

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 292/SCIC/2008

Shri Mahesh P. Kamat,
Shivnery Co-operative Housing Society,
Comba, Margao – Goa.

... Appellant.

V/s.

1. Public Information Officer,
Kadamba Transport Corporation Ltd.,
Paraiso De Goa Building,
Porvorim, Bardez – Goa.
2. First Appellate Authority,
Kadamba Transport Corporation Ltd.,
Paraiso De Goa Building,
Porvorim, Bardez – Goa.

... Respondents.

Appellant in person.

Adv. A. Kakodkar for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 06/01/2009 sought information under the Right to Information Act, 2005 (for short the RTI Act) from the Respondent No. 1 and mentioned in items No. 1 to 19 of the said letter and also sought the information urgently within 48 hrs. The Respondent No. 1 in communication dated 09/01/2009 informed the Appellant that the information sought is voluminous pertaining to the period as far as to the year 1986 which is 22 years ago and these documents are under search and will be provided as per the provisions of the RTI Act.

2. Not satisfied with the reply provided, the Appellant on 09/01/2009 preferred the First Appeal and by order dated 05/02/2009, the First

...2/-

Appellate Authority stated that the information sought is not falling under the category of urgent nature and directed the Respondent No. 1 to provide the information according to the provision of RTI Act. Aggrieved by this decision, the Appellant preferred this Appeal.

3. Shri Kamat submitted that he requires the information within 48 hrs. due to his compulsory retirement and that the information sought on 06/01/2009 was not provided even after the order of the First Appellate Authority and that he required this information for the purpose of writ which is pending in the High Court and will come for hearing at any point of time. On the other hand Shri Kakodkar, learned Advocate for the Respondents stated that the manner in which the information was sought shows that the Appellant requires that the Public Information Officer be punished rather obtaining the information. The information sought was voluminous and has to be provided by the various sections of the of Department and they have also to be considered as Deemed Public Information Officer.

4. I have gone through the records and proceedings of the case and taken into consideration the submission of the parties. No doubt that the information sought in the request dated 06/01/2009 covers many aspects and cannot be provided at the war footing though the Appellant requires it urgently as he was compulsorily retired from the service and requires the information to be produced in a court of law. The Respondent No. 1 in the communication dated 09/01/2009 agreed to provide information to the Appellant as per the provision of RTI Act upon the search to be made being the information sought voluminous and pertaining to the period from the year 1986. The First Appellate Authority came to a conclusion

that the information sought is not of urgent nature and directed the Respondent No. 1 to provide the information under the RTI Act. Again on 05/02/2009, the Respondent No. 1 based on the order of the First Appellate Authority agreed to provide the information to the Appellant. From the letter No. KTC/PIO/166(106)08-09/894 dated 27/02/2009 of the Respondent No. 1 indicates that assistance was sought from the Legal Assistant, Kadamba Transport Corporation Ltd., Porvorim to provide the information sought by the Appellant in the request dated 06/01/2009 and the said letter also indicates that the Respondent No. 1 was pursuing with this Legal Assistant his assistance by sending four reminders dated 12/01/2009, 19/01/2009, 27/01/2009 and 12/02/2009 in order to provide information sought by the Appellant. Since the Legal Assistant has not given any assistance to Respondent No. 1, under the RTI Act, it is the responsibility of the Legal Assistant to provide the information sought by the Appellant and will have to be considered as Deemed Public Information Officer. Before dealing with the question of penalties it would be proper that the Deemed Public Information Officer – Legal Assistant, Kadamba Transport Corporation Ltd. to provide the information to the request dated 06/01/2009 of the Appellant. Hence, the following order: -

ORDER

The Appeal is allowed. The Deemed Public Information Officer – Legal Assistant to give effect to the request dated 06/01/2009 and provide the information in the items No. 1 to 19 in the request dated 06/01/2009. This information to be provided by the Deemed Public Information Officer – Legal Assistant within the period of 20 days from the receipt of this order, directly to the Appellant.

A copy of this order to be served on the Deemed Public Information Officer – Legal Assistant, Kadamba Transport Corporation Ltd, Porvorim, so as to enable him to comply with the direction of the order and report compliance to the Commission on 18/12/2009.

Pronounced in the open court on this 18th day of November, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

