

**GOA STATE INFORMATION COMMISSION**  
**Ground Floor, Shrama Shakti Bhavan, Patto Plaza, Panaji-Goa**  
**Coram : Smt. Leena Mehendale, State Chief Information Commissioner**

**Appeal No.222/SCIC/2010**

**Decided on : 12/12/2014**

Ramakant V. Durbhatkar,  
H.No.1341, Lane No.11,  
Housing Board Colony,  
Alto Betim, Porvorim, Goa.

.....Appellant

V/s

1. The Director of Accounts/  
First Appellate Authority,  
Directorate of Accounts,  
Panaji-Goa.

..... Respondent No.1

2. Shri. P.S.Gude,  
Public Information Officer and  
Joint Director of Accounts,  
Directorate of Accounts,  
Panaji-Goa.

..... Respondent No.2

**ORDER**

<b>RTI Application: -</b>	<b>20/04/2009</b>
<b>PIO replied on: -</b>	<b>18/05/2009</b>
<b>First Appeal filed on: -</b>	<b>26/05/2010</b>
<b>FAA Order dated: -</b>	<b>25/06/2010</b>
<b>Second Appeal filed on: -</b>	<b>28/09/2010</b>

1. This is a case of a pensioner who has retired in 1993 as Grade I officer of Goa Civil Service and who has also worked in the office of Directorate of Accounts and who seeks information from the office of Directorate of Accounts regarding pension fixation, arrears, DA raises etc. It is pertinent to note that he retired in 1993 whereas the 5<sup>th</sup> Central Pay Commission (CPC) gave several benefits to pre-1996 retirees also, thereby increasing his pensionary entitlements. It is but natural that he is anxious to know those details. But surprisingly he has taken up the issue as late as on 20/04/2009.

2. His RTI application refers to several OMs of GOI, from 01/04/1998 to 31/03/2008, (all 10 years) regarding rise in DA, medical allowances, other reliefs etc and also regarding new pay fixations in view of 5<sup>th</sup> CPC w.e.f 01/01/1996 and 6<sup>th</sup> CPC (wef 01/01/2006). He wishes to know the corresponding OMs issued by Govt of Goa for each of those OMs and further, whether he has been paid the dues as per those new reliefs/ fixations. He begins by asking for his service book, and the details of 4<sup>th</sup> CPC which should be available with himself, he being in a senior

post when he retired. Further he asks about revision of pension for the pre-1996 pensioners, and revised family pension as given by 5<sup>th</sup> CPC, these events being after his retirement.

3. The exhibits filed by him in 2<sup>nd</sup> appeal are exhibit A-L . Of this exh-B is a copy of his 1<sup>st</sup> appeal, accompanied by exh-1-6 filed as a part of 1<sup>st</sup> Appeal.

4. In reply to his RTI application dated 20/04/2009, he was invited to visit on 22/05/2009 for inspection of documents, which he did on 27/05/2009 and **made out a list of 17 documents in para 2(a) and another list of 21 documents in para 4(b)**. He submitted them to the PIO vide his letter dated 20/07/2009 (exhibit 3) also stating that he will be asking more information as the inspection proceeds. Subsequently he visited the PIO office on many occasions from 20.04.2009 to 26.04.2010 and asked for more information. All along this, the PIO was then Jt. Director P.S. Gude. Finally on 26/05/2010, he made the 1<sup>st</sup> appeal to the Director of Accounts which inter-alia contains exhibits 1 to 6. A copy of the 1<sup>st</sup> appeal along with these exhibits 1 to 6 is filed at exhibit B of the second appeal.

5. It is seen at para 5 of 1<sup>st</sup> appeal that the PIO had, by then, supplied the attested copies of orders of Govt of Goa in respect in para 4(b) of his letter dated 20/07/2009 which cover the question regarding Dearness relief but not the information in para 2(a) serial no 1 to 17 of exhibit 3. Hence at para 6 of his First Appeal memo he prays for direction to the PIO to supply.

- information asked at para 2(a).
- additional specific information in respect of the 4 questions raised by him in his exhibit 5 dated 13/03/2010.

