

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 46/SCIC/2009

Shri Vishal G. Naik,
H. No. 128, Rua De Maria,
Sancoale,
Cortalim - Goa

... Appellant

V/s.

1)Public Information Officer,
Directorate of Health Services,
Campal,
Panaji – Goa

... Opponent No.1

2)Dr. Sachin Govekar,
Health Officer,
Primary Health Centre,
Candolim – Goa

... Opponent No.2

ORDER

(Per Afonso Araujo)

The Complainant on 12.05.2009 sought the following information under the Right to Information Act, 2005:

- (1) On 23/09/2008, Dr Kalidas Vaingankar, Medical Officer had applied for study leave (Special Casual Leave) to Dr Sachin Govekar, Health Officer, Primary Health Centre, Candolim. The leave was applied for 10 days from 3/10/08 to 13/10/08. I would like to know why no reply was given to the above application before 3/10/08 by Dr Sachin Govekar, Health Officer, Primary Health Centre, Candolim.
- (2) I would like to know whether any objection was raised by Dr Sachin Govekar, Health Officer, Primary Health Centre, Candolim regarding the above leave application before 3/10/2008.
- (3) If answer to question no. 2 is yes then whether Dr. Kalidas Vaingankar was informed of the same before 3/10/2008.
- (4) Why Dr Sachin Govekar, Health Officer, Primary Health Centre, Candolim, did not forward the application of Dr Kalidas Vaingankar to the Director?

- (5) As no objection was raised and no reply was given to Dr Kalidas Vaingankar before 3/10/08 he went on Study leave i.e. Special Casual Leave from 3/10/08. How can the Health Officer call him to join duties on 6/10/2008.
- (6) Whenever there is a shortage of Medical Officers the Health Officer has to do the duties. Why Dr Sachin Govekar, Health Officer, Primary Health Centre, Candolim did not do the duties at that time.
- (7) Whether any Memo was issued or written explanation asked by Health Officer/Director from Dr Kalidas Vaingankar for absence during 3/10/08 to 12/10/08.
- (8) Why Memo was not issued to Dr Kalidas Vaingankar?
- (9) How can the Director write to Accounts Department to withhold pay of Dr Kalidas Vaingankar, Medical Officer without asking for written explanation from Dr Kalidas Vaingankar?
- (10) How can the Director say that leave was unauthorised when application for leave was submitted by Dr Kalidas Vaingankar very much in advance i.e. on 23/09/08?
- (11) Whether Special Casual Leave taken for answering exams can be postponed?
- (12) The Government of Goa has sanctioned Special Casual Leave to Dr Kalidas Vaingankar vide order No.6/4/2006-PER. Why the leave was not granted by the Director to Dr Kalidas Vaingankar before 3/10/2008?
- (13) Why the leave was not granted by Dr Sachin Govekar, Health Officer, Primary Health Centre, Candolim to Dr Kalidas Vaingankar before 3/10/2008?

2. The Opponent No. 1 on 28.05.2009 in communication dated 25.09.2009 informed the Complainant that the information sought is in the nature of explanation between the official, i.e. between in-charge of the unit and the Medical Officer working under him and not falling under the provisions of RTI Act. Aggrieved by this decision the present complaint stating that the Opponent No. 1 malafidely denied the information to the Complainant and direction to the Opponent No. 1 to furnish the information. On perusing the information sought on items (1) to (13) of the request dated 12.05.2009 it indicates that most are questions as to 'why' and 'how' which does not cover with the definition of 'information' under

the RTI Act. Information sought at (1), (4), (5), (8), (9), (10), (12) and (13) which the Complainant requires are opinions from the Opponent No. 1. The Opponent No.1 is bound to provide information from the records and cannot give his opinion on any particular information sought. As such, the Opponent No. 1 to provide information at item No. (2), (3), (6), (7) and (11) of the request dated 12.05.2009. The Opponent to provide information within twenty days from the receipt of this order and report compliance on 09.11.2009.

Pronounced in the open court on this 8th day of October, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

