

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No.70/SCIC/2009

Dr. Siddartha S. Banaulikar,
Asst. Lecturer,
Department of Forensic Medicine & Toxicology,
Goa Medical College,
Bambolim – Goa ... Appellant.

V/s.

1) The Public Information Officer,
Goa Medical College,
Bambolim – Goa ... Respondent No. 1.

2) The First Appellate Authority,
Goa Medical College,
Bambolim – Goa ... Respondent No. 2.

Appellant in person.
Respondent No. 1 in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 15.04.2009 sought the following information under the Right to Information Act, 2005 (for short, 'The RTI Act'): 1). Under which CCS rules was memo no. 5/546/2001-E1/GMC/2936 dated 01/09/2006 was served on him by the Dean, Dr. V. N. Jindal and copy of which was directly served to the Directorate of Accounts to stop his salary. 2). Was it a way of harassment to him as requested by HOD, Dr. Sapeco? 3). Was the effective report given by Dr. Andre Fernandes dated 03/08/2006 to the HOD, Dr. Sapeco pertaining to his absenteeism was justified and correct as per CCS rules? Kindly give sections/rules of CCS rules. 4). Certified copy of letter dated 04/08/2006 of Dr. Sapeco which was missing from his personal file in the Establishment Section. 5). Certified copy of Attendance reg./Master Rull of Doctors of Forensic Medicine for last Six months. 6). What procedure of CCS rules was followed for issuing of this memo dated 01/09/2006 by the office of the Dean to him? 7). Was the procedure under any of the CCS rules or under any of the Services rules and give the certified copy of the same.

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8). What were the reasons for not making this memo null and void in spite of his several representations/replies/reminders to the august office of the Dean?". The Respondent No. 1 by communication dated 29.05.2009 replied to the questions raised in the request dated 15.04.2009.

2. On analyzing the information provided vis a vis the information sought, it indicates that the Respondent No. 1 provided the information required by the Appellant. By providing copy of the relevant Rules of CCS the Respondent No. 1 has answered the queries at Sr. 1, 3 (second part), 6 and 7. The question at Sr. No. 2 is whether the memo issued to the Appellant was a way of harassment as requested by HOD, Dr. Sapeco. Though the Respondent No. 1 has answered, the information sought is not information within the meaning of information under the RTI Act. The Appellant is seeking opinion of the Public Information Officer which is not information within the domain of RTI Act. Similarly, the question at Sr. No. 3, whether the report of absenteeism was justified and correct under C.C. Rules, the Appellant is seeking opinion of the Public Information Officer. But the Respondent No. 1 provided copy of Rules of CCS under which the memo was issued to the Appellant. By seeking assistance from the Establishment Section the Respondent No. 1 provided the information at Sr. No. 4 which is certified copy of letter dated 04/08/2006 of Dr. Sapeco and at Sr. No. 5 provided copy of Attendance Register/Muster Rolla of Doctors of Forensic Medicine for the last six months from the Department of Forensic Medicine. The question at Sr. No. 8 is, what were the reasons for not making the memo null and void in spite of his several representations/replies/reminders to the Dean. Again, the Appellant by requiring the reasons for not making the memo null and void is seeking opinion of the Public Information Officer, i.e. the Respondent No. 1. It is for the Public Authority and not the Public Information Officer to decide on this issue. However, the Respondent No. 1 in the reply dated 22.05.2009 and in answer to the question at Sr. No. 8 stated that the Appellant was already given an opportunity to regularize his absence by office letter No. 5/556/2001-E1/GMC dated 01.04.2009 for which till date the Appellant has done nothing.

3. Since the information provided by communication dated 29.05.2009 meets the requirements to the information sought in the request dated 15.04.2009, there are no reasons to proceed any further and this Appeal is disposed off accordingly.

Pronounced on this 09th day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner