

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 303/SCIC/2010

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

2. Adv. Atish Mandrekar,
Vodlem Bhat, Taleigao –Goa.

..... Complainants.

V/s.

Public Information Officer,
Dy. Director of Tourism (P) North,
Patto, Panaji - Goa.

..... Opponent/Respondent.

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

Opponent in person.

ORDER **(16-08-2010)**

1. The Complainant, Shri Kashinath Shetye and Adv. Atish Mandrekar, have filed this Complaint praying that information as requested by the Complainants 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; that compensation be granted and that inspection of documents be allowed.

2. The gist of Complainant's case is as under: -

That the Complainants filed an application dated 15/02/2010 under Right to Information Act 2005('RTI' Act for short) thereby requesting the Public Information Officer (PIO) Directorate of Accounts, Panaji-Goa to issue information specified therein which was transferred as per section 6(3) of the Right to Information Act to the Opponent. That the Public Information Officer/Opponent No. 1 failed to furnish the required information as per the application of the Complainants and that no inspection was allowed. Being aggrieved the Complainants filed the 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 Directorate of Accounts, Panaji –Goa vide letter dated 19/02/2010 forwarded the application of the Complainants to the office of the Opponent with a request to supply information as per the said application. That the Opponent informed the Complainant vide letter dated 04/03/2010 addressed to Joint Director of Accounts and Public Information Officer, Directorate of Accounts and copy to Complainants No. 1 & 2 to pay an amount of Rs160/- as prescribed fees and collect the information. That the Complainants did not collect the required information. That the reminder was sent to the Complainants No. 1 and 2 but they did not collect the information. It is the case of the Opponent that the Complainants, instead of paying an amount of Rs.160/-filed present Complaint under section 18 of the Right to Information Act, 2005, thereby violating the provisions of the said Act. That the Complainants have no right and authority to approach this Commission, when they failed to collect the information within time. It is also the case of the Opponent that none of the grounds are attracted in the present case. According to the Opponent Complaint is liable to be dismissed.

4. Heard both sides and perused the records.

It is seen that the Complainant has sought certain information from Public Information Officer Directorate of Accounts. That by letter dated 19/02/2010 Public Information Officer/ Directorate of Accounts transferred the application under section 6(3) to the Opponent requesting him to provide the information. By letter dated 04/03/2010 the Opponent informed the Complainants about deposit of fees etc and collecting the information. The Complainants were specifically told that the information is ready and they can collect it. This reply is sent in time. From the reply it cannot be said that the Opponent failed to furnish information. It is to be noted here that available information is to be furnished under the Right to Information Act. It is the contention

of the Complainant as per the grounds in the Complaint that no information is furnished to him. It is seen that the Complainant was called to pay the fees and to collect the information. However, it is the Complainant who failed to collect the same.

During, the course of argument the Opponent submitted that they maintained the File Movement Index but in the old format and not as per the recent circular of Chief Secretary.

5. I have perused the circular dated 09/06/2009 copy of which is on record. The same aims at speedy disposal of file and curtails delays and to some extent shows accountability. In any case, there is no harm if this is implemented by the office of Opponent herein. The Opponent also submitted that of late they have started maintaining the same as per the circular.

6. I do agree with the contention of the Opponent that Complaint is not maintainable. However, I need not refer to this aspect much.

7. Regarding, the prayers in the Complaint, prayer (i) cannot be granted, as there is no delay. The question of penalty as well as compensation does not arise.

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

O R D E R

The Opponent to follow the said circular dated 09/06/2009 and to maintain the File Movement Index as per the same and in five annexures I to V. No further intervention of this Commission is required. The Complaint is disposed off.

Complaint is accordingly disposed off.

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

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

