

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 443/SCIC/2010

In

Appeal No. 195/SCIC/2008

Kum. Surekha Haldankar,
H. No. 760/26, Wadakade,
Alto Porvorim –Goa.
V/s

... Complainant

1) Public Information Officer,
Goa Antibiotics & Pharmaceuticals Ltd., Tuem,
Pernem.

... Opponent No.1.

2) The First Appellate Authority,
The General Manager, Goa and Pharmaceuticals Ltd.,
Tuem, Pernem –Goa.

... Opponent No.2.

Complainant in person.

Opponent No. 1 alongwith his Adv. V. Naik in person.

Opponent No. 2 absent.

O R D E R
(22/11/2010)

1. The Complainant, Kum. Surekha Haldankar, has filed the present Complainant praying that the Respondent be directed to furnish the correct information asked for by the complainant in appeal dated 12/05/2010 to Public Information Officer; that necessary enquiry be ordered against the Respondent for furnishing incorrect and false information and that Respondent be directed to pay compensation to the Appellant as envisaged under Right to Information Act and other reliefs.

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

That the information furnished by Public Information officer under query No. 1(e) and 1(i) is irrelevant and false. That Shri Govind Tilve was not present in the office on 18/02/2006. That separate attendance register for Managers only was maintained and the ex-General Manager Shri Orland Mascarenhas was very strict particularly attendance of Manager. That PIO has not furnished Xerox copy of attendance register pertaining to 18/02/2006 and what is furnished is manipulated statement to misguide the Commission.

It is the case of the Complainant that Complainant alongwith her father Senior Citizen contacted ex-Managing Director Shri Ashok Pankar who informed that he has

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instructed Shri Govind Tilve that there was no need of issuing suspension order to the Complainant inspite of that Shri Tilve issued suspension order to her as it was stated that the action was initiated as per authorization delegated by the Board. That no written approval of Managing Director was obtained and Shri Govind Tilve referred the matter to the Board directly by passing the authority and executive powers of the Managing Director and there by committed an offence. The Board cannot interfere in the Administrative matter directly without the written consent of the Managing Director. It is also the case of the Complainant that Shri Govind Tilve has not produced authorization delegated to him by the Board. Since false information has been furnished the present Complaint is filed.

3. The Opponent resists the Complaint and the say of the Opponent No. 1 is on record. It is the case of Opponent No. 1 that the document furnished by the PIO vide letter dated 03/05/2010 to the Complainant as per the order pronounced on 31/03/2010 by the Commission is a genuine document maintained by the company. That the company was having system of swapping the Electronic ID card issued to all the employees and certified hard copy of the Computerized attendance data sheet pertaining to 18/02/2006 was furnished to the Complainant and hence the question of misguiding the Commission does not arise. That the Complainant has approached this Commission with malafide intention to harass the PIO. That the Complainant is making irrelevant and baseless allegations on company officials instead of seeking precise information. The Opponent No. 1 also relied on the ruling of the Hon'ble High Court of Bombay in writ Petition No. 419/2007 in the matter of Dr. Celsa Pinto V/s Goa State Information Commission. According to the Opponent the complaint is liable to be dismissed.

4. Heard the arguments. According to the Complainant the information is false and incorrect. According to Adv. Shri V. Naik for Opponent information is furnished correctly and that no case is made out for holding that the information is false.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. It appears that Complainant has filed Appeal bearing No. 195/SCIC/2008. By Judgment and order dated 31/03/2010. It is ordered as under:-

“ The appeal is partly allowed. The Respondent No. 1 to provide information at Sr. No. 1(e) and 1(i) within the period of 20 days and report compliance.”

It is seen that by letter dated 03/05/2010 the information was furnished to the Complainant as per the letter dated 31/03/2010.

6. It is the grievance of the Complainant that what ever is furnished is incorrect and false.

It is seen that information is already furnished in pursuance to the judgment and order dated 31/03/2010. Therefore no further intervention in this aspect is required. The Complainant contends that information furnished is incorrect, false and misleading. This is disputed by Adv. of Opponent No. 1. According to him information furnished is correct.

It is to be noted that purpose of RTI Act is per se to furnish information. Of course, Appellant has the right to establish that the information furnished to her is false, incorrect, misleading etc. But, the Appellant has to prove it to counter the opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of RTI Act would be defeated. It is pertinent to note that the mandate of RTI Act is to provide information ____ information correct to the core and it is for the Appellant to establish that what she has received is incorrect and false. With this view in mind, I am of the opinion that the Complainant must be given an opportunity to substantiate that the information given to her is incomplete, incorrect, misleading etc. as provided in section 18(1) (e) of RTI Act.

In view of the above, no intervention of this Commission is required as far as information is concerned. The Complainant should be given an opportunity to prove that information is incomplete, incorrect, false etc. Hence, I pass the following order:-

O R D E R

No intervention of this Commission is required as far as information is concerned the Complainant to prove that information furnished is false, incorrect etc. Further inquiry posted on 22/12/2010 at 10.30 am.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 22nd day of November, 2010.

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

