

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

**CORAM:** Shri. M. S. Keny, State Chief Information Commissioner

Complaint No. 77/SCIC/2010

Shri Kashinath Shetye,  
R/o. Bambino Building, Alto Fondvem,  
Ribandar,  
Tiswadi - Goa

... Complaint.

V/s.

The Public Information Officer,  
Department of Higher Education,  
Junta House,  
Panaji – Goa

... Opponent.

Representative of Complainant Ms. Sonia Satardekar.  
Opponent in person.

**ORDER**  
(08.06.2010)

1. The Complainant, Kashinath Shetye, has filed this Complaint praying that the information as requested by the Complainant be furnished to him correctly free of cost as per Section 7 (6) and as per the circular and annexure I to V, that penalty be imposed, that compensation be granted and inspection of documents be allowed.

2. The brief facts leading to the present Complaint are as under:-

That the Complainant had filed an application dated 14/01/2010 under Right to Information Act 2005 ('RTI' Act for short) thereby requesting the Public Information Officer ('PIO'). Department of Information Technology to issue information specified therein, which was transferred as per section 6(3) of the RTI Act to the Opponent. That the PIO/Opponent No. 1 failed to furnish the required information as per the application of the Complainant and that no inspection of the information was allowed. Considering the non action on behalf of Opponent No. 1 of the Right to Information Act, that Complainant filed the present Complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponent resists the Complaint and his say is on record. It is the case of the Opponent that on receipt of the copy of the application, the Complainant had already been communicated vide his office letter No. 9/194/2010/HE/RTI/399 dated 04/02/2010 copy has been kept ready for supply which may be collected from this office on payment of the prescribed fee. It is also the case of the Opponent that the Complainant so far neither collected it nor called upon this Office at any point of time.

4. Heard the Complainant and the Opponent and also perused the records.

It is seen that the Complainant has sought certain information from the Public Information Officer, Department of Information and Technology who transferred the application under section 6(3) in respect of Sr. No.3, so as to give the suitable reply to the Opponent herein. It is seen that by letter dated 04/02/2010 the Complainant was informed that the information is kept ready and the same be collected from Office on payment of the prescribed fee as per law. It appears that the Complainant did not collect the same.

5. According to the Complainant it is not the information he seeks and it should be in five annexures. However, it is to be noted here that the information which is available is to be provided. To be noted further that the Complainant did not collect the information as such. So in my view no fault lies with the Opponent /Public Information Officer. Information that is not available cannot be supplied. Right to Information Act is to be invoked only for access to permissible information which was offered to the Complainant. Viewed in that context the Complaint become premature.

6. I have perused the circular dated 09/06/2009, which is on record. The same aims at speedy disposal of files and curtail delays and to some extent shows accountability. In any case there is no harm if this is implemented by the office of the Opponent herein . The five annexures mentioned should be followed.

The Opponent submits that they have started maintaining the same and he is ready to furnish the same if so directed.

7. In view of all the above, no further intervention of this Commission is required.

8 There is no delay as such. Complainant also failed to pay the fees and also failed to collect the information. Hence I pass the following order:-

“No intervention of this Commission is required. The Complaint is disposed Off”.

The Opponent to follow the said circular and maintain the file movement Index as per the circular. Public Information Officer to furnish the copy of the same i.e. for about one month to the Complainant within 15 days from the receipt of the order.

The Complaint is disposed off accordingly.

Pronounced in the Commission on this 8<sup>th</sup> day of June, 2010.

Sd/-  
(M. S. Keny)  
State Chief Information Commissioner