

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.33/SCIC/2010**

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

... Complainant

**V/s**  
Public Information Officer,  
Directorate of Health,  
Institute of Nursing,  
Bambolim – Goa.

... Opponent

Complainant alongwith this Representative Dr. Govekar in person.  
Opponent in person.

**O R D E R**  
(21/06/2010)

1. The Complainant, Shri 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 the annexure I to V; that the penalty be imposed on the Public Information Officer as per law for denying the information; that compensation may be granted and inspection of document may be allowed.

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

That the Complainant has filed an application dated 14/01/2010 under Right to Information act, 2005 ('RTI' Act for short), thereby requesting the Public Information Officer, ('P.I.O.' for short) Department of Information and Technology to issue information specified therein, which was transferred as per section 6(3) of the Right to Information Act to the Opponent. That the Public Information Officer/Opponent failed to furnish the required information as per the application and further no inspection of information

was given. Considering the non-action on the behalf of Opponent of the Right to Information Act the Complainant has preferred this Complaint on various grounds as mentioned in the Complaint.

3. The Opponent resists the Complaint and their reply is on record. The opponent admitted of having received application from the Public Information Officer Department of Information for furnishing reply on point No. 3 of the said letter. That no inspection was asked by the Complainant. It is the case of the Opponent that the complainant was informed of the factual position vide letter dated 04/02/2010. It is also the case that they have started maintaining the file movement on every file and that the Complainant is free to inspect the records.

4. Heard the argument. Dr. Govekar argued on the behalf of the Complainant and Opponent argued in person. I have carefully gone through the records of the case. 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 point No. 3 so as to give the suitable reply to the Opponent herein. It is seen that by letter dated 04/02/2010 the Public Information Officer informed the Complainant that each staff is allowed different administrative work and the same is handled by individual staff and not through hierarchy as is done in other offices and there is no movement of files.

5. According to the Complainant the Public Information Officer has erred in informing that the information no movement of file and that information sought by the Complainant is implicitly not furnished to the Complainant. It is seen from the said letter and from the reply that no file movement index was

maintained and therefore information was not furnished. Non-existent information could not be furnished. Information that is not available could not be supplied. Right to Information is to be invoked only for access to permissible information. In view of that contest the Complaint becomes premature.

6. During the hearing the Opponent submits that they have started maintaining the same and he is ready to furnish the same if so directed. There is no delay as such. Therefore the question of penalty and compensation does not arise.

7. In view of all the above, No further intervention of this Commission is required and Hence I pass the following order..

### **O R D E R**

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

The Opponent to furnish the copy of the file movement index in 5 annexures i.e. I to V within 20 days from the receipt of this order on payment of prescribed fees.

The Complaint is disposed off accordingly.

Pronounced in this Commission on 21<sup>st</sup> day of June, 2010.

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