6. His prayers in the 2<sup>nd</sup> appeal covers above 2 points and also asks for information in exhibit 4. The prayers are as follows:-

*1.The Order dated 25.06.2010 of the First Appellate Authority may please be set aside.*

*2. Please direct the First Appellate Authority to supply me the attested copies mentioned in the under mentioned Exhibits, free of charge, as the former Public Information Officer, Shri P.S. Gude, failed to dispose of my request application, Exh.1, within the maximum period of 30 days.*

- a) *Exh. 3, para 2(a) sr. Nos. 1 to 17;*
  - b) *Exh.4, para 2- Authority Letter No. DA/PAI/Pens (9)/ Gratuity/ Goa dated 08.12.1992 for Rs. 58,125/- towards sanction and payment of Gratuity to Shri R.V. Durbhatkar as recorded in PPO No. Goa-A/1859 dt. 08.12.1992.*
  - c) *Exh.5, para 2(a), (b), (c) and (d); dt. 13.03.2010.*
  - d) *To invoke the provision of Section 20 of the Right to Information Act, 2005, against Shri P.S. Gude former Public Information Officer for keeping pending the supply of attested copies of the records for a period of over eighteen months.*
- 7) It is pertinent to see the judgment of FAA.

The then PIO Shri P.S. Gude was the Jt. Director of Accounts. On the date of filing the 1<sup>st</sup> appeal he was also holding charge as Director of Accounts, by virtue of which he was the First Appellate Authority also. Despite the objection of the Appellant he continued to hear the 1<sup>st</sup> appeal and dismissed it on 25/06/2010 with following observations.

*The Public Information Officer was present at the time of hearing, Shri Ramakant Durbhatkar, Appellant failed to attend the hearing on scheduled date and time. The matter was heard in his absence.*

( Here the FAA is referring to one Dy. Director Lotlikar who was acting as PIO for presenting this case and supplying answers as seen in the file).

*The Public Information Officer stated that appellant has inspected the files and documents as stated in his application during 15 visits to this Office in 5 months and collected data whichever is applicable to the applicant.*

*“The Public Information Officer also stated that the request of Shri. Ramakant Durbhatkar, has been fully complied, as the Appellant was asked to attend this Office for Inspection of Documents as stated in the application dated 20/04/2009 vide letter No. DA/Admn/ 19-40(119)/09-10/310 dated 18/05/2000.*

*In support the Public Information Officer also placed before the undersigned the relevant papers/documents.*

*On going through the arguments advanced by the Public Information Officer so also the documents placed before me, I am fully satisfied that the request of appellant being fully complied with the appeal of the appellant does not survive and therefore needs to be rejected.*

*I am therefore of the opinion that there is no merit in the appeal preferred by Shri Ramakant Durbhatkar and therefore the same is rejected.”*

- 8) Not satisfied the appellant has made this Second Appeal on 29/09/2010.
  
- 9) The appellant himself has retired in 1993 as Grade I Officer of Goa Civil Service and has also worked in the Directorate of Accounts. Hence it cannot be said that he does not understand the importance of OM's issued by Government with regard to a large number of financial reliefs which are issued by the government from time to time and their impact on enhancement of his pension. As late as after 13 years in 2009 he has started to verify the OM's issued from 1993 onwards dealing with CPC, family pension and other pensionary benefits that should accrue to him from 01.01.1996 onwards.

From documents submitted by him, I observe the following

- From his Exhibit E it is seen that he has inspected the files in the office of Jt. Director on 5 occasions, spending approximately 9 hours in total. The PIO Gude had facilitated his inspections to the extent that he would make available one file at a time and make available one clerk Shri Amonkar who would sit through when appellant inspected the file. It also appears that these files had no description neither a name nor number, nor a label. Neither the Appellant, nor the PIO nor the Clerk seems to have maintained any list of files or pages perused by or the documents identified by or given to the appellant.
- A major grievance of the appellant is that the various OM's received from GOI, and the relevant OM's issued by Government of Goa as a consequence of the former are not maintained properly in index files by the Directorate. Exh D seems to give this information but the Director should look into it afresh.

