

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Complaint No. 302/SCIC/2010**

1) Shri Kashinath Shetye,  
R/o Bambino Building,  
Alto Fondvem,  
Raibandar,  
Tiswadi –Goa.

2) Adv. Atish Mandrekar,  
Vodlem bhat,  
Talegao –Gao.

.... Complainants.

**V/s**

The Public Information Officer,  
Director of Procecuton,  
Patto, Panaji –Goa.

.... Opponent

Complainant absent. His representative Ms. Sonia Satardekar present.  
Opponent absent. Adv. K. L. Bhagat present.

**O R D E R**  
(19/10/2010)

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that information as requested by the Complainant be furnished to him free of cost as per section 7(6) and as per circular and the annexure I to V; that the penalty be imposed on the Public Information Officer as per law; that compensation be granted and inspection 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 15/02/2010 under Right to information Act 2005('RTI' Act for short) thereby requesting Public Information Officer ('PIO' for short) Department of Accounts to issue information specified therein, which was transferred as per section 6(3) of the Right to Information Act to the Opponent. That the PIO/Opponent did not 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 the opponent of the Right to Information Act prefers this complaint. It is the case of the Complainant that he is aggrieved by the order and hence the Complaint on various grounds as set out in the Complaint.

...2/-

3. The Opponent resists the Complaint and their say is on record. It is the case of the Opponent that present Complaint does 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 ground also the Complaint needs to be dismissed. That the present case also does not fall within the ambit of transfer under section 6(3) as the Complainant cannot make an application to the Public information Officer of one Department and request him to furnish the information pertaining to information or documents of other Government Department. That the Complainant ought to have filed fresh and specific application to this Public Information Officer seeking the information as sought. On merits it is the case of the Opponent that the Complainant vide his application dated 15/02/2010 addressed to the Public Information Officer Directorate of Accounts sought certain information. That in the said application the Complainant has sought information in respect of other Government Departments also. Accordingly the Public Information Officer Directorate of Accounts transferred the application to this Public Information Officer/Opponent. under provisions of section 6(3) (ii) of Right to Information Act. That the Respondent vide her letter dated 09/03/2010 furnished information as regards points No. 1,2, 5,6 and 7 and further informed the Complainant to collect the information in respect of point no. 3 and 4 by depositing the requisite amount set out in the said letter. That the said letter has been sent within the specified time limit. That the Complainant failed to deposit the said amount and therefore the information as regards points No. 3 and 4 could not be furnished to the Complainant. It is the case of the Opponent that till to-day the Complainant has not paid the said fees and therefore the above information could not be furnished to the Complainant. That the grounds mentioned in the complaint are not at all attracted. That the Opponent has neither refused nor delayed the information sought by the applicant. 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 Public Information Officer Department of Accounts. Public Information Officer, Department of Accounts transferred the application under section 6(3) so as to give the suitable reply, to the opponent herein. It is seen that by letter dated 09/03/2010 the opponent herein informed the Complainant that there are no separate registers. However, the information is maintained in proforma given i.e. 1) Annexure I – Movement of files (2) Annexure II- Proforma for dealing hand diary; (3) Annexure III – weekly Arrear Statement,. It was also informed that point No. 3 is ready and the Complainant may collect the same by depositing Rs. 426/-. It was also informed that as regards point No. 5, 6 and 7 no files/correspondence of administrative nature is kept pending for more than 7 days. The said reply is within time i.e. 30 days. From the reply it cannot be said that opponent failed to furnish the information. However strangely, the Complaint is filed.

5. The main contention of the Complainant in the Complaint is that no information is furnished to him. From the said letter and reply on record it becomes clear that Annexure I to V have been maintained. It is to be noted here that the complainant did not collect the reply nor pay the requisite fees yet rushed to this forum by way of Complaint. In this factual backdrop this Complaint is not at all maintainable. However I would not touch this aspect much.

6. I have perused the said circular dated 09/06/2009 Xerox copy of which is on record. The same aims at speedy disposal of files 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. Adv. for opponent also submits that Opponent shall follow the said circular. In fact the Opponent is maintaining File Movement Index in five annexures.

7. Adv. for Opponent contends that complaint is premature and not maintainable.

I do agree with this contention.

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8. In my view the information is kept- ready and the Complainant should collect the same on payment of required fees.

In view of the above I pass the following order.

**O R D E R**

Opponent to follow the said circular dated 09/06/2009 and maintain the File Movement Index as per the same.

The Complainant on his part to collect the said information within 10/15 days from the receipt of the order.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 19th day of October, 2010.

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

