

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 135/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Directorate of Civil Supplies,
Junta House,
Panaji-Goa.

..... Opponent/Respondent.

Complainant in person.
Opponent in person.

ORDER
(11-08-2010)

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 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 reply is on record. It is the case of the Opponent that the Public Information Officer, Department of Information Technology transferred the application of the Complainant and specifically mentioned to give suitable reply to item at Sr. No. 3 of the said application. That the Complainant has not approached their office at any point of time during working hours till date nor take inspection. The Opponent specifically denies the case of the Complainant and the grounds mentioned in the Complaint.

4. Heard both sides and perused the records. It is not in dispute that the Complainant filed the application. It is also not in dispute that the application was transferred to this Opponent u/s. 6(3) in respect to point at Sr. No. 3. It is seen that by letter dated 11.02.2010 the Opponent sent a proforma of File Movement Index, i.e. in annexure I. It is the case of the Complainant that the information is in five annexures and the same has not been enclosed. It is apparent that Opponent has not maintained File Movement Index in five annexures. Whatever information was available has been furnished.

5. I have seen the Circular 09.06.2009. The enclosure that is sent is not as per the same. According to the Opponent they were maintaining in old format but of late they have started to maintain the same in five annexures. The Opponent submitted that henceforth they will maintain in five annexures. In view of this I need not refer to other aspects.

6. Regarding penalty, the reply is in time. Since reply is in time section 7(6) is not attracted. So also the question of compensation does not arise.

7. In view of all the above, I pass the following Order:

ORDER

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 11th day of August, 2010.

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

