

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 69/SCIC/2008

Shri. J. T. Shetye,
H. No. 35, Ward No. 11,
Khorlim, Mapusa – Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Chief Officer,
Mapusa Municipal Council,
Mapusa – Goa.
2. First Appellate Authority,
The Director,
Municipal Administration/Urban Development,
Panaji – Goa.

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Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 29/09/2008.

Appellant in person.

Respondent No. 1 in person. Respondent No. 2 is absent.

ORDER

The Appellant has requested for certain information from the Respondent No. 1 on 3/03/2008. Information on all points was given by the Respondent No. 1 except on two points. They are as follows: -

Point No. 6: - "Please give the names and designation of the officials if any who has processed the applications of these four persons, who are not the licencees of Kadamba Transport Corporation."

Point No. 7: - "What action would be taken against these Officers for processing applications of these four persons who are not the licencees of the KTCL."

2. The first Appellate Authority has allowed the first appeal and directed the information to be given. However, it is the case of the Appellant that no such information has been given till date and therefore, prayed for taking penal action against the Public Information Officer by recommending disciplinary action against him. He has also asked for imposition of penalty on the Public Information Officer.

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3. The Public Information Officer who has submitted a reply and argued for himself has stated that the information on the point No. 6 was posted to the Appellant on 8/8/2008 under certificate of posting. It is not known whether the information has been received or not by the Appellant. In any case, the information may be given once again and the acknowledgement of the Appellant be obtained on the same.

4. Regarding point No. 7, the Public Information Officer submitted that the information does not come within the purview of the RTI Act and cited an order of the Hon'ble High Court of Bombay, Panaji Bench in Writ Petition No. 419/2007, Dr. Celsa Pinto V/s. State Information Commission. I agree with the submission that the action proposed to be taken by the Municipal Council against its employees in future does not constitute "information" under the RTI Act.

5. Under the circumstances, I am not inclined to start penalty proceedings against the Respondent No. 1 as no malafides is made out.

6. The appeal, therefore, is disposed off accordingly with a direction to provide information on point No. 6 of the request of the Appellant.

Pronounced in the open court on this 29th day of September, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner