

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 40/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
College of Engineering,
Farmagudi,
Ponda - Goa.

..... Opponent/Respondent.

Complainant absent. Ms. Sonia Satardekar, representative of Complainant present.

Opponent in person.

ORDER **(16-07-2010)**

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 Complaint and their say is on record it is the case of the Opponent that the Complainant never approached their office in person and demanded any inspection of records. That the Public Information Officer has furnished blank forms as the scheme was yet to be implemented. In short it is the case of the Opponent that information about the scheme has been correctly furnished.

4. Heard the representative of the Complainant as well as the Opponent. It is seen that Complainant has sought certain information from the Public Information Officer, Department of Information Technology. By letter dated 25/01/2010 the Public Information Officer Department of Information 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 29/01/2010 the Opponent enclosed certified copy of porforma of File Movement Index that the blank form of five annexures were sent, this reply is sent in time within 30 days. According to the Opponent that the blank forms were furnished as by that time, the scheme was yet to be implemented. It is the case of the Opponent that they are maintaining the FMI in five annexures as per the said circular dated 09/06/2009.

5. The main contention of the complainant is that no information is furnished to him. From the letter and annexures it becomes clear that this FMI is being maintained. That only the blank form was sent as the scheme was not implemented at that time.

6. Since, the Opponent follows the said circular and maintained the File Movement Index as per the same the Opponent could now furnish the same to the Complainant.

...3/-

7. Coming to the 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 question of granting compensation does not arise.

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

O R D E R

The Opponent is directed to furnish the said information in five annexures i.e. I to V as per the said circular date 09/06/2009 within 30 days from the receipt of this order. The Opponent to intimate the Complainant within 10 days from the receipt of the order and the Complainant to receive the same on payment of required charges. Inspection if any can be given on a mutually agreed date.

Complaint is accordingly disposed off.

Pronounced in this Commission on this 16th day of July, 2010.

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

