

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 139/SIC/2010

Smt. Sanyogita K. Shetye,  
R/o. Bambino Building, Alto Fondvem,  
Ribandar,  
Tiswadi - Goa

... Complainant.

V/s.

Public Information Officer,  
Executive Engineer, Div. XXV (R),  
Fatorda,  
Margao – Goa

... Opponent.

Complainant in person.

Adv. K. L. Bhagat for Opponent.

Shri Luis C. Dias, A.E., representative of Opponent.

## **J U D G M E N T** **(25.03.2011)**

1. The Complainant, Smt. Sanyogita Kashinath Shetye, through her Power-of-Attorney, has filed the present Complaint praying that the information as requested be furnished to him correctly free of cost as per section 7(6) and as per circular and the annexure I to IV; that penalty be imposed on the Public Information Officer as per law; that compensation be granted and inspection of documents may be allowed as per rules.

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

That the complainant by application dated 30.06.2009 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Opponent. That the Opponent failed to furnish the required information as per the application of the Complainant and further no inspection of the information was allowed. Being aggrieved, the Complainant has filed the present Complaint on various grounds as set out in the Complaint.

3. That Opponent resists the Complaint and the reply is on record. In short, it is the case of the Opponent that the request letter of the Complainant was received on 09.07.2009. That the Complainant was called to attend the office. That registered A/D letter dispatched and acknowledgement receipt from the Complainant duly signed was received in the office on 20.07.2009. That the Complainant preferred an appeal before Appellate Authority which was dismissed. It is the case of the Opponent that the documents sought by the Complainant do not exist with the Opponent and as such he has been unable to furnish the certified copies of the said documents as sought by the Complainant. In short, it is the case of the Opponent that the information sought was not available in the office of Opponent.

4. Heard Shri Kashinath Shetye, the Power of Attorney holder of the Complainant and the Opponent and perused the records.

It is seen that the Complainant, vide application dated 30.06.2009, sought certain information from the Opponent. It is seen that the information was regarding the circular dated 09.06.2009 of the Chief Secretary. It appears that information was not furnished. According to Opponent, letter/reply was sent. Opponent also states about Appeal preferred, etc. The Complainant speaks of being aggrieved by the Order. However, no order and other documents are on record. From the reply and arguments of the Opponent it is clear that File Movement Index as per the said circular of Chief Secretary was not maintained by the Opponent. Non-existent information cannot physically be given.

5. Complainant contends that information is not furnished. From the reply it becomes clear that File Movement Index is not maintained. Therefore, the question of furnishing the information does not arise.

6. I have perused the said circular dated 09.06.2009. 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. Opponent also states that they are now maintaining the same. He also submitted that he can furnish the information thus maintained.

7. The Power of Attorney holder of the Complainant states that information regarding Dealing Hand's Diary and weekly arrears statement of each employee be granted. Opponent states that he is ready to furnish the same.

8. Coming to the prayers in the Complaint. It is seen that considering the application and reply, there is no delay. Since there is no delay question of penalty does not arise so also, compensation. Section 7(6) is also not attracted in the instant case.

9. In view of the above, I pass the following Order:

**ORDER**

The Complaint is allowed and the Opponent is hereby directed to furnish the certified copy of the Dealing Hand's Diary and Weekly Arrears Statement of employees within twenty days from the date of receipt of this Order.

Inspection, if any, be given on a mutually agreed date.

Needless to say that Opponent to follow the said circular.

The Complaint is, accordingly, disposed off.

Pronounced in the Commission on this 25<sup>th</sup> day of March, 2011.

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







