

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 34/SCIC/2010

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

... Complainant

V/s.

Public Information Officer,
Registrar, Administrative Tribunal,
Vaidya Hospital Building,
Panjim-Goa

... Opponent.

Ms. S. Satardekar, representative of the Complainant.

Opponent in person.

Adv. Smt. N.Narvekar for the Opponent.

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.

...2/-

3. The Opponent resists the application and their say is on record. It is the case of the Opponent that on receipt of the application under section 6(3), the Opponent provided the information to the Complainant by his letter. It is also the case of the Opponent that the Administrative Tribunal being a quasi-judicial body, watches disposal of work in accordance with its laid down procedure and accordingly its files do not move outside the Court and the question of maintaining File Movement Index does not arise. According to the Opponent the 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 PIO, Department of Information Technology. By letter dated 25.01.2010 the PIO, Department of Information Technology transferred the application u/s. 6(3) in respect to point at Sr. No. 3 so as to give a suitable reply to the Opponent herein. It is seen that by letter bearing No. 1/AT/2010/RTI the Opponent informed the Complainant that the information sought is nil as their office being a quasi judicial body did not maintain File Movement Index. In other words, the File Movement Index was not maintained by the Opponent. From the reply it cannot be said that Opponent failed to furnish the information. It is pertinent to note that non-existent information cannot be physically given. As the Complainant preferred the Complaint on 08.02.2010 the main contention of the Complainant from the Complaint appears that no information is furnished. From the said letter and the reply filed, it becomes clear that File Movement Index is not maintained. Therefore, the question of furnishing information does not arise.

In this factual matrix this Complaint is not at all maintainable. However, I would not refer to this aspect much as the Opponent and Adv. Smt. N. Narvekar submitted that they have already moved proposal for Nodal Officer to be appointed and that they will maintain File Movement Index in five annexures, i.e. annexure I to V.

5. I have perused the said circular dated 09.06.2009 which is on record. The same aims at speedy disposal of files and curtails delays and to some extent shows accountability. In any case there is no harm if this is implemented by the office of the Opponent herein. Opponent also states that they would be maintaining the same.

6. Regarding prayers in the Complaint, prayer (i) cannot be granted in view of all the above. There is no delay; therefore, the question of penalty does not arise. So also the question of granting compensation does not arise.

7. In view of all the above the 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 maintain the File Movement Index as per the circular dated 09.06.2009 and in five annexures I to V.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08th day of July, 2010

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