

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

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

**Complaint No. 222/SCIC/2010**

Shri Kashinath Shetye,  
R/o. Bambino Building,  
Alto Fondvem, Ribandar,  
Tiswadi – Goa

.... Complainant.

V/s

Public Information Officer,  
Executive Engineer Div. (XIV) (NH)  
Public Works Department,  
Fatorda,  
Margao – Goa

... Opponent.

Complainant in person.  
Opponent in person.

**ORDER**  
**(26.10.2010)**

1. The Complainant, Kashinath Shetye, has filed this Complaint praying that the information as requested by the Complainant be furnished to him correctly free of cost as per Section 7 (6) and as per the circular and annexure I to V, that penalty be imposed, that compensation be granted and inspection of documents be allowed.

2. The brief facts leading to the present Complaint are as under:-

That the Complainant had filed an application dated 14/01/2010 under Right to Information Act 2005 ('RTI' Act for short) thereby requesting the Public Information Officer ('PIO'). 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 PIO/Opponent No. 1 failed to furnish the required information as per the application of the Complainant and that no inspection of the information was allowed. Considering the non action on behalf of Opponent No. 1 of the Right to Information Act, that Complainant filed the present Complaint on the grounds as set out in the Complaint.

...2/-

3. In pursuance to the notice the Opponent remained present. The Opponent did not file any reply as such however advanced arguments.

4. Heard the Complainant as well as the Opponent and perused the records. It is seen that Complainant 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 suitable reply to the Opponent herein. It is seen that by letter dated 11.02.2010 the Opponent informed the Complainant that information is kept ready and to collect the same after paying necessary fees. It was also mentioned about inspection. It appears that the Complainant did not collect the same. This reply is sent in time i.e. within thirty days. From the reply it cannot be said that Opponent failed to furnish the information.

5. The main contention of the Complainant in the Complaint is that no information is furnished to him and no inspection was allowed. From the said letter dated 11.02.2010 it becomes clear that Complainant was informed to collect the information but he did not collect. Hence, it cannot be said that the Opponent failed to furnish the information. In this factual backdrop this Complaint is not at all maintainable. However, I would not refer to this aspect much.

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 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. The Opponent 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. 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 the File Movement Index in five annexures I to V. No further intervention of this Commission is required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 26<sup>th</sup> day of October, 2010.

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