

GOA STATE INFORMATION COMMISSION

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

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Appeal No.26/2009

&

Appeal No.27/2009

Decided on: 22/12/2014

Shri. Subhash B.S.Jetha,
R/o. D-5, Junta House,
Mapusa, Bardez, Goa.

.....Appellant.

V/s.

1.S.P.(North)/ Public Information Officer,
Porvorim, Bardez,Goa.

2.First Appellate Authority,
IGP,PHQ, Panaji, Goa.

.....Respondents

ORDER (ORAL)

RTI application filed on:	27/01/2009
PIO reply dated (fee intimation):	23/02/2009
First Appeal filed on:	03/03/2009
FAA Order dated:	29/04/2009
Second Appeal filed on:	25/05/2009

(1)These second appeals arises out of original RTI applications dated 27/01/2009 made to PIO/Superintendent of Police (North), Porvorim, Bardez, Goa regarding report about some unknown caller, copy of report submitted to JMFC, service book and attendance and leave of Shri. Ashok Bawkar, PSI of Police Department, his health condition etc.

(2)These two appeals have similar matrix, between the same parties and have same brief background as below-

The present appellant was continuously getting threatening calls on his mobile between the periods August 2006 to August 2008 (2 years). Hence on his complaint Crime no. 169/06 u/s 507 of IPC was registered at Mapusa Police Station and PSI Ashok Bawkar was the investigating officer to catch the offender.

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No progress was made in the investigation and it was realized that the mobile no of the “unidentified caller” was wrongly given by appellant. The number submitted earlier was 9860939435, whereas the actual number was 9860939453. Hence efforts were made afresh and still the new mobile number also continued to show as “not in use”. The Investigating Officer enquired with Bharati Airtel and other concerned, but finally he submitted “A-Final” Summery Report bearing No. 17/08 on 03/06/2008 to the Mapusa JMFC with request to shelve the case due to lack of evidence, but with permission to re-open if details are received from Cellular company. The appellant was informed about the same.

(3) Hence the appellant has filed one RTI application asking for several details, and as a last point he also asked for the service book as well as attendance and leave details of the Investigation Officer Mr. Ashok Bawkar from the date of his joining his service. On the same date second RTI application is also filed asking several questions about Shri. Ashok Bawkar, PSI including his

- Health condition
- His alleged attempt for suicide
- His declaration of asset.
- His qualitative work and many more.

(4) The information on all other querries was given. However point no. 7 of 1st application asking service book of Shri. Ashok Bawkar and information to all questions of second RTI application about Ashok Bawkar was denied by the PIO by refusing it u/s 8(1) (g), (j) and the action on the PIO was upheld by the FAA.

(5)The FAA in his orders dated 29/04/2009 for both the first appeals has observed. *“The appellant has informed that he has received the information from PIO SP North sought vide application dated 27.01.2009, however he was not satisfied with the information received. PI Manjunath Dessai informed that all records available were furnished to appellant and only the service book of PSI Ashok Bawkar was refused by PIO, SP North under relevant section of RTI Act, 2005. Reply of the PIO is upheld.”*

(6) When 2nd appeals were filed, the PIO has given elaborate replies on 01/09/2009 to which Appellant has filed WS on 05/02/2012.

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(7)The argument were heard and both matters were fixed for pronouncing judgment in May 2010 but same could not be done then or on subsequent hearings too till September, 2010 by which date the then presiding SIC retired. Matter was again taken up by the then SCIC from March 2011 onwards but the appellant remained absent. A notice was issued to him to remain present on 14/06/2012 but the argument could not be completed till the retirement of the then SCIC at the end of July 2012. Thereafter the matter was taken up from November 2013 onwards by the undersigned but the appellant remained absent. Hence the matter was kept reserved for being decided on the bases of available documents and written submission filed by the PIO and the appellant.

(8) I have gone through to 2nd appeal memos in which it was repeatedly stated that the PIO has supplied wrong incorrect and misleading or vague information. However, appellant has not stated how it is so. Appellant has challenged the order of FAA under which the action of the PIO not to disclose the service book and health or efficiency details of Mr. Ashok Bawkar was upheld. However he has not elaborated the reason for the same. I have also seen his written submission filed on 05/02/20012 which is mostly a repetition of his appeal memo and no elaboration is made as to how the supplied information is incorrect or false. Or, why the exemptions claimed by PIO are not applicable.

(9) As for the action of PIO for not supplying the service book and personal details of Mr. Ashok Bawkar, I agree with the decision of PIO and FAA. The service books of officers including health status quality of work etc. are maintained by their office. They include a variety of personal details and the officers are entitled to their privacy which will be greatly disturbed if the service book is treated as public document that can be shown openly for public scrutiny. If the appellant has any doubt about the efficiency, commitment or application of mind by the concerned Investigating Officer, he should make a complaint to the senior officer who can look at his service record as well as progress in investigation and form his own opinion and take necessary view. The Government Administration in general and the police function of investigation in particular are largely team efforts and it is for the team leader to decide about the officer like quality or lack of it in his team members. The Police investigation in the present case may have failed as a

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team activity to properly identify mischief monger who was making threatening call to the appellant from unidentifiable mobile numbers, but that in itself does not entitle the appellant to demand the service book of the Investigation Officer and violate his right to privacy. Hence I uphold the decision of FAA.

--O R D E R--

For the above reasons the second appeal is dismissed as lacking merit. Parties to be informed.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner,
Panaji-Goa.