

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 54/2024/SIC

Mrs. Sabina N. Soares,
H. No. 497, Murida,
Fatorda, Margao Goa 403602.

.....Appellant

V/s

1. Uma M. Malgaonkar,
Assistant Director/Public Information Officer (Link),
Department of Civil Supplies and Consumer Affairs,
1st Lift, 2nd Floor, Junta House, Panaji-Goa.

2. Smt. Hemani H. Naik/Deemed Public Information Officer,
Head Clerk, Establishment Section,
Department of Civil Supplies and Consumer Affairs,
Junta House, Panaji-Goa.

3. Shri Jeronimo D'Silva, RTI Clerk,
Establishment Section,
Department of Civil Supplies and Consumer Affairs,
2nd Floor, 1st Lift, Junta House, Panaji-Goa.-----

Respondents

Filed on: 23/02/2024

Decided on: 06/03/2025

ORDER

1. The present second appeal arises out of the Right To Information (RTI) application dated 07/09/2023 made by the Appellant herein Smt. Sabina N. Soares and addressed to the Public Information Officer (PIO) at the Department of Civil Supplies and Consumer Affairs, Govt. of Goa.
2. In response to the said application the Public Information Officer (PIO) Smt. Uma Malgaonkar, issued two separate replies dated 04/10/2023 and 05/10/2023 respectively providing pointwise reply to the said RTI application.

3. Both this correspondences were issued to the appellant herein vide separate Registered A. D's.
4. Vide the reply dated 04/10/2023 the Appellant herein was asked to collect the information in the form of compact disc (C.D's) by paying Rs. 600/- and the Appellant herein paid the said amount on 06/10/2023 and collected the said information.
5. Vide response dated 05/10/2023 the Public Information Officer (PIO) provided pointwise response to queries No. 2 till 11 respectively.
6. Vide appeal dated 02/11/2023 the Appellant herein approached the First Appellate Authority (FAA), citing insufficient or incomplete information being provided to her by the PIO.
7. The First Appellate Authority (FAA) vide rojnama order dated 29/11/2023 directed the PIO to furnish information insofar as annual confidential records of the Appellant for the years 2021-2022, 2022- 2023, 2023-2024 alongwith the copies of the leave orders availed by the Appellant which were not furnished till date in terms of her RTI application dated 07/09/2023, and also directed the PIO to furnish the compliance report.
8. Thereafter, in terms of the aforesaid order the PIO vide two separate communication dated 13/12/2023 furnished the copies of leave orders and annual confidential reports for the years 2021-2022, 2022-2023 and vide third communication dated 05/01/2024 the annual confidential

report for the period 01/04/2022 till 31/07/2022 were provided.

9. On the grounds that complete information was not provided and wrong information was given and also that information was deliberately delayed the appellant herein preferred the second appeal before this Commission on 23/02/2024.

10. The Appeal came to be filed when the former State Information Commissioner had demitted the Office and upon new appointment and resumption of proceedings. Notices were issued on 22/10/2024 and proceedings commenced from 14/11/2024 onwards.

11. It has been also noticed that the Appellant has filed separate applications in connection to the same subject matter of her original RTI application thereby creating grounds for ambiguity leading to multiple replies.

12. Upon perusal of the Appeal memo, replies rejoinders and written submissions this Commission is of the considered opinion as under:-

a) Both the PIO as well as the information seeker are a part of the same Department and working in the same office, and both the parties have displayed distrust onto each other, insofar as dissemination and accepting information is concerned.

b) During the course of arguments it has come to light that the Appellant herein has had access to

the information sought by her and yet she has chosen to accept the information vide Registered A. D. communication rather than simply accepting it from the PIO and acknowledging the receipt within the office.

- c) Be that as may, the PIO also ought to have exercised a more diligent approach and issued the Registered A. D. so that it could reach the information seeker within the prescribed time limit.
- d) There appears to be an over interpretation of the RTI act on the part of the Appellant herein whereby she has sought to implead every section head of the Department as a Deemed PIO.
- e) The Head of the Department who is also the First Appellate Authority also appears to have failed to determine definite Public Information Officer's as it is evident in this matter that the PIO in question has been all this while discharging a duties as a link Officer.
- f) The Appellant also needs to understand that the cause of action arises from the date of her application under the RTI Act and multiple communication on the same subject matter would cause prejudice to her own rights as an information seeker.

g) The PIO also ought to ensure that multiple correspondences pertaining to the same RTI application should not be issued. A common reply addressing the queries in a pointwise manner would ensure that the information seeker doesn't have to reconcile the RTI application with multiple replies and should rather get clarity by way of a common reply.

13. Therefore, in view of the above, there are no sufficient grounds to establish denial of information on the part of the PIO and that no prejudice has been caused to the right of the information seeker in this matter.

14. The present second Appeal stands dismissed with no order as to cost.

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