

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 151/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Labour & Employment
Patto Panaji - Goa.

..... Opponent/Respondent.

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

Opponent in person.

ORDER **(23-07-2010)**

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 Public Information Officer ('PIO') Department of Information Technology vide letter No. 1(45)/2008/DOIT/RTI/2690 dated 25/01/2010 has transferred a copy of the application under section 6(3) of the Right to Information Act 2005 enclosing therewith copy of the application. That concerned Department by letter dated 17/02/2010 intimated the Opponent regarding instruction issued to all concerned of the File Movement Index. That since instructions were issued to the Official for maintenance of FMI on 16/02/2010 for which there could not be certified copies of File Movement Index immediately. That the Opponent vide letter No. CLE/PIO/RTI/2009/1202 dated 18/02/2010 sent by Reg. A.D. Post duly acknowledged by the Complainant had furnished the information directly to the Complainant free of cost and the copy of the same was sent to PIO Department of Information and publicity. That the Complainant never approached the Opponent nor made any request in writing for inspection and that the application transferred was in respect of point No. 3 of the application. According to the Opponent Complaint is liable to be dismissed.

4. Heard the arguments and perused the records. It is seen that the Complainant, by his application dated 14/01/2010, sought certain information from the Public Information Officer Department of Information Technology. By letter dated 25/01/2010 the PIO Department of Information Technology transferred the said application under section 6(3) in respect of point at Sr. No. 3, so as to give the suitable reply, to the Opponent herein. It is seen that by letter dated 18/02/2010 the Public Information Officer & Dy. Labour Commissioner informed the Complainant that instructions have been issued to all the officers of their office to maintain the File Movement Index, vide office Memorandum dated 16/02/2010. In other words the FMI is not maintained by Opponent when the same was asked. However, the Opponent did not inform the Complainant properly. In any case if instruction were issued on 16/02/2010 then I do not think that the same would be in force by 18/02/2010. In any case the same was not maintained. ...3/-

5. In his Complaint the Complainant contends that information sought is not furnished.

It is to be noted that whatever information was available was furnished. A citizen can seek only information, which is available with the Public Authority in material form.

6. During the course of the argument Opponent submits that they have started maintaining the File Movement Index in five annexures.

7. Though the Opponent did not state clearly yet the fact remains that the reply is in time considering the receipt of the request by the Opponent. So section 7(6) is not attracted. So also question of penalty and compensation does not arise.

8. In view of all the above, I pass the following order:-

ORDER

The Opponent to follow the said circular dated 09/06/2009 and to maintain the File Movement Index as per the same in five annexures I to V and report compliance after 30 days from the date of receipt of the order. No further intervention is required.

The Complaint is disposed off.

Pronounced in the Commission on this 23rd day of July, 2010.

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

