

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 13/SCIC/2009

Shri Agnelo Gama,
H. No. 20/A, Arossim,
P. O. Cansaulim – Goa.

..... Complainant.

V/s.

Public Information Officer,
The Chief Officer,
Mormugao Municipal Council,
Vasco da Gama – Goa.

..... Opponent.

Complainant alongwith Adv. Prakash Raiker present.

Representative of Opponent present.

Dated: - 22/07/2009.

ORDER

The Complainant on 09/01/2009 addressed a letter to the Additional Director of Municipal Administration (to be referred as Additional Director) and sought copies of the service book and leave account. The Additional Director in reply dated 4/2/2009 stated that records could not be traced and it is rejected under section 8(3) of the Right to Information Act (for short the RTI Act) being information which is 34 years old. Again on 13/02/2009 and in reference to the letter dated 4/2/2009 of the Additional Director, the Complainant stated that the provisions of section 8(3) of the RTI Act is not attracted and it is total lapse on the part of the Administration not to maintain the record of the employee and seeks the copies of the service book and leave account.

2. The Additional Director on 27/02/2009 addressed a letter to the Chief Officer, Mormugao Municipal Council - Public Information Officer - the Opponent stating that copies relating to the Complainant's termination and subsequent re-appointment were sent to his office and not the original service book and leave account and transferred this request of the Complainant under section 6(3) of the RTI Act to the Opponent. Since no information was received from the Opponent, the present Complaint is filed with a prayer to furnish the certified copies of the request made in the letter dated 9/01/2009 and application dated 13/2/2009 and initiate

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disciplinary proceedings and other action against the Opponent.

3. Heard the Complainant and the Public Information Officer. In the request dated 9/01/2009, the Complainant attached a letter dated 23/11/79 of the President of the Mormugao Municipal Council to the Additional Director stating that the service book of the Complainant pertaining to records for the period from 1966 to the date of termination in 1973 was not maintained, as there was no procedure in this Council of maintaining the service books of its employees and the same was introduced at the end of the year 1973 and in the same letter it is mentioned that copies relating to Complainant's termination and subsequent re-appointment were enclosed and the item No. 22 refers to the service book of the re-appointment. It appears that Mormugao Municipal Council has sent only copies of the items enumerated from 1 to 22 in the letter dated 23/11/79 to the Additional Director and as such the original service book as mentioned in the item No. 22 as matter of fact, the original of all the items mentioned from 1 to 22 are still in the custody of the Municipality.

4. Since the Additional Director transferred the request of the Complainant dated 9/01/2009 to the Opponent on 27/02/2009, the proper course would be that the Opponent provide the information sought namely, the copies of the service book and leave account which are with the Municipal Council as per the item No. 22 in the letter dated 23/11/79. The Opponent to provide information within the period of 15 days from the receipt of this order and report compliance on 14/08/2009 at 10.30 a.m.

Sd/-
(Afonso Araujo)
State Information Commissioner

