

GOA STATE INFORMATION COMMISSION
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Appeal No. 344/2023/SIC

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

.....Appellant

V/S

1. Sanjay L. Ghate/ Public Information Officer,
Kadamba Transport Corporation Limited,
Parasio De Goa Building,
Porvorim-Goa.

2. Shri. Derrick Pereira Neto, (FAA),
Kadamba Transport Corporation Limited,
Parasio De Goa Building,
Porvorim-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 25/09/2023

Decided on: 29/05/2025

ORDER

1. The present judgement/ order shall collectively dispose off Appeals Nos. 86/2023/SIC, 146/2023/SIC, 256/2023/SIC, 258/2023/SIC, 344/2023/SIC, 418/2023/SIC, 420/2023/SIC and 06/2024/SIC collectively.
2. The appeals referred above arise out of the Right to Information (RTI) applications dated 12/12/2022, 16/01/2023, 23/04/2023, 24/04/2023, 22/06/2023, 02/08/2023, 22/08/2023 and 13/10/2023 respectively.
3. All these RTI applications were made by the Appellant herein, Shri. Mahesh Kamat and addressed to the Public Information

Officer (PIO) of the Kadamba Transport Corporation Limited (KTCL), Government of Goa.

4. All these applications were largely and fundamentally aimed at seeking information pertaining to the Compulsory Retirement of the Appellant herein, whereby the Appellant has sought the records pertaining to the decision making process in so far as his Compulsory Retirement was concerned.
5. The relevant PIO, Shri. Sanjay Ghate provided response to the Appellant herein within stipulated time from the date of each of this application were made stating that, the information sought by him is available in public domain i.e. on official website of the Kadamba Transport Corporation and that the other information sought by him cannot be provided as the same has been repetitively sought by the said Appellant.
6. Aggrieved by the reply of the PIO in each of the above mentioned appeals, the Appellant herein preferred first appeal before the competent First Appellate Authority (FAA) of the said Corporation and in each of this applications, the FAA upheld the stand taken by the PIO and dismissed the first appeals therein, from time to time.
7. Aggrieved by the orders of the FAA, the Appellant herein preferred Second Appeals individually before this Commission and in all this matters notices were duly issued and proceeding commenced.
8. However, between the months March 2024 to September 2024, on account of former State Information Commissioner demitting office, there was no further progress in this matter.

9. However, upon resumption of regular proceedings, all these matters came up to taken from October 2024 onwards and based on statement of the Appellant herein, the matters being similar subject matter were taken up collectively to save time and efforts.
10. It has been the contention of the Appellant herein that, there is a fundamental error on part of the PIO in so far as not seeking information from the Senior Officer who is supposed to be in possession of relevant records sought by the Appellant is concerned.
11. The Appellant contends that, the PIO and the Managing Director of the said Corporation in connivance have effected denial of information out of purpose to cause prejudice to the Appellant.
12. The Appellant further contends that, the PIO ought to provide reasons for administrative decision which in his opinion is not being appreciated by concerned PIO.
13. The Appellant herein also has drawn the attention of this Commission to the stand taken by the Managing Director of the said Corporation in various petitions before Hon'ble High Court on the same subject matter.
14. The PIO contends that, the fundamental information sought by the Appellant herein is largely available on the official website of the said Corporation and that the Appellant herein is purposely attempting to ask the same information repeatedly by tweaking few words to make his RTI application sounds different.

15. The PIO also further contends that, the records of decision making process as desired by the Appellant herein would have to be specifically created as there is no such records available and such an act of creating information is beyond purview of the RTI Act.

16. Both the parties were given an opportunity to file their written submission wherein the Appellant put forth his written submission whereas the present PIO of the said Corporation Smt. Aakash Sakhardande preferred to proceed with oral arguments.

17. Upon perusal of appeal memo as well as all other material on record and arguments proceeded by both the parties, this Commission is of the considered opinion as under:-

a) Prima-facie there appears to be adherence to the prescribed stipulated time for response on the part of the PIO.

b) The bare perusal of the RTI applications made by the Appellant herein clearly establishes the multiplicity and repetitiveness of his applications as highlighted by the PIO in each of his response.

c) For the satisfactory redressal of the core issue raised by the Appellant herein, the PIO would have to create information in light of submission of the PIO that, such an information is not available.

d) In so far as contention of the Appellant that, the PIO should have sought information from the Managing Director is concerned, it would be necessary on the part of the PIO to transfer it under Section 6(3) of the RTI

Act, wherein the officer to whom it is transferred would become deemed PIO. However, in this peculiar case, the Managing Director of the said Corporation is himself FAA. Therefore, the issue of whether the FAA can also be made a deemed PIO would have to be decided by the either Hon'ble High Court or Hon'ble Supreme Court.

e) Other than the opinion expressed by the Appellant herein by citing various proceedings in High Court or similar subject matter there is no other material on record to substantiate or to establish denial of information by the PIO or any inconsistency in deciding in first appeal by the appropriate FAA are concerned.

18. Therefore, in light of above appeal numbers are collectively dismissed.

- No order as to cost.
- Parties to be provided authenticated copies of this order separately under each appeal number.
- 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/-

(ATMARAM R. BARVE)

State Information Commissioner