

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 50/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
River Navigation Department,
Betim- Goa.

..... Opponent/Respondent.

Complainant in person
Opponent in person.

ORDER **(08-09-2010)**

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 Public Information Officer, Department of Information Technology transferred the said application of the Complainant to Public Information Officer of PWD Head Quarters, Panaji. requesting him to give suitable reply to Sr. No. 3 of the said application. That the Public Information Officer, Head Quarters, Dy. Director Administration PWD while transferring the application repeated the same and requested the Opponent to furnish the information at point No. 3 of the application of the Complainant. It is the case of the Opponent that on receipt of letter of Dy. Director of Administration PWD, the Opponent vide letter dated 05/02/2010 furnished the applicant the factual position about the information asked by him. That the Complainant is fictitious and not maintainable and that the same may be dismissed.

4. Heard the Complainant as well as the Opponent and perused the records. 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 transferred the said application to PIO, PWD, Head Quarters, Panaji under section 6(3) in respect of point at Sr. No. 3 so as to give suitable reply. It is seen that the Dy. Director of Admn., PWD vide his letter dated 02/02/2010 transferred the said application under section 6(3) so as to furnish the information to the Opponent herein. By letter dated 05/02/2010 the Opponent informed Complainant that separate File Movement Register is not maintained for movement of file. However movement of file is monitored through inward/outward register/Peon book maintained in their office. In other wards the File Movement Index as per the circular of Chief Secretary is/was not maintained by the opponent. This reply is sent in time i.e. within 30 days. From the reply it can not be said that opponent failed to furnish information. Non-existent information cannot physically be given.

5. The main contention of the Complainant is that no information is furnished to him. From the said letter as well as the reply it becomes clear that the File Movement Index is not maintained. Therefore the question of furnishing information does not arise.

In this factual backdrop this Complaint is not at all maintainable. However, I need not refer to this aspect much.

6. During the course of his arguments the Opponent submitted that they would maintain the File Movement Index as per the circular.

7. I have perused the said 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 maintained by the office of the Opponent herein. Opponent also states that they would maintain as per the said circular.

8. Regarding prayers in the Complaint. Prayer (i) can not be granted, in view of the above. There is no delay therefore the question of penalty does not arise. So also the question of compensation does not arise.

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

ORDER

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

The Complaint is accordingly disposed off.

Pronounced in this Commission on this 8th day of September, 2010.

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

