

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 193/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Directorate ofAccounts,
Panaji - Goa.

..... Opponent/Respondent.

Ms. Sonia Satardekar, representative of Complainant present.

Adv. K. L. Bhagat, for the Opponent.

ORDER
(28-02-2011)

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.

...2/-

3. The Opponent resists the complaint and the reply is on record. It is the case of the opponent that the present complaint does not fall within the ambit of section 18 of the Right to Information Act. That the Complaint is premature as the complainant has not taken recourse to approaching First Appellate Authority. That no Complaint lies as the Complainant has not been refused access to information. That the present case also does not fall within the ambit of section 6(3) as the complainant cannot make an application to the PIO of one department and request him to furnish the information pertaining to information or documents of other Govt. Departments. That the complainant ought to have filed fresh and specific application to this PIO. Seeking information of item No. 3. That the Complainant ought to have filed application to every department and obtained specific information. On merits it is the case of the opponent that the complainant vide his application dated 14/01/2010 addressed to the PIO Information Technology, Panaji –Goa sought certain information as specified therein. That the Public Information Officer Department of Information Technology, vide his letter dated 25/01/2010 transferred the request of the said item No. 3 under section 6(3) (ii) to this opponent. That the opponent vide his letter dated 25/02/2010 informed the Complainant that the information was ready and he may collect the same from the office of S.P. Tourist/Konkan Railway Altinho Panaji –Goa after paying the necessary charges. That the Complainant failed to make payment and collect the information. That the information was kept ready and that no access to information was refused. That the Complainant was called upon to collect the information within 30 days after receipt of the letter from Information Technology. That no inspection was sought from this opponent. Opponent also denies the grounds as set out in the complaint . According to the Opponent complaint is liable to be dismissed.

4. Heard the representative of the Complainant and Advocate Shri K. L. Bhagat for the opponent.

Representative of the Complainant submitted on similar lines as mentioned in the complaint. ...3/-

According to Adv. Shri Bhagat whatever information available is to be furnished. He also submitted that opponent's unit is a small unit.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that the Complainant has sought certain information from the PIO Department of Information Technology. By letter dated 25/01/2010 the PIO Department of Information Technology transferred the application under section 6(3) in respect of point No. 3 so as to give the suitable reply, to the opponent herein. It is seen by letter dated 25/02/2010 the Opponent informed the complainant that information sought by him is ready and the complainant was called to collect the same from the opponent's office after paying the charges. It is seen that complainant did not pay nor collect the information. Considering the receipt of the request and the reply sent the same is within time. It is to be noted here that a citizen can seek only the information, which is available with the public authority. It is seen that complainant did not collect the information. It cannot, therefore, be said that opponent failed to furnish the information.

6. The main contention of the complainant is that no information is furnished to him. The Complainant was called to collect the information but he did not collect the same. Therefore it cannot be said that no information is furnished.

In this factual backdrop I do agree with the advocate for the opponent that complaint is not maintainable. However, I would not refer to this aspect.

7. I have perused the 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 opponent. Adv. for opponent states that opponent's unit is very small.

8. In the instant case the complainant ought to have collected the information, instead he has approached the Commission.

...4/-

9. Coming to the prayers in the complaint. Prayer (a) is to be granted. Since reply is in time section 7(6) is not attracted. So also question of compensation and penalty does not arise.

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

O R D E R

The Complaint is partly allowed. The opponent is directed to furnish the information sought by the complainant vide his application dated 14/01/2010 at point No.3 (Sr. No.3) within 20 days from the receipt of the order.

The Opponent to intimate the Complainant and the Complainant on his part to receive the same after complying the required formalities. Inspection, if any, can be given on a mutually agreed date.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 28th day of February, 2011.

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

