

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 183/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Directorate of Planning Statistic & Evaluation,
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.

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3. The Opponent resists the Complaint and their reply is on record. It is the case of the Opponent that there is no order dated 22/02/2010 passed by the Public Information officer. That the application which was transferred under section 6(3) was fully complied with. As per the letter of transfer the application submitted by the Department of Information Technology, Porvorim, the Opponent was meant to provide information on point No.3 and no other point was in the domain of Public Information Officer. The grounds indicated is misleading. It is the case of the Opponent that the Complainant has not preferred the appeal before the First Appellate Authority. That the Complaint is liable to be dismissed. It is further the case of the Opponent that the Complainant was intimated within time limit that information sought by him is ready and to collect the same on payment of necessary charges. That the Complainant did not visit their office for the purpose of collecting information inspite of receiving intimation by speed post within time. According to the Opponent Complaint is liable to be dismissed.

4. Heard both the sides and perused the records. It is seen that the complainant has sought certain information from the Public Information Officer Department of Information Technology vide his application dated 14/01/2010. By letter dated 25/01/2010, the Public Information Officer Department of Information Technology transferred the application under section 6(3) of Right to Information Act in respect of Sr. No. 3/item No.3 so as to give suitable reply to the Opponent herein. It is seen that by letter dated 22/02/2010 the Opponent informed the Complainant that the information requested by the Complainant is kept ready and further requested him to collect the same from his Office on payment of necessary charges. The complete address of the office was also given. It appears that the Complainant did not collect the said information nor made the necessary payment. Considering the request received by the Opponent on 28/01/2010, this reply is in time i.e. within 30 days. From the reply it cannot be said that Opponent failed to furnish information. It is to be noted here that whatever information is available in material form is to be furnished. Non-existing information cannot be physically given. Instead of collecting information the Complainant filed the present complaint.

4. The main contention of the Complainant in the complaint is that no information is furnished to him. From the said letter and reply it becomes clear that Complainant failed to collect the information and also failed to pay the necessary charges.

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

5. I have perused the said circular dated 09/06/2009 of the Chief Secretary the Xerox copy 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 maintained by the Office of Opponent herein. Opponent on his part submitted that they are maintaining File Movement Index as per the said circular of the Chief Secretary.

6. 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 compensation does not arise.

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

O R D E R

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

Complaint is accordingly disposed off.

Pronounced in the commission on this 5th day of October, 2010.

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

