

# GOA STATE INFORMATION COMMISSION

## AT PANAJI

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

Complaint No. 192/SCIC/2010

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

... Complainant

V/s.

Public Information Officer,  
Executive Engineer,  
Div. IV (Elect/Mech.-North),  
Public Works Department,  
Tonca, Caranzalem,  
Panjim-Goa

... Opponent.

Complainant absent.

Opponent alongwith Adv. K. L. Bhagat for Opponent.

### ORDER

(25.08.2010)

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 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 his 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 RTI Act and ought to be dismissed in limine. That no First Appeal is preferred. That no Complaint lies as information is not refused and that no misleading or incomplete information given. That the present case also does not fall within the ambit of transfer u/s. 6(3) as the Complainant cannot make an application to the Public Information Officer of one department and request him to furnish the information pertaining to information or documents of other Government Department. That the application ought to have been filed separately and not to one Public Information Officer. That the transfer of the request of the Complainant made to this Opponent is not applicable under the law. On merits it is the case of the Opponent that they received the application u/s. 6(3) to furnish information to point No. 3 to the Complainant. That the Opponent by letter dated 24.02.2010 requested the Complainant to visit the office of the Opponent and indicate the exact information he required about said Sr. No. 3. However, the Complainant failed to visit the office of the Opponent. That in the said application the Complainant did not mention about the specific period of information sought by him and, therefore, his application was vague as far as period of information was concerned. That there is no refusal to furnish the information. That no inspection was sought. That grounds mentioned in the Complaint are not at all attracted. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments and perused the records. It is seen that the Complainant has sought certain information from the Public Information Officer, Directorate of Information Technology. By letter dated 25.01.2010 the Public Information Officer, Directorate of Information Technology transferred the application u/s. 6(3) in respect to point 1 at Sr. No. 3, so as to give suitable reply to the Opponent herein. It is seen that by letter dated 24.02.2010 the Opponent requested the Complainant to visit their office and indicate the exact information the Complainant needs about item at Sr. No. 3 of the said application. However,

it appears that Complainant did not visit the office of the Opponent nor pointed about the period for which information was required. This reply is sent in time i.e. within thirty days. From the reply it cannot be said that Opponent failed to furnish the information. From the reply it can be seen that what is maintained is File Movement Index in annexure I.

5. The main contention of the Complainant in the Complaint is that no information is furnished to him. From the letter dated 24.02.2010 it becomes clear that the File Movement Index is in old format and that Complainant was called to visit the office and clarify certain things. In this background the question of furnishing the information does not arise. It is to be noted here that the information that is held by the Public authority is to be furnished.

6. I have perused the circular dated 09.06.2009 copy of which is on record. The same aims at speedy disposal of files and curtails delays and to some extent shows accountability. In any case there is no harm if this is implemented by the Opponent herein.

7. During the course of his arguments the Advocate for the Opponent states that of late they have started maintaining the File Movement Index and that too in five annexures.

8. Regarding maintainability of the Complaint, I am in agreement with Adv. Shri Bhagat when he contends that Complaint is not maintainable. However, since Opponent are ready to maintain the File Movement Index as per the main circular I need not touch this aspect even though the Complaint is premature.

9. Regarding penalty, I must say that the reply is in time considering the receipt of the request by the Opponent. Since reply is in time section 7(6) is not

attracted. So also the question of compensation does not arise. 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 File Movement Index as per the same in five annexures – I to V. No further intervention of this Commission is required.

The Complaint is disposed off.

Pronounced in the Commission on this 25<sup>th</sup> day of August, 2010.

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