10) Coming to the 2<sup>nd</sup> appeal, it is seen from the Roznama that the appellant remained present for the first and second hearing which were fixed on 12/11/2010 and 13/12/2010 respectively. On the very first hearing the PIO and FAA were absent. However, the then SCIC declined to issue any final order without giving them some opportunity. On the very second occasion the SCIC has recorded as below.

*“Appellant has filed application saying that he has sought transfer of the case from His Excellency the Governor. In any case, at the request of the appellant posted on next date 20/01/2011”.*

11) The appellant did not attend on 20/01/2011. Nevertheless since nothing was received by the office of SCIC either from His Excellency the Governor or the government, the then SCIC had kept giving adjournments and the appellant had been remaining absent throughout till today.

12) Thus the matter comes before me. It is true that the post of SCIC had remained vacant between August 2012 to October 2013. But the news of appointment of new SCIC has been widely reported. Even then the appellant has not made any inquiry about reopening of the case. It can be presumed that he no longer wishes to pursue the matter. On the other hand neither Shri Gude nor any PIO from the office of Directorate of Accounts has filed any information. Hence I am passing this order.

13) (I) Firstly the Directorate of Accounts should take steps to maintain a proper file system regarding all the OM's issued by Government of India and related OM's issued by Government of Goa, in a serial and chronological manner. This information should be forthwith made available on the website. Some publicity should be arranged so that retired government employees get timely information about the pension enhancement and various reliefs etc.(in short financial benefit) which are available for the benefit of the pensioners at any given time.

(II). The information asked by the appellant was quite voluminous and some of it should have been maintained by he himself as a part of his service record, for example.

**Q. No. 1** “*Service Book of Shri R.V. Durbhatkar, retired Grade I Officer of Goa Civil Service (maintained during his entire period of service)*”.

**Q.No. 6** “*Register showing the pay and allowances drawn by Shri R.V. Durbhatkar for the period from 1-1-1992 to 31-12-1992 including the arrears paid to him after 31-12-1992, which resulted in upward revision of his pension and pensionary benefits vide letter No. DA/P.A./Pens(9)/G.A./1859/343 dated 25.05.1993*”.

**Q.No. 5** “*Refer to OM of GOI dated 27/10/1997 whose para 4.1 gives a certain formula for consolidating the pension for the pre 1996 pensioners. Hence kindly let me know the criteria followed if it is different from para 4.1 of the aforesaid O.M dated 27.10.1997. The calculation sheet of the consolidated pension and family pension with effect from 1.1.1996 may please be produced for inspection in respect of pre-1996 pensioner Shri R.V. Durbhatkar.*

This is however, not to say that the PIO should not supply the information but to acknowledge the constraint of the PIO that he may take some more time to give this information.

III) It is further seen from the Exhibit- 3 dated 20/07/2009 that appellant asked for copies of 17 identified documents by him. It is not understood why there was no system of making a Xerox copy as soon as he had identified the document; give him a certified copy and take his signature in token of receipt. It seems that he had inspected and identified many documents on 25/05/2009, and 03/07/2009. In this regard. the order of the First Appellate Authority states that

*“The Public Information Officer also stated that appellant has inspected the files and documents as stated in his application during 15 visits to this office in 5 months and collected that data whichever is applicable to the applicant”.*

14) However, it seems that neither he nor the appellant maintained a list of copies of documents given and taken so that it could act a proof on a subsequent date. It is also not clear whether they would satisfy the requirement of 17 documents listed at para 2(a) exh.3, which talk about the factual effect of those OMs on the financial entitlement of the appellant.

15) It is also important to note that the PIO Gude had himself decided his first appeal as he was holding charge of Director. He did so despite objection from appellant. I am therefore of the opinion that **if the appellant is still interested in the information then the matter should be reheard at the stage of FAA, (present) who is different from P.S. Gude.**

16) Appellant may within 2 months of receiving this order intimate to the present Director of Accounts about his willingness, upon which the present Director of Accounts should fix the hearing and decide the appeal within a month and ensure that the appellant gets satisfactory answers to his queries.

**--- O R D E R ---**

The appeal is allowed and remanded to FAA as above. Parties may be informed.

**Sd/-**  
**( Leena Mehendale)**  
Goa State Chief Information Commissioner  
Goa State Information Commission  
Panaji – Goa.