

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No.54/SCIC/2010**

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

..... Complainant.

V/s.

Public Information Officer,  
Dy. Dte. of Tourism,  
Nr. Patto,-Colony- Panaji - Goa.

..... Opponent/Respondent.

Complainant in person.  
Opponent absent.

## **ORDER** **(30-09-2010)**

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 his reply is on record. It is the case of the Opponent that Department of Information Technology vide letter dated 25/01/2010 forwarded the application of the Complainant to the office of the Opponent to furnish information as far as serial No. 3 of the application. That the Opponent vide letter dated 09/02/2010 requested the Complainant to pay an amount of Rs. 160/- as prescribed fees and collect the same immediately i.e. within stipulated period of 30 days. It is the case of the Opponent that the Complainant instead of paying an amount of Rs.160/- and collecting the information filed the present complaint under section 18 thereby violating the provisions of the said Act. that the Complaint is premature. That the grounds mentioned are not attracted. That no inspection was sought. 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 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 No. 3 so as to give the suitable reply to the Opponent herein. It is seen that by letter dated 09/02/2010 the Opponent requested the Complainant to collect the information after paying Rs. 160/-. This reply is sent in time. It appears that the Complainant did not pay the said amount nor collected the information. However the Complainant filed the present complaint. Again by letter dated 10/03/2010 the Complainant was requested to collect the information.

5. The main contention of the Complainant in the complaint is that no information is furnished to him. From the letter and the reply it becomes clear that the complainant did not collect the information.

In this factual backdrop this Complaint is premature and not maintainable. However I would not refer to this aspect.

6. I have perused the said circular dated 09/06/2009 of the Chief Secretary the 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 implemented by the office of the Opponent. Opponent also submits that they would maintain the File Movement Index as per the said circular of the Chief Secretary.

7. Coming to the prayers, prayer (i) cannot be granted in view of all 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 in five annexures I to V. No further intervention of this Commission is required. Complaint is disposed off.

The complaint is disposed off accordingly.

Pronounced in the Commission on this 30<sup>th</sup> day of September, 2010.

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



