

GOA STATE INFORMATION COMMISSION

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Appeal No. 305/2023/SCIC

Dr. K. K. Nadkarni,
r/o. H. No. 84,
Bendwada,
Sanguem – Goa 403704.

..... Appellant

v/s

The Public Information Officer,
DCT's Vasant Rao Dempo Higher
Secondary School,
Deendayal Integrated School Complex,
Cujira, Goa 403202.

..... Respondent

Shri Aravind Kumar H. Nair - State Chief Information Commissioner

RELEVANT FACTS OF THE APPEAL

RTI application filed on	- 16-02-2023
PIO replied on (transfer) u/s (6)	- 23-02-2023
Respondent PIO reply	Nil
First Appeal filed on	- 17-07-2023
First Appellate order on	Nil
Second appeal received on	- 04-09-2023
Decision of the Second Appeal on	- 15-01-2025

Information Sought and Background of the Appeal:

1. Dr. K. K. Nadkarni filed an RTI application dated 10/02/2023 (inwarded date 16.02.2023) to the Deputy Director/Asstt. Director, South Education Zone, Margao seeking *"information on monthly contribution to GPF of Shri Krishna Keshav Nadkarni and monthly contribution of the management of DCT's Higher Secondary School, Miramar, Panaji Goa to it along with the interest calculated every year from June 1979 to September 1988"*.
2. On receipt of the RTI application of Dr. K.K. Nadkarni, the Dy. Education Officer Shri Sairoj B. Desai transferred the application to the Dy. Director of Education, Central Education Zone, Panaji Goa u/s. 6(3) of the RT Act

as the information asked for by the Appellant is pertaining to Higher Secondary School under his education zone for necessary action.

3. Subsequently, Principal (Mrs. Surekha Kelkar), DCT's Vasant Rao Dempo Higher Secondary School of Arts, Science & Commerce, Cujira Goa vide letter dated 15/03/2023 forwarded Dr. K.K. Nadkarni's RTI application to the Manager/Principal/PIO, Dhemp College of Arts & Science, Miramar, Panaji Goa with request to furnish the details to the applicant since the relevant details from June 1979 to January 1989 are not available in the records of this higher secondary school. This letter further stated that the applicant, Dr. K.K. Nadkarni, had worked for the period from 25th June 1979 to 30th August 1988 and the Higher Secondary School has GPF records from February 1989 till date.
4. Aggrieved by not getting any reply/information from the PIO of DCT's Vasant Rao Dempo Higher Secondary School of Arts, Science & Commerce, Cujira, Goa to his application, Dr. Nadkarni, Appellant, filed first appeal dated 17/07/2023 before the First Appellate Authority of DCT's Vasant Rao Dempo Higher Secondary School of Arts, Science & Commerce, Cujira Goa 403202. The record submitted by the Appellant along with his second appeal reveals that the first appeal was neither heard nor decided. If it is the fact, then FAA committed serious lapse on his part to carry out the obligations of FAA under the RTI Act, 2005.
5. Subsequently, the appellant approached the Commission with his second appeal dated 04/09/2023 in which he stated that no information is received from the Respondent and the FAA has not taken any cognisance of his first appeal.

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the second appeal, parties were notified and hearing began on 25/10/2023. The Respondent PIO in her written reply to the second appeal submitted that upon request of the appellant seeking his monthly GPF contribution and the contribution of the management of DCT's Higher Secondary School, Miramar, Panaji along with the interest calculated every year from June 1989 to September 1988, Shri Rajesh Bhatikar

(Administrator of the College) vide email dated 05/07/2022 had provided the appellant a copy of the available records, which showed the contributions made in the appellant's GPF.

7. Respondent PIO further submitted that as the information sought for was almost four decades old, substantial time was lost to access the same. The Principal, DCT's Vasantrao Dempo Higher Secondary School of Arts, Science & Commerce, Deendayal Integrated School Complex acted on the Appellant's application seeking information within time .
8. Appellant stated that the FAA vide its communication dated 19/08/2023 disposed off the first appeal dated 09/07/2023 of the appellant but inadvertently FAA addressed the said communication to the Dy. Director/Asst. Director, South Education Zone, Margao and submitted that it was due to oversight and not deliberate or intentional.
9. Filing the salary sheet of the Appellant for the years 1979 to 1988 available, the Respondent PIO submitted that such information is the only available information and the best possible information, the respondent can furnish from the archives/records maintained by the Respondent. According to the Respondents, the details of the employer contribution having been already furnished to the appellant and the salary sheet produced before the Commission on 28/11/2023 and the same may please be treated as sufficient answer to the appellant's RTI queries.
10. The Appellant in his written submission dated 12/02/2023, mentioned that when his RTI application dated 10/02/2023 reached Manager/PIO/Principal of Dhempe College of Arts & Science, Miramar, Panaji by transfer, it was informed vide letter dated 15/03/2023 that the relevant details from June 1979 to January 1989 were not available in the records of Higher Secondary school.
11. Appellant further stated that he was surprised to note that the first appeal filed by him disposed off by a letter dated 19/08/2023 by the Principal, DCT's Vasantrao Dhempe Higher Secondary School as FAA without issuing notice of hearing to the appellant. It is more surprising

that the PIO as well as FAA being the one and same is in fragrant violation of the provisions of RTI Act, 2005.

