

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 269/2008

Dr. M. N. Pal,
Ex-Dean, Goa Medical College,
11, GOMECO Housing Society,
Bambolim – Goa ... Appellant.

V/s.

1) The Public Information Officer,
Under Secretary,
Department of Personnel,
Government of Goa, Secretariat,
Porvorim – Goa ... Respondent No. 1.

2) The First Appellate Authority,
Joint Secretary,
Department of General Administration,
Government of Goa, Secretariat,
Porvorim – Goa ... Respondent No. 2.

Appellant in person.
Shri K. L. Bhagat for Respondents.

J U D G M E N T

(Per Afonso Araujo)

Based on information obtained under the Right to Information Act, 2005 (for short, The RTI Act), which consist of a document of "Order" from the file No. 7/5/74-PER (Vol. III) pages 707/C to 710/C, the Appellant on 23.06.2008 sought the following information under the RTI Act:

1. To whom the Order was addressed.
2. Does the Order bear any entry no. and date.
3. To whom the Order was issued.
4. Who is the Authority to issue Service Order.

In the reply dated 12.08.2008 which was a continuation to the reply dated 21.07.2008, the Respondent No. 1 provided the information at

...2/-

Sr. No. 1, 2 and 4 and regarding Sr. No. 3 stated that the same is self-explanatory and there is nothing to clarify by the Department.

2. On the strength of this reply dated 12.08.2008 the Appellant sought the following clarification on 18.08.2008:

1. The basis for your assertion made under Sr. No. 1 of your reply that the instant Order was addressed to the Chief Secretary. This is since the whole document does not mention anywhere any name or any designation of the Addressee.
2. Further, how the alleged official document which does not bear any reference no., date of issuance or any name and/or addressee could find place to my adverse in my Personal File bearing No. 7/5/74-PER (Vol. III) maintained by the Personal Department of the Government.
3. Please furnish me a copy of your Departmental letter dated 21.07.2008 as cited in your communication under reference.

The Respondent No. 1 by communication dated 11.09.2008 stated that the request of the Appellant does not come under the purview of the RTI Act for giving any clarification. Aggrieved by this decision the Appellant preferred First Appeal and by order dated 22.10.2008 the Respondent No. 2 disposed the Appeal with the observation that point No. 1 and 2 of the request dated 18.08.2008 are not covered within the definition of information and regarding point No. 3 directed the Respondent No. 1 to provide the information within a week. On 07.11.2008 the Respondent No. 1 answered the query at Sr. No. 3 to the request dated 23.06.2008 and provided copy of the letter dated 21.07.2008. The Appellant on 02.12.2008 and in reference to the letter of the Respondent No. 1 dated 07.11.2008 required a copy of the notings bearing entry No. 17B. The Respondent No. 1 in reply dated 29.12.2008 stated that the copies of the notings with entry No. 17B has already been furnished to the Appellant and the relevant file has been submitted to the Law Department. Subsequently the

Appellant on 19.01.2009 preferred this Second Appeal.

3. It appears that the grievance of the Appellant is in respect of the reply to the clarification sought by the Appellant on 18.08.2008 at Sr. No. 1, 2 and 3. At Sr. No. 1 the Appellant requires the basis on the averment made by the Respondent No. 1 that the instant order was addressed to Chief Secretary. According to the Appellant this clarification was required as in the order there is no reference to any name or designation. As per the definition of information under the RTI Act "information" means any material in any form including records, documents, etc. As such, the Appellant is justified in knowing from which source or from which records the Respondent No. 1 provided the information at Sr. No. 1 stating that the order was addressed to the Chief Secretary.

4. The clarification at Sr. No. 2 is that the Appellant requires to know how the order was placed in his personal file. As stated the information can be in any form including records and the Respondent No. 1 provided this document-order from the personal file of the Appellant. After all, the order pertains to the service of the Appellant and naturally it has to be in the personal file of the Appellant and the question the Appellant requiring to know how the order was found in the personal file, is seeking the opinion of the Respondent No. 1 which is not 'information' within the meaning of information under the RTI Act.

5. It may be pointed out here that the clarification which was sought by the Appellant at Sr. No. 3 in the request dated 18.08.2008 it was dealt by the First Appellate Authority and directions were given to the Respondent No. 1 to provide the certified copy of letter dated 21.07.2008. Instead, in the reply dated 07.11.2008, the Respondent No. 1 answered the question at Sr. No. 3 to the request dated

26.03.2008 and not the clarification sought on 18.08.2008 at Sr. No. 3 which is, the Appellant requiring the copy of the letter dated 21.07.2008. But in the letter dated 18.08.2008 there is a reference that a copy of letter dated 21.07.2008 was enclosed. Though the Appellant contends that this letter was not provided to him, in the letter dated 25.07.2008 addressed by the Appellant to the Respondent No. 1, it is stated that he has received the letter dated 21.07.2008. However, in all fairness the Respondent No. 1 to provide to the Appellant copy of this letter dated 21.07.2008 as well as copies of the noting bearing entry No. 17B dated 07.03.2008.

With these observations the following order:

ORDER

The Appeal is partly allowed. The Respondent No. 1 to provide the information at Sr. No. 1 to the request dated 18.08.2008.

The Respondent No. 1 to provide copies of the letter dated 21.07.2008 and also copies of the notings having entry No. 17B dated 07.03.2008 mentioned in the letter of the Respondent dated 07.11.2008.

The Respondent No. 1 to provide the information within the period of ten days from the receipt of the order and report compliance on 18.02.2010.

Pronounced on this 2nd day of February, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

