

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 195/SCIC/2010**

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

..... Complainant.

V/s.

Public Information Officer,  
Inspectorate of Factories & Boilers,  
Institute of safety occupational Health &  
Environment, Altinho,  
Panaji - Goa.

..... Opponent/Respondent.

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

Adv. K. L. Bhagat, for the Opponent in person.

**ORDER**  
**(05-10-2010)**

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.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the opponent that the present Complaint did not fall within the ambit of section 18 of the Right to Information Act and hence ought to be dismissed in limine. That the Complaint is premature as the complainant has not taken recourse of approaching the First Appellate Authority and on this grounds the Complaint needs to be dismissed. That the present case also did not fall within the ambit of transfer under section 6(3) as the Complainant cannot make application to the Public Information Officer of one Department and request him to furnish the information pertaining to information or documents of other Government Departments. That the Complainant ought to have filed fresh and specific application to this Public Information Officer seeking the information of item No. 3. On merits it is the case of the Opponent that the Department of Information Technology vide his letter dated 25/01/2010 transferred the request of said item No. 3 under the provisions of section 6(3)(ii) of the Right to Information Act 2005 to the Opponent herein. That the Opponent vide his letter dated 11/02/2010 informed the Complainant that the index of movement of the files was not maintained by this department. It is the case of the Opponent that the Opponent has furnished the information to the Complainant as Nil and he has not refused access to any information requested by the Complainant and that this was intimated within the stipulated period of 30 days. That no inspection of file was sought. It is also the case of the Opponent that the Public Information Officer has to furnish the information in whatever form it is available with the Public Authority. That the Complaint filed is without any valid ground and the same is liable to be dismissed.

4. Heard the argument of the representative of the Complainant and Adv. K. L. Bhagat for 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 Technology transferred the said application under

section 6(3) in respect of point No. 3 so as to give suitable reply, to the Opponent herein. It is seen by letter dated 11/02/2010 the Opponent informed the complainant that the index of movement of the file is not maintained by the Department. This reply is sent in time that is within 30 days. From the reply it cannot be said that Opponent failed to furnish information. It is to be noted here that non-existent information cannot physically be given yet the Complainant preferred the present Complaint.

5. The main contention of the Complainant in the Complaint is that no information is furnished to him. From the said letter and the reply filed it becomes clear that the File Movement Index is not maintained. Therefore, the question of furnishing the 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. I have perused the said circular dated 09/06/2009 of the Chief Secretary copy of which is on record. The same aims at speedy disposal of file and curtails delay and to some extent shows accountability. In any case there is no harm if this is implemented by the Office of the Opponent herein. The Opponent too submits that they would maintain FMI as per the said circular of Chief Secretary.

7. Coming to the prayer, prayer (i) cannot be granted, in view of the above. There is no delay as such so the question of penalty does not arise. So also the question of granting compensation does not arise.

8. In view of all the above I pass the following Order:-

**O R D E R**

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

The Complaint is disposed off accordingly.

Pronounced in the Commission on this 5<sup>th</sup> day of October, 2010.

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



