

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 23/SIC/2010

Allan Faleiro,  
H. No. 400, Toleband,  
Loutolim, Salcete,  
GOA – 403 718

... Appellant.

V/s.

Public Information Officer,  
Captain of Ports Department,  
Panaji – Goa

... Respondent.

Appellant in person.

Respondent in person.

**J U D G M E N T**

(Per Afonso Araujo)

The Appellant by request dated 06.11.2009 sought the following information under RTI Act:

- 1) Certified copy of the investigation carried out and findings of the separately conducted department enquiry.
- 2) Certified copies of action initiated/orders issued by the Head of Department against the concerned dealing hand for delay in furnishing information to the Public Information Officer.
- 3) Names and designations of the officers and Staff on the departmental enquiry board constituted for the departmental enquiry.
- 4) Inspection of the complete file in respect of departmental enquiry.

By communication dated 02.12.2009 the information provided by the Respondent at Sr. No. 1, 2 and 3 was 'nil' and in respect of Sr. No. 4 was, 'not applicable'. Not satisfied with the information provided the Appellant on 10.12.2009 preferred the First Appeal and the First Appellate Authority by Order dated

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08.01.2010 directed the Respondent to rectify the error and furnish up-to-date information to the Appellant. The Respondent by letter dated 18.01.2010 and in compliance to the Order of the First Appellate Authority, carried only the corrigendum to the date of 06.11.2009 instead of 24.04.2009.

2. The information sought by the Appellant enumerated at Sr. No. 1 to 4 is from the following observation made in the Judgment dated 20.11.2009 of this Commission in Appeal No. 93/2009 "As regards the delay in submission of the information to the Public Information Officer by the concerned dealing hand, the departmental enquiry is to be conducted separately.....". It appears that the information provided by the Respondent is based from the assistance sought u/s. 5(4) of the RTI Act from the dealing officer having the information and accordingly the Respondent provided the information as 'nil' to the queries at Sr. No. 1 to 3 and 'not applicable' to the query at Sr. No. 4. The information must be provided in the form it is sought and the request of the Appellant is specific to the departmental enquiry to be conducted as per the observations made in the Order of the Commission. The Respondent or the officer, to whom the assistance was sought by the Respondent, ought to have been specific in providing the information at Sr. No. 1 to 4 rather than merely stating that it is nil. In such circumstances, the Respondent or the officer to whom assistance was sought is required to specifically provide the information at Sr. No. 1, 2, 3 and 4. Hence, the following Order:

**ORDER**

The Appeal is allowed.

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The Respondent - the Public Information Officer or the Deemed Public Information Officer to provide the information to the request dated 06.11.2009 at Sr. No. 1, 2, 3 and 4 within the period of fifteen days from the date of receipt of the Order.

Pronounced on this 30<sup>th</sup> day of June, 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner