

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No.72/SCIC/2010**

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

..... Complainant.

V/s.

Public Information Officer,  
Exe. Engineer Div II (Road)  
PWD, Panaji - Goa.

..... Opponent/Respondent.

Complainant in person.

Shri H. Shirodkar representative of the opponent.

## **ORDER** **(29-09-2010)**

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 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 the reply is on record. It is the case of the Opponent that the Complaint is not tenable. That there is no order dated 10/02/2010 as alleged by the Complainant. That the Public Information Officer of information Department had transferred copy of application to Public Information Officer of Public works Department, office of HOD PWD asking for suitable reply to Sr. No. 3 of Said application. It is the case of the Opponent that the information is already furnished. That there is no ground for the present complaint. According to the Opponent the Complaint is liable to be dismissed.

4. Heard both sides and perused the records.

It is seen that the Complainant, vide his application dated 14/01/2010, sought certain information from the Public Information Officer Department of Information Technology, under Right to Information Act 2005 ('RTI' Act for short). By letter dated 25/01/2010 the Public Information Officer ('PIO' for short) Department of Information Technology transferred the application under section 6(3) in respect of point at Sr. No. 3, so as to give suitable reply to the opponent herein. It is seen that by letter dated 10/02/2010 addressed to the Dy. Director of Administration Office of the Principal Chief Engineer, P.W.D. Altinho Panaji –Goa, a copy of File Movement Index was furnished and the copy of the said letter was sent to the Complainant herein. This letter is in time. It is to be noted here that the letter was transferred to Dy. Director of Administration P.W.D. who transferred the same to the Opponent herein.

As per the Right to Information Act information as existing with the Public Information Officer is to be furnished.

5. In his Memo of Complaint the Complainant contends that information is not furnished and that the information has five enclosures.

It is to be noted here that what ever information the opponent maintains is furnished. In that view the Public Information Officer cannot be faulted. I have

perused the proforma sent. It is only in one annexure having different columns. According to Public Information Officer they maintain the same as per the said format.

According to the Public Information Office Officer/Opponent they would maintain by following the said circular.

In this background this Complaint is not at all maintainable. However I would not refer to this aspect much.

6. I have perused the said circular of the Chief Secretary dated 09/06/2009, Xerox 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.

7. Coming to the prayers in the Complaint. 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:-

**ORDER**

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 29<sup>th</sup> day of September, 2010.

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



