

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.37/SCIC/2010

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

... Complainant

V/s
Public Information Officer,
Goa College of Architecture,,
Alto, Panaji – 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 annexures I to V; that the penalty be imposed on the Public Information Officer as per law; that compensation be granted and inspection be allowed as per rules.

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, 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 of the Complainant and that no inspection was allowed. Being aggrieved the Complainant has filed the present complaint on the grounds as set out in the Complaint.

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3. The Opponent resists the application and their say is on records. It is the case of the Opponent that the letter from the Complainant dated 14/01/2010 was transferred to the opponent by the Department of Information and Technology with a request to give suitable reply to point No. 3 of the application. That the Opponent by his letter dated 04/02/2010 replied to the letter of the Applicant and that the said reply was sent within the stipulated time. It is the case of the Opponent they have clearly stated that they did not maintain file movement index, because they do not have various department under them. However, the opponent offered to supply copies of the Inward and outward Register. It is also the case of the Opponent that inspection was offered to the Appellant.

4. Heard Shri Govekar, Representative of the Complainant and Opponent in person and perused the records.

It is seen that the Complainant has sought certain information from the Public Information Officer Department of Information and Technology by letter dated 25/01/2010 the Public Information Officer Department of Information transferred the application under section 6 (3) in respect of point No. 3 so as to give suitable reply to the Opponent herein. It is seen that by letter dated 04/02/2010 the Opponent informed the Complainant that they do not have file movement index, because they do not have various department under them. However, there could supply with copies of inward and outward register. From the said letter it appears that inspection was offered. In short as per the reply F.M.I was not maintained by the Opponent this reply is sent in time i.e. within 30 days from the reply. It cannot be said that opponent failed to furnish information. Non-existent information could not physically be given. The Complainant prefers the present Complaint on 08/02/2010.

5. The main contention of the complainant is that no information is furnished to him. From the said letter and reply it becomes crystal clear that the said F.M.I is not maintained. Therefore the question of furnishing the information does not arise. It is to be noted here that the complainant instead of filing the complaint ought to have approached the superior Authority so that the grievance would have been solved. In the factual backdrop of this case this Complaint is not at all maintainable. However, I would not refer to this aspect much.

6. During the hearing, opponent states that they have started maintaining the F.M.I in V annexures and the opponent even offer to furnish the copies of the same if directed.

7. Regarding prayers in the Complaint: -

Prayer 1 cannot be granted. It is seen that the reply is in time and therefore section 7 (6) is not attracted. There is no delay therefore; the question of penalty does not arise. So also the question of granting compensation does not arise.

In view of all the above, the following order is passed.

O R D E R

The Opponent to furnish the copy of the file movement index in five 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 21st day of June, 2010.

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

