

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.70/SIC/2011

Shri Joao C. Pereira,
R/o. H. No.40, Acsona
Utorda, Majorda,
Salcete - Goa

... Complainant

V/s

1. State Public Information Officer,
The Executive Engineer (Training & P.G.O),
Chief Electrical Engineer's Office,
Vidyut Bhavan, 3rd Floor,
Panaji-Goa

2. The Deputy Director (Administration)
4th Floor, Vidyut Bhavan,
Panaji-Goa

... Opponents

Complainant present

Opponent present

Shri Shetye representative of opponent present.

ORDER
(20/01/2012)

1. The Complainant, Shri Joao C. Pereira, has filed the present complaint praying to initiate action as per Sec.20 of the R.T.I. Act against opponent No.1 and 2 for deliberately denying the information to the complainant, to impose the penalty; to compensate the complainant against opponent No.1 and 2 by not complying the order of the Appellate Authority dated 25/01/2011 as per section 19(8) (b) and (c) of the Act and to direct the opponent No.1 and 2 to comply with the order of the Appellate Authority dated 25/01/2011 immediately.

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

That the complainant, vide application dated 29/11/2010, sought certain information from Public Information Officer (P.I.O.)/Opponent No.2. That the opponent No.1 addressed a letter on 1/12/2010 to opponent No.2 to furnish the information to the Complainant. That the Opponent No.2 addressed a letter to Opponent No.1, with a copy marked

to the Complainant, denying the information by giving silly excuses that “The Department is not maintaining religionwise and also District wise such records and hence the desired information is not available. Aggrieved by the reply dated 3/1/2011 of opponent No.2, the complainant preferred an appeal before First Appellate Authority. By order dated 25/01/2011 the First Appellate Authority granted the request and opponent No.1 and 2 were jointly directed to furnish the information to the complainant within a week’s time from the date of passing of the order. That the opponents did not comply the order of F.A.A. That no information is furnished till date. Hence the present complaint.

3. The opponents resist the complaint and their replies are on record. It is the case of the opponent No.1 that the application was received on 8/12/2010 and replied within 30 days. That the information is not available in the format asked for by the complainant. It is also the case of the opponent No.1 that the information asked for is not maintainable by this department religion wise.

According to the opponent the complaint is liable to be dismissed.

It is the case of the opponent No.2 that the information sought by the Complainant is not maintained and therefore cannot be furnished. That the same is not maintained religion wise nor there are any instructions/guidelines issued by the Government to maintain such information religion wise. There are no guidelines issued by the Government. That the information sought by the Complainant needs to be created and this would disproportionately divert the resources of public authority considering the staff strength of the Department. According to opponent No.2 the information sought by the complainant does not fall within the purview of the Act. That the information cannot be created and given. It has to be given in the form as it is already existing. According to the opponent complaint is liable to be dismissed.

4. Heard the arguments. The complainant argued in person. Shri K. Shetye argued on behalf of the opponents.

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 29/11/2010, the complainant sought certain information. The information related to candidates recruited/employed in terms of religion and also about total strength of staff in terms of religion. It is seen that by letter dated 10/12/2010, the Executive Engineer (TNRO) and S.P.I.O. CEE's office transferred the request under Section 5(4) and 5(5) of the R.T.I. Act to Opponent No.2 and requested to furnish the information. Copy of the letter was sent to the Complainant. By reply dated 3/1/2011 opponent No.2 informed opponent No.1 that Department is not maintaining religion wise and also district wise such records. Hence, the desired information is not available. Being aggrieved the complainant preferred the appeal before First Appellate Authority. By order dated 25/1/2011 the F.A.A. ordered as under :-

“The State Public Information Officers, respondent No.1 and respondent No.2 jointly are directed to furnish the information desired by the applicant within a week from this date.”

Since the order was not complied with, the complainant landed in this Commission.

6. During the course of arguments the complainant and the opponent No.1 and their representative Shri K. Shetye agreed to furnish information within 8 days. The complainant is agreeable to the same and states that information if furnished as agreed he has no grievance of any sort.

Since parties are agreeable and more particularly since the Complainant is agreeable this Commission does not have any objection to the undertaking given by opponent and their representative. The parties have agreed that names and addresses of the recruited persons/employees with date from 2007 till date would be furnished.

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

ORDER

The complaint is allowed. The opponents are directed to furnish the information sought by the Complainant, vide his application dated 29/11/2010, within 8 days from the receipt of this order.

Needless to add that information to be furnished is names and addresses of recruited persons/employees with date from 2007 till date as agreed above.

The Complaint is, accordingly, disposed off.

Pronounced in the Commission on this 20th day of January, 2012.

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