

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No. 39/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 absent. Ms. Sonia Satardekar, representative of Complainant present.

Adv. K. L. Bhagat, for the 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.

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3. The Opponent resists the Complaint and their say is on record. In short according to them they have about 450 files which are indicative of File Movement Index some of which are in transit to Higher Authorities such as H.O.D, Secretary etc. It is also their case that the Complainant was called to collect the information but he did not collect the same.

4. Heard both sides and perused the records. It is seen that the Complainant has sought certain information from the Public Information Department of Information Technology. By letter dated 25/01/2010 the Public Information Officer Department of Information Technology transferred the 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 01/02/2010 the Opponent informed the Complainant to collect the same. It appears that the Complainant did not collect the same. This reply is within time.

5. It is the contention of the Complainant that no information is furnished.

It is difficult to accept this contention, as the Complainant did not collect the information. In my view the Complainant ought to have collected the information. In this background the Complaint is not maintainable and is premature. However, I do not wish to touch this aspect.

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 office of the Opponent herein.

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

8. In view of all the above the following order is passed:-

**O R D E R**

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

The Complaint is accordingly disposed off.

Pronounced in this Commission on this 8<sup>th</sup> day of September, 2010.

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

