

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 195/SCIC/2008

Kum. Surekha Haldankar,
H. No. 760/26, Wadakade,
Alto Porvori,
Bardez – Goa

... Appellant.

V/s.

1) The Public Information Officer,
Goa Antibiotics & Pharmaceuticals Ltd.,
Tuem,
Pernem – Goa

... Respondent No. 1.

2) The First Appellate Authority,
General Manager,
Goa Antibiotics & Pharmaceuticals Ltd.,
Tuem,
Pernem – Goa

... Respondent No. 2.

Shri R. Shirodkar for the Appellant.

Shri K. L. Bhagat for Respondent No 1.

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 RTI Act') by request dated 04.08.2008. As no information was provided within the statutory period of thirty days the Appellant on 11.09.2008 preferred the First Appeal. As the First Appellate Authority did not decide the Appeal and no information has been provided, the Appellant preferred this Second Appeal.

2. The information sought in the request dated 04.08.2008 pertains to the Appellant being transferred to Production Department and been placed to work in a godown and consist of many items spread from Sr. No. 1 to 6 and in turn each Serial No. having a number of items. After the Appellant was directed to be more specific on the information sought, the Appellant confined to information at 1 (a). To clarify whether the action of Shri Govind Tilve, Manager Production on transfer to Production

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Department on 25.08.2005 confining her and torturing in godown containing bags of powder with irritating smell is in accordance with certified standing order of the Company.

1(e). To clarify and intimate the name of the official who inserted the false complaint in her personal file lodged by Shri Govind Tilve on 18.02.2006 when he was absent.

1 (i) Whether prior approval/concurrence of M.D. was obtained by Shri Govind Tilve for issuing Suspension Order to her and to furnish the copy of the approval.

1 (j). To furnish details of pending work as alleged by Shri Govind Tilve.

3. The Respondent No. 1 in reply to the question at 1 (a) has stated that the Appellant was not made to sit in any godown and no incidents as referred by the Appellant has taken place. It appears that the Appellant was transferred to Production Department on 25.08.2005 and the contention of the Appellant is that she was made to sit in a different building where there is a godown containing bags of powder with irritating smell. The Appellant has a transfer order to Production Department dated 25.08.2005 and in case there is any standing order placing the Appellant in a godown though belonging to the Production Department, the Appellant is entitled for the same. The information sought under the RTI Act is from the records and the question whether the Appellant was made to work in the godown as harassment is beyond the domain of the RTI Act and the Appellant has to make a grievance to the superiors of the Management of Production Department.

4. The information sought at Sr. No. 1 (e) the Appellant requires to know who has inserted false complaint on 18.02.2006 in the personal file when the Production Manager Shri Govind Tilve was absent. This request also does not come within the scope of RTI Act and if the complaint on 18.02.2006 was placed in the personal file of the Appellant and on the day Govind Tilve was absent, the Respondent No. 1 should provide to the Appellant the information whether copy of any document indicating that Govind Tilve, Production Manager was on leave on 18.02.2006.

5. The Respondent No. 1 by answering the question at Sr. No. 1 (i) has stated that the services of the Appellant to be placed under suspension was decided in the Board of Directors' meeting on 02.06.2008

in the presence of Managing Director and copy of said minutes was given to the Appellant. The information has to be provided in the same manner it was sought. The Appellant's query was specific and requires prior approval/concurrence of Managing Director was obtained by Govind Tilve for issuing suspension order and if the reply is in the affirmative, to furnish copy of this approval. The Respondent No. 1 answered the question by giving copy of minutes of the Board of Directors' meeting and has not specifically provided the information sought and as such the Respondent No. 2 is required to provide specific information at Sr. No. 1 (i). The information at 1(j) the Appellant requires details of pending work and the reply to this question the Respondents have stated that there is no specific system of recording pending work and the details of pending work cannot be provided. This question sought by the Appellant is vague and it is not known in which context Govind Tilve, Production Manager has stated that the Appellant's work is pending. In absence of clear question on the part of the Appellant, the reply to this question is been provided by the Respondent. With these observations, the following order:

ORDER

The Appeal is partly allowed. The Respondent No. 1 to provide information at Sr. No. 1(e) and 1(i) within the period of twenty days and report compliance.

Pronounced on this 31st day of March, 2010.

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