

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 116/SCIC/2010

Shri Sadanand Vaingankar,
304, Madhlawada, Harmal,
Pernem - Goa

.... Appellant

V/s.

1) Shri Vinayak A. Naik,
Joint Director of Accounts,
Public Information Officer,
Sports Authority of Goa,
Campal, Panaji - Goa

.... Respondent No. 1.

2) Mr. Bruno Coutinho,
Joint Director (Coaching),
Sports Authority of Goa,
Campal, Panaji - Goa

.... Respondent No. 2.

3) First Appellate Authority,
Executive Director,
Sports Authority of Goa,
Campal, Panaji - Goa

.... Respondent No. 3.

4) Mr. Dwarkanath Naik,
Secretary,
Harmal Panchakroshi Shikshan Mandal,
Harmal, Pernem - Goa

.... Respondent No. 4.

5) Mr. Arun N. Bandhkar,
U.D.C.,
Harmal Panchakroshi Higher Secondary School,
Harmal, Pernem - Goa

... Respondent No. 5.

Appellant in person.

Respondent No. 1, 2, 3, 4 and 5 in person.

J U D G M E N T
(27.09.2011)

1. The Appellant, Shri Sadanand D. Vaingankar, has filed the present Appeal praying that Appeal be allowed and Respondent no. 1, 2, 4 and 5 be directed to furnish the information; that Respondent No. 1 be directed to pay fine on account of delay; that Respondent No. 2, 4 and 5 may be directed to pay fine as applicable and also be recommended for disciplinary action and that Respondent No. 3 be directed to remove errors from the order or the order delivered by Respondent No. 3 be set aside.

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

That the Appellant, vide application dated 30.11.2009, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Respondent No. 1. That the Appellant received letter dated 17.12.2009 from Respondent No.1 requesting to collect the information by paying Rs. 54/-. That the Appellant received letter dated 29.12.2009 from Respondent No. 1 requesting to collect the information in respect of Sr. No.8 to 11 by paying the information fee of Rs. 4/-. That on 05.01.2010 the Appellant preferred Appeal before First Appellate Authority/Respondent No.3. That F.A.A. passed the order dated 01.02.2010. Being aggrieved by the said order the Appellant has preferred the present Appeal.

It is the case of the Appellant that information furnished by Respondent No. 4 through Respondent No. 1 against point no. 8, 9, 10 and 11 is false.

3. The Respondents resist the Appeal and their replies are on record. It is the case of the Respondent No. 1 that the Appeal is frivolous, vexatious and an abuse of the process of this Commission as well as R.T.I. Act. That the same is garbled and difficult to comprehend. That the same is beyond the R.T.I. Act. On merits it is the case of the Opponent that the request for information was made on 30.11.2009. That on 01.12.2009 the information was sought through A.P.I.O. from Respondent No. 2. That when Respondent No.1 received the information from Respondent No. 2 it was noticed that the information regarding items 8 to 11 were not available with SAG and therefore by letter dated 14.12.2009 Respondent No. 1 wrote to Secretary, Harmal Panchakroshi Shikshan Mandal calling for the information within a week. That as there was no response from them the Respondent No. 1 addressed another letter dated 22.12.2009 to them by way of reminder. That in the meantime, in respect of information at Sr. No. 1 to 7, Respondent No. 1 vide letter dated 17.12.2009 wrote to Appellant to collect the same by payment of Rs.54/- and the same was collected by Appellant. That in respect of item at No. 6 the Appellant was satisfied. That by letter dated 28.12.2009 the Respondent No. 1 received information pertaining to point No. 8 to 11 from Harmal Panchakroshi Shikshan Mandal. That the appellant was called and he collected the same

on 29.12.2009. That Appellant did not complain about incomplete information furnished in respect of item No. 4. That the Appellant filed the Appeal before F.A.A. That there is no noise made about non-furnishing of information relating to item No. 6 and also in written arguments the same does not figure. That regarding item No. 4 the same is regarding a bill and the same was furnished on 01.02.2010 as per order dated 01.02.2010. It is the case of Respondent No. 1 that regarding point No. 8 to 11 are concerned the same relate to Harmal Panchakroshi Shikshan Mandal and their higher authorities namely Directorate of Education. The order of F.A.A. is also to that effect. That the objection regarding Harmal Panchakroshi are beyond the scope of R.T.I. According to Respondent No. 1 Appeal is liable to be dismissed.

