

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 31/SCIC/2010

Shri Kashinath Shetye,
Bambino Building, Alto-Fondvem,
Ribandar, Tiswadi – Goa.

..... Complainant.

V/s.

Public Information Officer,
Department of Sainik Welfare,
Collectorate Bldg.,
Panaji - Goa.

..... Opponent/Respondent.

Representative of the Complainant Ms. Sonia Satardekar present.

Adv. K. L. Bhagat for Opponent present..

ORDER
(08-07-2010)

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

2. The gist of Complainant's case is as under: -

That the Complainant had filed an application dated 14/1/2010 under Right to Information Act, 2005 ('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 Public Information Officer ('P.I.O')/Opponent failed to furnish the required information as per the application of the Complainant and that no inspection of information was allowed. Considering the said non-action on behalf of Opponent No. 1 of the RTI Act the Complainant preferred this 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 record. It is the case of the Opponent that on the receipt of the application from department of Information Technology under section 6 (3) of Right to Information act the information in question was furnished to the Complainant within the prescribed time limit. That the applicant has not sought the inspection directly from the department. That no appeal has been preferred and the complaint is violation of Rule 19 of the Right to Information Act. According to the Opponent Complaint is liable to be dismissed.

4. Heard the arguments 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 and Technology transferred the application under section 6(3) in respect of point at Sr. No. 3, so as to give suitable reply, to the opponent herein. It is seen that by letter dated 03/02/2010 the Opponent informed the Complainant that their department being a very small department the paper which are received are processed on time bound matter without any pendency and that no File Movement Index is maintained. That the Opponent clearly stated that they are not maintaining FMI. This reply is sent in time i.e. within 30 days and it cannot be said that the Opponent failed to furnish the information. It is to be noted here that information available with the Public Authority is to be furnished. Non-existent information cannot be physically given. Yet the Complainant preferred the above mentioned Complaint on 08/02/2010.

5. From the Complaint it is clear that the main contention of the Complainant is that no information is furnished to him. From the said letter and the reply filed by the Opponent it becomes clear that said File Movement Index is not maintained. Therefore, the question of furnishing information does not arise. It

is to be noted here that Complainant instead of filing the Complaint ought to have approached superior authority so that the grievance perhaps could have been solved .

In this factual backdrop this complaint is not at all maintainable and premature. However, I would not refer to this aspect much.

6. I have perused the circular dated 09/06/2009 which is on record. The same aims at speedy disposal of files and curtails delay and to some extent shows accountability. In any case there is no harm if this is implemented by the office of the Opponent herein. Advocate for the Opponent states that if the same is to be maintained they would do so. He also stated that they would maintain the same in five annexures.

7. Regarding prayers in the complaint prayer one could not be granted in view of the above. There is no delay as such, therefore, the question of penalty does not arise. So also the question of granting compensation does not arise.

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

“ The Opponent to follow the said circular dated 09/06/2009 and maintain the File Movement Index as per the said circular in five annexures. i.e. I to V.”

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 8th day of July, 2010.

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

