

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 05/SIC/2009

Dr. Siddhartha S. Benaulikar,
Assistant Lecturer,
Department of Forensic Medicine &
Toxicology, Goa Medical College,
Bambolim – Goa

... Appellant.

V/s.

1) The Public Information Officer,
Directorate of Accounts,
PA-III, Panaji – Goa

... Respondent No. 1

2) First Appellate Authority,
Directorate of Accounts,
PA-III, Panaji – Goa

... Respondent No. 2

Appellant in person.

Adv. Harsha Naik for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

The Appellant sought information under the Right to Information Act, 2005 (for short 'The Act') and by request dated 29.12.2008 requires the following information from the Respondent No. 1:

"1). When can the Office of Directorate of Accounts, Panaji stop salary of a Govt. Gazzetted officer of Goa and kindly provide me the certified photocopy of Civil Services Rules pertaining to the same.

2). Kindly give certified copy/ies of various situations under Civil Service Rules or Regulations for stopping the salary of a Govt. Gazzetted officer.

...2/-

3) Can Directorate of Accounts stop/withhold pay of a Govt. Gazetted Officer employed in GMC based on only the copy of memorandum from the Dean GMC without proper instruction to stop the salary by way of an **ORDER** or whether the Directorate of Accounts has to wait for the **proper order** from the Dean GMC after inquiry for stopping/withholding the pay of a Govt. Gazetted officer?"

By communication dated 29.01.2009 the Respondent No. 1 provided the information at point No. 1, 2, and 3 mentioned in the request dated 29.12.2008. Not satisfied with the information provided by Respondent No. 1, the Appellant preferred the First Appeal on 22.02.2009. The First Appellate Authority by order dated 23.03.2009 (according to the Appellant no order was passed on that day but subsequently prepared and shown as on 23.03.2009) rejected the appeal. The Appellant on 09.04.2009 preferred this Second Appeal.

2. Shri Benaulikar stated that the Respondent provided incomplete information and that the Respondent should have given the rule under which his salary can be stopped. Smt. Naik submitted that Respondent has provided the information in the letter dated 29.01.2009.

3. On perusing the request dated 29.12.2008 the Appellant requires to know in what circumstances the salary of a Government Gazetted Officer in the administration of Goa can be stopped and requires the copies of the relevant Civil Service Rules. To this query, the Respondent No. 1 stated that the Director of Accounts functions as Pay and Accounts Officer and

in that capacity he has to exercise checks as contained in the Pay and Accounts Office's Manual. If the Director of Accounts can stop the salary on the strength of the provisions contained in the Pay and Accounts Office Manual, the Respondent to provide the relevant extracts of this manual to the Appellant in order to meet the requirements to the information sought by the Appellant in the request dated 29.12.2008. Hence, the following order:

ORDER

The appeal is partly allowed. The Respondent No. 1 is directed to provide copies of Pay and Accounts Office Manual relevant to the information sought at point No. 1, 2 and 3 to the request dated 29.12.2008 of the Appellant.

The Respondent No. 1 to provide this information to the Appellant within a period of twenty days from the receipt of this order and report compliance on 11.01.2010.

Pronounced on this 04th day of December, 2009.

**Sd/-
(Afonso Araujo)
State Information Commissioner**