It is the case of Respondent No. 2 that he is neither P.I.O. nor deemed P.I.O. nor F.A.A. under R.T.I. Act. That the information sought by Respondent No. 1 was furnished. That the Respondent No. 2 has nothing to provide directly to the Appellant.

It is the case of the Respondent No. 3 that as F.A.A. he passed the order after giving the proper opportunity to the Appellant and also other parties. That the Appellant has not spelt out the specific disagreement with the contents of the order dated 01.02.2010. According to Respondent No. 3 that Appeal be dismissed against him.

It is the case of the Respondent No. 4 that Respondent No. 4 is not a Public Authority under the R.T.I. and as such Appeal is not maintainable. That, however, under ignorance of this fact possible information was provided earlier. With respect to point No. 8 since equipments are missing it is kept closed. That it is also brought to the notice that since now there is appointment of P.E. Teacher in Higher Secondary School to take care and that it will be opened soon under his care. That as to point No. 10 right information is provided and that so far no P.E. Teacher was appointed and now P.E. Teacher is appointed. That at point 11 Respondent No. 4 stands by the information provided.

It is the case of Respondent No. 5 that he is not P.I.O. That U.D.C. is appointed by the Chairman of Panchakroshi Shikshan Mandal. That the appointment stands itself as the authority to verification by virtue of post

and moreover the verification is countersigned and authenticated by Chairman of the Shikshan Mandal. He prays to be dropped from proceedings.

4. Heard the arguments. Initially the Appellant was absent. However later on he remained present and submitted that no police complaint is filed.

According to Respondents full information is furnished.

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 by application dated 30.11.2009 the Appellant sought certain information. The information consists of 11 items i.e. Sr. No. 1 to 11. I need not go in detail nor refer to the replies in detail in view of certain admissions of the Appellant. In the Memo of Appeal the Appellant states that as regards to points No. 1, 2, 3, 5 and 7 information furnished on 18.12.1009. Point No. 6 not furnished and point No. 8, 9, 10 and 11 information was furnished on 29.12.2009. It is now the grievance of Appellant that information furnished is false and that information in respect of point No. 6 is not furnished. According to Respondent No. 1 information was orally disclosed and the Appellant was satisfied. In the written arguments filed before F.A.A. the Appellant does not mention about item No. 6. It is for the first time in Second Appeal this is mentioned.

6. Now coming to point No. 8, 9, 10 and 11. According to the Appellant information furnished is false.

The said items read as under:-

"8. What is the present status of the said gymnasium.

9. Please furnish the last date on which the verification of stock of equipments has been carried out, alongwith copy of the same.

10. Please furnish details of salaries/remuneration paid to various persons for providing guidance to the users of the said gymnasium or for maintaining and monitoring the equipments.

11. Please furnish the letter of the owner of the building permitting your authority for installation of gymnasium equipments.”

I have perused the para 18 to 22 of the Memo of Appeal and the reasons given by the Appellant. However, it is to be noted that available information is furnished. The contents of para 18 to 22 are in fact the grievances of the Appellant. Under R.T.I. it is not a grievance redressal forum. No doubt if any equipments are missing it is for the concerned to file a police complaint. If the same is not filed this Commission cannot direct as contended by Appellant. All these, the Appellant has to agitate before concerned forum or complain to the competent authority. Again about Arun Bandkher verifying. If the same is irregularity, it is to be agitated before competent forum. Apart from all these the Respondent No. 4 contends that they are not covered under R.T.I. In any case whatever Appellant pointed may be irregularities; however, the same are to be considered by proper authorities. Under R.T.I. information as held is to be provided.

7. Now it is to be seen whether there is any delay in furnishing the information. The application seeking information is dated 30.11.2010. Information in respect of point No. 1, 2, 3, 5 and 7 was furnished on 18.12.2009; as regards point No. 8, 9, 10 and 11 information was furnished on 29.12.2009. Complete information in respect of point No. 4 was furnished on 01.02.2010 in pursuance of order of F.A.A. In any case there is no delay as such. Since there is no delay the question of penalty does not arise.

8. In view of the above, I am of the opinion that information in respect of point No. 6 could be furnished. In respect of points No. 8, 9, 10 and 11 it is open to the Appellant to take up the same before competent authority. Hence, I pass the following Order:-

ORDER

Appeal is partly allowed. The Respondent No. 1/P.I.O. is hereby directed to furnish the information to the point at Sr. No. 6 of the application of the Appellant dated 30.11.2010, within 20 days from the receipt of this order.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 27th day of September, 2011.

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