

GOA STATE INFORMATION COMMISSION

Ground Floor, Shrama Shakti Bhavan, Patto Plaza, Panaji – Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Appeal No. 118/SIC/2012

Decided on 08/12/2014

Shri. Jesuino Silveira,

R/o. H.No. 17/169, Dondrem Waddo,

Taleigao, Tiswadi, Goa.

----- Appellant

V/s

1. Superintendent of Police(HQ)/Public Information Officer,

O/o. Superintendent of Police, Police Head Quarters

Panaji – Goa.

2. Inspector General of Police/ First Appellate Authority,

Police Head Quarters,

Panaji- Goa.

----- Respondents

O R D E R

RTI application filed on : 15/12/2011
PIO replied : 17/01/2012
First Appeal filed on : 13/02/2012
First Appellate Authority Order in : 29/03/2012
Second Appeal filed on : 21/06/2012

1) This case has a typical background. The appellant who worked in the Police Department as a cleaner, took the EOL to seek private employment (June 1997) as per available rules. Then he returned to re-join on 12/06/2002 which is within time. The terms and conditions of EOL was that he is treated as surplus employee on his return to rejoin. As there was no vacancy of Cleaner, so he was adjusted as Helper. There is no difference in the pay scale.

2) It is also seen that there are two seniority lists prepared by the Office of the SP, one dated 14/08/2002 for Helpers, where the name of the appellant appears at the end and another seniority list of Cleaners prepared on 09/09/2002, in which he is mentioned at seniority list No. 3 as per his earlier seniority. There is no different pay scale in both the post and both are feeder carders for mechanical grade II.

3) It is further seen that despite having given him seniority position at Sr. No. 3 in the cleaner grade, he was no given promotion in 2009, but his junior (at S.No.

4) Shri. Nageshkar was promoted. Finally he is given his promotion as Mechanical Grade. II in 2013.

4) This being the background,, he has filed a case regarding his seniority and promotion which is already going on in the Ombudsman Court. Hence he filed RTI application dated 17/01/2012, where he asked three questions and has no dispute regarding the replies given for question No. 1 and 2.

5) I have gone through the question No. 3 and its reply and it appears that PIO has given reply as per the records available to him. He cannot create and supply information. The question is regarding one Deepak Gaude who was appointed in year 2000 on compassionate ground but not necessarily against the vacancy created by the appellant's EOL. Hence the PIO mentioned information as "unavailable". First appeal No. 11/2012 was also dismissed for the same reason.

6) I agree with the judgment of the FAA. If no information is available in the nothing file through which Shri. Deepak Gaude was appointed in the year 2000, the PIO could not have given any information. However, if there is some reason given in noting file, he has to give the same. The PIO will inform final position to him within a month.

7) The remedy of the appellant however does not lie in this information. It lies in asking for file noting through which cleaners were promoted to mechanical grade II in the year 2009, which may reveal as to why his promotion was delayed till 2013.

8) Hence this 2nd appeal is dismissed as lacking merit. Order declared in Open Court.

Sd/-

(Leena Mehendale)

Goa State Chief Information Commissioner

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