12. Appellant in his written submission added that though the Respondent PIO submitted before the Commission that monthly salary statement of the Appellant from January 1979 to September 1988 was provided to the appellant, statements for the periods April 1980 to March 1981, April 1983 to March 1984 and September 1988 are missing. Appellant prayed the Commission to direct the respondent PIO to furnish complete information free of cost.
13. Subsequently Advocate A.S. Kunde submitted written synopsis dated 05/12/2023 on behalf of the Respondent PIO in which Respondent most respectfully submit that although in the present case, in view of section 8(3) of the RTI Act, 2005, Respondent is not obliged to provide information sought for by the appellant but rigorous efforts were made by the Respondent to search for the records and to furnish the information to the appellant.
14. Inorder to support his stance, Respondent cited the Judgement of the Honb'le Supreme Court in the matter of ***Central Board of Secondary Education v/s. Aditya Bandopadhyay (2011) 8SCC 497 wherein Section 8(3)*** of the RTI came to be considered. According to the Respondents, the Judgment states that the right to access to information does not extend beyond the period during which the examining body is expected to retain the answer book. The obligation under the RTI is to make available or give access to existing information which is expected to be preserved or maintained.
15. Respondent PIO also placed the decision of ***the Hon'ble High Court of Gujarat in the matter of Prakash Manubhai Patel v/s. Chief Information Commissioner & Others.***
16. The matter was not heard from March 2024 to September 2024, as the posts of SCIC and SIC remained vacant.

17. Hearing in the matter resumed by the incumbent SCIC on 30/10/2024. During the hearing on 05/12/2024, Commission directed the Respondent to have a thorough search to trace the PPF statements/records of the appellant and furnish copy of the same to the appellant. Accordingly respondent agreed to allow the appellant to inspect the PPF records available in the public authority.
18. During the hearing on 07/01/2025, appellant submitted that as per the directions of the commission, he was allowed to inspect the records but no records pertaining to his or any other employees of that time (1979-1988) was available.
19. Commission served notice to the Respondent PIO directing to be present for the final hearing scheduled on 15/01/2025. Both the Appellant and Respondent PIO were present in person, besides advocate for respondent for the hearing on 15/01/2025. Respondent PIO submitted that whatever available information is already provided to the appellant and appellant was allowed to have physical inspection of the records too but the records for the period 1979-1988 as sought by the appellant is not found amongst the records.
20. Commission observed that the document sought by the appellant is too old but appellant deserve to get his PPF related records/information.

DECISION

- I. **Considering the facts and circumstances and submissions made by the parties to the appeal, the Commission directed the Respondent PIO to make another attempt to trace the information/records sought for by the appellant. If the said information/records not available with the public authority (DCT's Vasantrao Dempo Higher Secondary School of Arts, Science & Commerce, Cujira, Goa) give reply to the appellant to that effect in writing and also**

furnish the details of total amount of PPF with break-up of employee's (Dr.K.K.Nadkarni) PPF contribution, employer's (DCT's Vasantao Dempo Higher Secondary School of Arts, Science & Commerce, Cujira, Goa) contribution and the interest paid for the period from June 1979 to September 1988.

- II. Reply should be furnished to the Appellant by February 24, 2025 and submit compliance report to the Commission by February 27, 2025.
- III. While furnishing the details of PPF contribution, the PIO need to clarify the appellant about Rs. 2843/- mentioned by Shri Rajesh Bhatikar, Administrator vide email dated 05/07/2022 addressed to Shri Nadkarni that "*the balance amount of Rs. 2843/- payable to you, will be credited to your account separately*" is part of the PPF amount Rs. 16,768/- recorded on page No. 143 of the register or will be paid additionally to the said amount of Rs. 16,768/-.

Specific Directions to the PIO and FAA

Respondent PIO and FAA in this appeal are hereby directed to submit an affidavit clarifying -

- (i) *Who is the First Appellate Authority in this appeal with name and designation?*
- (ii) *In what capacity and under which provisions in the RTI, 2005, PIO performed the role, duty and function of First Appellate Authority too?*
- (iii) *How FAA decided the matter without serving notice to Dr. K.K. Nadkarni, who filed first appeal and being heard him?*

(iv) Appellant alleged that same person/authority is acted as the PIO and the FAA. If it is true, explain on what provisions of the RTI Act same person acted the role of PIO and FAA

The Affidavit of both the PIO and FAA should reach the Commission by February 18, 2025.

With the above directions, the Appeal No.305/2024/SCIC is disposed off today, i.e. 15/01/2025.

- Pronounced in Open Court.
- Proceedings stands closed.
- Notify the parties.

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