwood.*
- iv. *The order of the compulsory retirement is not to be treated as a punishment and carries no stigma.*
- v. *The rule of compulsory retirement has been held to hold the balance between the rights of the individual government servant and the interest of the public administration.*
- vi. *In the present case, the petitioner had been challenging any directions which were issued by the superiors and in such circumstances no doubt, the efficiency in performing the duties would be affected.*
- vii. *In the Writ Petition No. 569 of 2008 of the Appellant challenging the Kadamba Transport Corporation Ltd. order dated 20/06/2008 compulsorily retiring him w.e.f. 19/09/2008, Hon'ble High Court of Bombay at Goa held that there is no reason to interfere in the impugned order passed by the Respondents (Kadamba Transport Corporation Ltd, M.D, Kadamba Transport Corporation Ltd. and State of Goa) and accordingly, Writ Petition was dismissed on 7th May 2014.*

COMMISSION'S OBSERVATIONS

- i. Perusal of the material available along with the present appeal reveals that similar RTI queries of the application dated 16/10/2021, base for the present appeal, were placed before the same PIO vide RTI applications dated October 17, 2021, October 18, 2021, October 19, 2021, October 20, 2021 and October 21, 2021.
- ii. Respondent PIO replied to the Appellant vide letter dated 19/11/2021 clubbing all six RTI applications of the Appellant on same subject matter.
- iii. Appellant's written argument during the hearing on 06/05/2022 states that the office of the Public Information Officer/First Appellate Authority/Second Appellate Authority (PIO/FAA/SAA) is only administrative officers and their decisions are administrative orders only and Appellant object to the PIO/FAA/SAA assuming and equating their offices as Court of law, status as judges and orders as Judgements pronounced in open Court.
- iv. **State Information Commission, which constituted by the State Government after due notification in the Official Gazette under the provisions laid down in Section 15 of the Right to Information Act, 2005 never asked the Appellant to approach the Commission with multiple appeals on same subject matter and to assume on his own that the Commission, Second Appellate Authority under RTI Act, 2005 pronouncing its decision/order as Judgement passed by Court of law.**
- v. Appellant has been noticed for unnecessarily dragging the name of the Goa State Information Commission and its previous Chief Commissioner and Commissioner in questioning their integrity by stating that "***I suspect strong collusion between PIO/FAA/SAA and Managing Director, Kadamba Transport Corporation Ltd. to cover up massive and huge irregularities committed by executives of Kadamba Transport Corporation Ltd.***"
- vi. The multiple applications as well as multiple appeals filed by the Appellant under RTI Act, 2005 is fundamentally linked to the order dated 20/06/2008 issued by the Kadamba Transport Corporation Ltd. (Employer of the

Appellant) compulsorily retiring the Appellant from the service w.e.f. 19/09/2008.

- vii. The major RTI request of the Appellant in connection with the above said compulsorily retirement of the Appellant under FR 56 (J) are :
 - a. Review committee report recommending premature retirement placed before the Appropriate Authority, which approved the proposal of compulsory retirement.
 - b. Opinion formed by the Appropriate Authority that it is in the Public Interest to disperse with further services of Shri. Mahesh Kamat (Appellant) in Kadamba Transport Corporation Ltd.
- viii. The Respondent PIO while furnishing information/reply to the Appellant's RTI application dated 31/01/2017 having 29-point main RTI queries and enormous sub queries clearly submitted that -
 - a. No Screening Committee/Review Committee is on the records of the Corporation (Kadamba Transport Corporation Ltd). As such particulars of such committee members cannot be furnished (Point 10- a in the reply).
 - b. Since no Representation Committee is on the records of the Corporation, their particulars as desired by the Appellant cannot be furnished (Point No. 10-c).
 - c. The opinion recorded by the Appropriate Authority is not available with the Corporation (Point No. 10-d).
 - d. No name of the advisors to the Board and their advisory notes are available on the records of the Corporation.
 - e. Report of Screening Committee, Review Committee/Board and Representation Committee on compulsorily retiring Shri. Mahesh Kamat as mandated by FR 56(J) is not made and hence not available (Point 4).
- ix. Respondent No.1 vide written reply dated 09/11/2024 reiterated that Appellant is repeatedly making similar applications seeking information regarding recommendations of the Review Committee/Representation Committee, examination of the recommendation of the Representation Committee by the Competent Authority etc. despite giving reply to the effect that such information is not available in the records.
- x. Respondent PIO also made clear to the Appellant that the order/process of decision making of compulsory retirement of the Appellant is not within the scope and purview of the PIO, who is only to provide

available and permissible information under the provisions of the RTI Act, 2005.

- xi. Despite giving reply about the non-availability of the sought information in the records of the O/o. the Respondent PIO, filing multiple and repeated applications on the same subject matter and subsequent appeals will not bring any desired result to the Appellant, on the contrary it amounts to the abuse of the RTI Act.
- xii. If the Appellant has firm ground to establish that Competent Authority has flouted the service rules or not followed the procedures laid down on premature retirement under the Goa State Civil Service (Retirement) Rules, 2000, Civil Service Rules or guidelines issued by the Government etc., he should have approach the Appropriate Authority exposing/challenging the procedural lapse committed by the competent authority in his compulsory retirement case and to get addressed the issue instead of causing trouble to the PIO by way of multiple applications on same subject matter on a daily basis like RTI application dated 16/10/2021, 17/10/2021, 18/10/2021, 19/10/2021, 20/10/2021 and similar number of first and second appeals.
- xiii. Perusal of documents along with the present appeal reveals that the Appellant had challenged the order dated 20/06/2008 issued by his employer, Kadamba Transport Corporation Ltd, compulsorily retiring him from the service w.e.f. 19/09/2008 before the Hon'ble High Court of Bombay at Goa in the form of Writ Petition No. 569 of 2008 stating that "the F.R. 56 can be invoked to compulsorily retire the employee only after a conscious decision that he has ceased to possess the level of competency, utility and efficiency and allowing the employee to continue till the age of superannuation would not be in the public interest."

