

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.76/SCIC/2010**

Shri Kashinath Shetye,  
R/o Bambino Building,  
Alto Fondvem, Raibandar,  
Tiswadi – Goa.

... Complainant

**V/s**

Public Information Officer,  
State Council of Education Research and Training,  
Alto Porvorim- Goa.

... Opponent

Kum. S. Satardekar, representative of the Complainant.  
Adv A. Mandrekar for complainant.  
Opponent in person.

**O R D E R**  
(07/06/2010)

1. The Complainant, Shri Kashinath Shetye, has preferred 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 the annexure I to V, for penalty and for compensation and also for inspection of documents.

2. The gist of the Complaint is as under:-

That the Complainant filed an application dated 14/01/2010 under Right to Information Act ('RTI' Act for short) thereby requesting the Public Information Officer, 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 failed to furnish the information as per the application of the Complainant and that no information was allowed. Considering the non-action on the part of the Opponent the Complainant filed the present Complaint on the grounds as set out in the Complaint.

...2/-

3. Opponent resists the Complaint and the say is on record. It is the case of the Opponent that Complaint is not maintainable as the Opponent failed to collect the information on payment of requisite fees. That this shows that the Complainant was not interested in getting the information. On merits, it is the case of the opponent that after receiving the application under section 6 (3) of the Right to Information Act, the Opponent vide letter dated 04/02/2010 informed the Complainant to collect the information in respect of point No. 3 payment of Rs.44/-. That the Complainant did not collect the information till date. That the Complainant also did not come to inspect the file. In short it is the contention of the Opponent that the Complainant failed to collect the information and that Complaint deserves to be dismissed.

4. Heard the arguments of the Complainant as well as opponent and perused the records. It is seen that the Complainant sought certain information from the Public Information Officer, Department of Information and technology by his letter/ application dated 14/01/2010. By letter dated 25/01/2010 the Public Information Officer, Department of information and Technology transferred the said application under section 6 (3) in respect of Sr. No. 3 so as to give suitable reply to the Opponent herein. It is seen that by letter dated 04/02/2010 the Complainant was requested to collect the information after paying Rs. 44/-. This letter is in time. However, it appears that the Complainant failed to pay the amount and failed to collect the copy of information.

During the course of his argument the Opponent stated that he has maintained index as per the earlier system and that they have not maintained

as per the circular dated 09/06/2009. I have perused the letter dated 04/02/2010. It is mentioned that copy of file movement index are kept ready. I have perused the copy from the Opponent. This is the information as existing with the Public Information Officer and as per the Act the information which is available is to be furnished. There is no liability under Right to Information Act of the Public Authority of supplying non-existent information. Had the Complainant gone to collect or at least pay the amount this Complaint could have been avoided.

5. It is contended by the Complainant that this is not the information and it should be in 5 annexures. Whatever information was available has been offered. Therefore the contention of the Complainant could not be accepted. Right to information Act provides for furnishing the information, which is accessed and available.

6. The Opponent contends that Complaint is untenable in law. I have perused section 18(1) (a) to (f) and (2) to (4). In my view the Complaint if any should be within the parameters of this section. In the case at hand the complainant has been informed in time to collect the available information. It appears from the record that he did not go. Therefore it is difficult to accept the contention of the Complainant that Opponent failed to furnish the required information. In fact, Complaint is premature. However, I need not refer this aspect herein.

7. During the course of his argument Opponent fairly states that they have not maintained F.M.I. as per circular dated 09/06/2009. I have perused

circular dated 09/06/2009, which is on record. Perusal of the same aims at speedy disposal of files, to curtail delays and to some extent show accountability. In any case, there is no harm if this is implemented by the Opponent herein. The 5 annexures mentioned should be maintained.

8. Since, whatever information was offered to be furnished and since Complainant did not collect the said information no further intervention of this Commission is required.

Regarding delay I find that there is no delay as such considering the fact that application was filed on 14/01/2010. This is a case where the Complainant refused to collect information after paying the required charges as per letter dated 04/02/2010.

In view of the above following order is passed.

### **ORDER**

No intervention of this Commission is required. The Complaint is disposed off. The Opponent to follow the said circular and should maintain the file index as per the said circular and report compliance after 30 days from the date of the receipt of the order.

Pronounced in the Commission on this 7<sup>th</sup> day of June, 2010

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



