

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 123/SCIC/2011

Shri Laxmikant S. Kundaikar,
H. No. 221/1, Shubhankar Heritage,
Near Railway Station,
Karmali,
Tiswadi – Goa

...Complainant

V/s

Public Information Officer,
Assistant Director of Transport (H.Q.),
Directorate of Transport,
Junta House,
Panaji – Goa

... Opponent.

Adv. D. S. Shirodker for Complainant.
Opponent in person.

ORDER
(10.11.2011)

1. The Complainant, Shri Laxmikant S. Kundaikar, has filed the present Complaint praying to conduct an inquiry into the Complaint and to direct the Respondent/Public Information Officer to furnish the correct information as sought by the Complainant in his application dated 04.05.2011; that penalty be imposed on Opponent/Public Information Officer under the provisions of section 20 of the said Act and that cost be awarded to the Complainant.

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

That the Complainant, vide his application dated 04.05.2011 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 addressed a letter dated 03.06.2011 purportedly furnishing the information to the Complainant. That subsequently the Opponent in continuation to his said letter sent another letter dated 18.07.2011 to the Complainant enclosing therewith a copy of Government Order dated 25.04.2011 transferring Shri Laxmikant S. Kundaikar, Assistant Director (H.Q.), the Complainant, as Officer on Special Duty to the Director of Transport with immediate effect and Shri Vishram J. Govekar, Asst.

Director of Transport (North), Panaji was ordered to hold additional charge of the Office of Asst. Director of Transport (H.Q.) until further orders.

It is the case of the Complainant that the P.I.O. gave incomplete and misleading information. That the Complainant believes that Opponent P.I.O. has knowingly given such incorrect, incomplete and misleading information as can be seen from the plain reading to the letter dated 03.06.2011 and 18.07.2011 itself vis-a-vis the Complainant's application dated 04.05.2011 for supply of information. Aggrieved by the same the Complainant filed the present Complaint under section 18 of the RTI Act.

3. In pursuance of the notice the Opponent/P.I.O. appeared. The Opponent did not file any reply as such. However, he advanced arguments.

4. Heard the arguments. The learned Adv. Shri D. S. Shirodker argued on behalf of Complainant and the Opponent argued in person. The learned Advocate for the Complainant referred to the facts of the case in detail. He next referred to the application dated 04.05.2011 and reply dated 03.06.2011. He particularly mentioned the items at Sr. No. 1 to 5 in detail. According to him misleading and incomplete information has been given. He explained in detail as to how the information was not given properly. According to him his prayers are to be granted.

During the course of his arguments the Opponent/P.I.O. submitted that whatever information given is as available in the office and on the basis of available records. He next submitted that no incomplete or false information has been given. According to him whatever has been furnished is correct as per records.

4. 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 by application dated 04.05.2011 the Complainant sought certain information consisting of 5 points/items Sr. No. 1 to 5. By reply dated 03.06.2011 the Opponent furnished the information. By another letter dated 18.07.2011 copy of Order dated 25.04.2011 as regards point no. 1(a) and (b) of the application dated 04.05.2011 was sent.

The main grievance of the Complainant is that information furnished is incomplete and incorrect.

5. Now it is to be seen whether the information furnished is incomplete. The Complainant has sought information as under:-

1.(a) Whether there is any order issued by the Government for creation of post of "O.S.D." to Director?

(b) If such order exists a copy of thereof may kindly be supplied.

The reply is as under:

1.(a) The Government has issued Order in respect of an Assistant Director of Transport to be posted as Officer on Special Duty to the Director of Transport. Copy may be collected on payment of fees.

To my mind the information sought is about creation of post and therefore information should be to that effect. Strangely reply to this is found in reply/answer to point at Sr. No. 2.

Regarding point at Sr. No. 2 the reply is furnished. Advocate for Complainant, during the course of his arguments, submitted that reply to point at Sr. No. 3, 4 and 5 is not correct. However the reply furnished to query No. 3 and 4 appears to be correct in view of reply that there is no creation of post and no recruitment to the said post.

Regarding point at Sr. No. 5 the same ought to have been answered specifically as to whether prescribed.

Needless to say that under R.T.I. the information as held by the Public Authority is to be furnished. Besides, the same is to be replied the way it is asked.

6. It was contended by Advocate for Complainant that penalty be imposed. It is seen that application seeking information is dated 04.05.2011. The reply is furnished on 03.06.2011. There is also mention of collecting copy on payment of fees. It is not known whether fees were paid. By letter dated 18.07.2011 the copy of order was furnished. In any case there is no delay as such as major information was furnished in time. Since there is no delay the question of penalty does not arise.

7. In view of all the above I am of the opinion that the Complainant is entitled to proper and specific reply/information to query No. 1 and 5 of the application dated 04.05.2011. Hence, I pass the following Order:-

ORDER

The Complaint is partly allowed. The Opponent is hereby directed to furnish proper and specific information to the Complainant in respect of point No. 1 and 5 of his application dated 04.05.2011 within 15 days from the receipt of this Order and report compliance of the same.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 10th day of November, 2011.

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