- xiv. Other doubt expressed by the Appellant is that in the Writ Petition No. 569 of 2008 false affidavits were filed before the Hon'ble High Court by the M.D of Kadamba Transport Corporation Ltd.
- xv. While dismissing (7th May, 2014), the Writ Petition filed by the Appellant, Hon'ble High Court of Bombay at Goa held that -
 - a. Respondent No.1 - Corporation (Kadamba Transport Corporation Ltd.) in the affidavit and the documents filed by it show that the decision of the Respondent No.1 Corporation to compulsorily retire the petitioner cannot be said to be arbitrary or contrary to the provisions of FR-56.
 - b. The concept of compulsory retirement came into force to remove a public servant whose services are no longer useful to the general administration or in public interest, if it is felt that for better administration, for augmenting efficiency it is necessary to chop of the deadwood.
 - c. The rule of compulsory retirement has been held to hold the balance between the rights of the individual Government Servant and the interest of the public administration.
- xvi. In the present appeal, Appellant submitted that the Respondent PIO should be directed to furnish the records of assistance sought by him from the Managing Director and Chairman of Kadamba Transport Corporation Ltd. u/s. 5 (4) of the Act and in case of refusal of assistance by the M.D and Chairman, the PIO should declare the M.D and Chairman as '*Deemed PIO*'.
- xvii. In the present case M.D and Chairman of Kadamba Transport Corporation Ltd. is the FAA of Kadamba Transport Corporation Ltd. First Appellate Authority (FAA) under RTI Act, 2005, cannot be declared a deemed PIO by the designated PIO. FAA plays a crucial role in the RTI process by hearing appeals against PIO's decisions and FAA's function and responsibilities are distinct from those of a PIO. PIO's role involves in providing information while FAA's role is to adjudicate on the correctness of the PIO's actions. They are not interchangeable and one cannot be deemed the other.**

- xviii. The alleged procedural lapse committed by the public authority (Kadamba Transport Corporation Ltd.) in his compulsory retirement has brought to the notice of the Hon'ble Bombay High Court at Goa and Hon'ble Supreme Court by the Appellant but the Appellant failed to obtain any relief from the Hon'ble Courts in the matter.
- xix. Basically, the Appellant argues that there is misuse of FR 56 (J) by the MD, Kadamba Transport Corporation Ltd., as he issued an order (of compulsory retirement) without aid and advice of the Review Committee/Appropriate Authority, Representative Committee and Competent Authority and false affidavit is filed before the Court by the M.D., Kadamba Transport Corporation Ltd.
- xx. Misuse of FR 56 (j) or filing of false affidavit are purely Service Rule/Administrative matters and not the subject matter of the Commission. If Appellant is aggrieved over the aforesaid misuse of FR 56(J) and filing of false affidavit in connection with his Compulsory Retirement, Appellant should have challenge the same before the Appropriate Authority/Court of Law.
- xxi. Appellant states that there is a misuse of RTI Act by the PIO/FAA/SAA (SCIC and SIC) in enabling the irregularities committed by the M.D, Kadamba Transport Corporation Ltd. remain buried.

Nobody prevent the Appellant from taking up this issue before the Hon'ble High Court.
- xxii. Since the PIO's reply dated 27/02/2017 to the Appellant's RTI application dated 31/01/2017 made it amply clear that no Screening Committee or Review Committee is on the records of the public authority in the present appeal (Kadamba Transport Corporation Ltd.) PIO cannot create such information to furnish the Appellant to his repeated applications on this matter.

- xxiii. It is found that besides filing appeals before the previous Commission, three appeals on the RTI applications on same subject matter of the present appeal are before the State Chief Information Commissioner, and 8 more similar appeals on the same subject matter were decided (dismissed) by the State Information Commissioner on 29/05/2025.

Under these circumstances, Appellant is advised by the Commission to refrain from filing similar appeals on same RTI subject in future as it will constrain the Commission to entertain such appeals as it cause unwarranted wastage of time, energy and resources of the Commission, Respondent and Appellant too.

DECISION

- i. After going through the aforesaid facts and circumstances, perusal of materials available on record, submission as well as arguments placed by the parties to the present appeal, Commission has come to the conclusion that there is no material available before it to substantiate denial of information by the Respondent PIO or any violations of the provisions under the RTI Act, 2005 by the First Appellate Authority while deciding in first appeals filed by the Appellant.
- ii. Under the above circumstances, there is no valid ground to interfere by the Commission in the present Appeal No. 49/2022/SCIC and the present appeal stand dismissed.

iii. Two other appeals viz. Appeal No. 61/2023/SCIC and Appeal No. 145/2023/SCIC are also dismissed along with the present appeal.

iv. Parties to be provided authenticated copies of this order separately under each appeal.

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC