

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 223/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Asst. Director of Education(Admn.),
Director of Education,
Panaji - Goa.

..... Opponent/Respondent.

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

Shri Anand Redkar, representative of the Opponent in person.

ORDER
(29-09-2010)

1. The Complainant, Kashinath Shetye, has filed the present Complaint praying that the information as requested be furnished to him correctly free of cost as per section 7(6) and as per circular and annexure I to V; that penalty be imposed on the Public Information Officer as per law for denying the information to the Complainant; that compensation be granted and inspection of documents be allowed as per rules.
2. The brief facts leading to the present Complaint are as under:-

That the Complainant had filed an application dated 03/03/2010 under Right to Information Act 2005 ('RTI' Act for short) thereby requesting the Public Information Officer('PIO' for short)GSIDC to issue information specified therein which was transferred as per section 6(3) of the Right to Information Act to the Opponent. That the Public Information Officer failed to furnish the required information as per the Application of the Complainant and further no inspection of Information was allowed. That considering the said non-action on behalf of Opponent No. 1 of the Right to Information Act 2005 the present Complaint under section 18(1) b 18 (1)e and 18(i)(f) Right to Information Act is filed on the grounds as set out in the Complaint.

...2/-

It is to be noted here that original Complaint is not filed and the copy of the Complaint filed is of 14/01/2010 and addressed to the Public Information Officer of Department of Information Technology.

3. The Opponent resists the Complaint and the reply is on record. It is the case of the opponent that the Complaint is misconceived on facts and is liable to be dismissed. That the complainant vide letter dated 05/03/2010 was called upon to see the opponent to discuss the matter but he did not remain present. That the Complainant also failed to collect the information as per letter dated 08/04/2010 where in he was requested to collect the information on payment of Rs.3232/-. That the Complainant ought to have approached the First Appellate Authority to exhaust the remedy available under Right to Information Act. It is the case of the Opponent that there is no justification given by the Complainant for not collecting the information. On merits it is the case of the Opponent that the application of the Complainant is dated 26/02/2010 was transferred to the office of the opponent by the General Manager (Engg.) and Public Information Officer Goa State Infrastructure Development Corporation Ltd., Panaji vide letter dated 03/03/2010 to provide information to the Appellant. that the appellant by letter dated 05/03/2010 called to discuss the matter and by letter dated 08/04/2010 the opponent informed the appellant to collect the information on payment of charges. That the Complainant did not pay nor collect the information. In short according to the opponent no case is made out by the Complainant for the interference of this Authority and that Complaint is liable to be dismissed.

4. Heard both sides and perused the records.

It is seen that the Complainant has sought certain information from the Public Information Officer GSIDC. That by letter dated 03/03/2010 the Public Information Officer GSIDC transferred the application under section 6(3) of Right to Information Act to the Opponent herein to provide information. By letter dated 05/03/2010 the Opponent called the Complainant to discuss the matter. However the Complainant did

not visit the office of the Opponent. Again by letter dated 08/04/2010 the Opponent informed the complainant to collect the information after paying the charges. It appears that the Complainant did not collect the information, instead filed the present complaint.

5. It is the contention of the Complainant in the Complaint that no information is furnished to him. This is not apparently correct. The Complainant did not collect the information nor paid the fees.

In this factual backdrop this Complaint is not at all maintainable. There is no refusal at all on the part of the Opponent. However the Complainant did not collect the information. I do agree that First Appeal ought to have been preferred. However I need not refer to this aspect.

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 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.

Opponent submits that they would maintain the File Movement Index as per the said circular of the Chief Secretary.

7. Coming to the prayers in the Complaint. The prayer (i) cannot be granted in view of all the above. The question of penalty and compensation does not arise in the factual matrix of this case.

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

ORDER

The Opponent is 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 29th day of September, 2010.

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

