

GOA STATE INFORMATION COMMISSION

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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 24/2025/SIC

Shriram S. Raiturkar,
H. No. 163, Pajifond,
Isidoro Emilio Baptista Road
Margao-Goa 403601

.....Appellant

V/s

1. Public Information Officer (PIO),
Dy. Director of Vigilance (General Vigilance),
Govt. of Goa , Altinho, Panaji-Goa
2. The First Appellate Authority (FAA),
Director, Directorate of Vigilance,
Altinho, Panaji-Goa

.....Respondents

Filed on: 23/01/2025

Decided on: 23/04/2025

ORDER

1. The present second Appeal arises out of the Right To Information (RTI) application dated 26/08/2024 made by Shri. Shriram Raiturkar the Appellant herein and addressed to the Public Information Officer (PIO), of Anticorruption Branch Govt. of Goa, Shri Rajan Nigalye, wherein the Appellant had sought information pertaining to the files in the context of which the Appellant claim that chargesheet was concluded on 16/09/2013.
2. The Public Information Officer (PIO) transferred the said Right To Information application under section 6(3) of the Right To Information Act to the PIO of

Directorate of Vigilance Govt. of Goa vide communication dated 29/08/2024.

3. Vide reply dated 12/09/2024 the PIO at the Directorate of Vigilance, Shri. Shrikant Pednekar informed the Appellant herein that the information sought by him is personal information covered under section 8(1)(j) of the RTI Act and as such cannot be disclosed.
4. Aggrieved by this reply the Appellant herein preferred the First Appeal dated 27/09/2024.
5. The First Appellate Authority (FAA), vide order dated 25/10/2024 dismissed the first Appeal while relying upon the judgment of the Hon'ble supreme court in Girish Ramchandra Deshpande v/s Central Information Commissioner and others (Special Leave petition)(Civil) No. 27734 of 2012.
6. Aggrieved by this order of the First Appellate Authority (FAA), the Appellant herein preferred the second Appeal before this Commission vide his appeal memo dated 23/01/2025. Notices were issued and matter was heard today.
7. The PIO vide his reply reiterated the stand taken before the First Appellate Authority (FAA), however, it was the contention of the Appellant that once investigation is over by way of filing a chargesheet it automatically loses the immunity from disclosure.

8. The issue in question is around interpretation of section 8(1)(j) of the RTI Act. Therefore upon hearing the contention of both the parties as well as the Appeal memo and reply, this Commission is of the considered opinion as under:-

- a) Section 8(1)(j) of the Right To Information Act 2005 has been time and again used by the Public authorities as a tool to deny information. Public Authorities have to understand that section 8(1)(j) also has a proviso which enables the information seeker to get access to the desired information.
- b) Before drawing a convenient conclusion, the Public Authorities must also draw a clear distinction between nature of information sought "unwarranted invasion of privacy of an individual" cannot be resorted to all and sundry.
- c) This interpretation becomes more pertinent in so far as dealing with matters of public servants is concerned.
- d) Although it is settled that certain personal information cannot be furnished under RTI Act; however, information pertaining to the misconduct or any other disciplinary proceedings against a public

servant ought to be available to the general Public.

e) The proviso of section 8(1)(j) clearly spells out “ provided that the information which cannot be denied to the parliament or a State Legislature shall not be denied to any person”

f) The PIO as well as the First Appellate Authority appeared to have failed to interpret and appreciate the later part of the section 8(1)(J) of the RTI Act 2005

g) The same information if sought by way of a legislative assembly question by any member of the Goa Legislative Assembly would have been furnished by the said Department, and by the same yardstick the said information should also be available for any information seeker.

9. Therefore, in view of the above the present second appeal is disposed off with the following orders:-

a) The present second Appeal is allowed.

b) The order of the First Appellate authority is set aside.

c) The Public Information Officer, Shri. Shrikant Pednekar is directed to furnish the information to the Appellant herein within 15 days of the receipt of this Order or 26th May, 2025 whichever is earlier and submit a compliance report to that effect on 5th June, 2025.

d) Registry to issue showcause notice to the PIO returnable on 5th June 2025 and PIO is directed to remain present for the hearing at 11.00 a.m. failing which necessary proceedings as contemplated in the RTI Act, shall be commenced.

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/-

(Atmaram R. Barve)

State Information Commissioner