

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 226/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Executive Eng. Works Div. XXII,
(M & E) Fatorda,
Margaoi - Goa.

..... Opponent/Respondent.

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

Adv. K. L. Bhagat, for the 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.

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3. The Opponent resists the Complaint and their say is on record. It is the case of the Opponent that the present Complaint does not fall within the ambit of section 18 of Right to Information Act and hence be dismissed. That the same is premature as the Complainant has not approached the First Appellate Authority that the application does not fall within ambit of transfer under section 6(3) as the Complainant cannot make application to the Public Information Officer of one department and request to furnish the information pertaining to information or documents of other Government department. On merits, it is the case of the Opponent that vide letter dated 03/03/2010 requested the Complainant to visit the Office of the Opponent on any working day to inspect the records as to ascertain the prescribed report which the applicant required about said Sr. No. 3. That the Complainant failed and/or neglected to visit the office of the Opponent. That this request was made within 30 days after the reply of the said letter of the information Technology, Panaji. That the grounds mentioned in Complaint are not attracted. According to the Opponent the Complainant is liable to be dismissed.

4. Heard the representative of the Complainant and Adv. K. L. Bhagat for the Opponent.

I have perused the records of the case. It is seen that 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 03/03/2010 the Opponent informed the Complainant that their office maintained Register for File Movement of report and that the same can be verified therein, if he so desires on prior intimation. According, to the Opponent this letter was sent in time. However, the Complainant did not visit their Office. It appears that Complainant instead of going to collect preferred the present Complaint.

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5. It is seen that the Information is maintained in old format and not in five annexures. Adv. K. L. Bhagat submits that they are now maintaining the File Movement Index in five annexures. The Advocate for Opponent further submits that he is ready to furnish the said information in five annexures.

6. Advocate K. L. Bhagat contends that the Complaint is untenable in law and the same is premature. I do agree with this contention. However, I need not refer to this aspect, in view of the above submissions of the advocate for the Opponent.

7. Prayers in respect of penalty proceeding, free information and compensation cannot be granted in the factual backdrop of this case. In view of all the above I pass the following order.

“The Opponent is directed to furnish the information in respect of 1 or 2 files as per the said circular dated 09/06/2009 and in five annexures to the Complainant within 30 days from the date of receipt of the order.

The Opponent to intimate the complainant and the Complainant to receive the said information on payment of required charges.

The Complaint is accordingly disposed off.”

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

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

