

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 39/2006/KTC

Mahesh P. Kamat
Shivnery Co-op. Housing Society,
Comba, Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Kadamba Transport Corporation,
Parasio de Goa, Porvorim,
Bardez - Goa.
2. First Appellate Authority
Kadamba Transport Corporation,
Parasio de Goa, Porvorim,
Bardez - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 12/01/2007.

Appellant in person.

Adv. Asolkar for both the Respondents.

ORDER

This disposes off the second appeal dated 12/10/2006 filed by the Appellant alleging that complete information was not supplied to him by Respondent No. 1 and that he was charged excess fess for supplying documents whatever he was supplied. The brief facts are that the Appellant by his request dated 21/7/2006 approached the Respondent No. 1 requesting information and furnishing the copies of the file notings "relevant to the action taken/ process for action pursuant to the inquiry report dated 28/7/2006 of Shri D. M. Katkar, Inquiry Officer on inquiry referred to him against the undersigned alongwith the substance relevant to the part issued of the aforesaid report to the undersigned". The Appellant was requested to pay Rs.,90/- for 9 pages of the note sheets at the

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rate of Rs.10/- per page. The information was supplied on 24/6/2006. Finding that the information was not complete and was not properly attested by the Respondent No. 1, the first appeal was filed by the Appellant on 25/7/2006 which was disposed off by the Respondent No. 2 by his order dated 1/9/2006. Accordingly, note sheets were once again issued by the Respondent No. 1 and whatever was not clear was retyped and given to the Appellant. Still as the Appellant's grievance was not redressed, he has approached this Commission by second appeal.

2. The main grievance of the Appellant is that the noting sheets after 27/3/2006 till the date of his application are not provided to him ; that he is required to pay only Rs.28/- (Rs.10/- as application fee and Rs.18/- for 9 pages at Rs.2/- per page) is payable by him and he was over charged by Rs.62/- which should be refunded to him. The Respondent No. 2 has held by his order that notes are complete on 27/3/2006 and the information furnished is complete. The controversial noting sheet is at page 30 of the exh. 'D' enclosed to the appeal. It is marked as internal note sheet No. 9 of the KTC file on the subject. The page ends with a note "Pl. put up CCS rules" by the Dy. G.M. dated 27/3/2006 on the note submitted by the Personnel officer of the KTC. On the same day, it was put up by the Personnel officer with the remark "CCS book is placed herewith. The same be returned". The file was marked to the Managing Director. From this stage, there is a dark period as to the movement of the file. Suddenly, there is an endorsement on the same page that it was inwards at Number 1383 dated 30/5/2006 in the Dy. G.M. office. The copy of the note sheet was certified by the Public Information Officer on 23/6/2006 and given to the Appellant. The movement of the file between 27/3/2006 to 30/5/2006 is not recorded on the note. It is the contention of the Appellant that it was sent to Mr. V.V.S. Kunkolienkar, who has recorded same noting on the next page 10/N which was subsequently pasted with another note sheet to cover up the note of Mr. V.V.S. Kunkolienkar. The Public Information Officer denied any remarks by Kunkolienkar though he did not deny the pasting of the note sheet. The Appellant prayed for calling for the original records to verify his contention. The Appellant confirms the pasting of the note sheet during his inspection of the file.

3. On issuing notices, both the Respondents filed their written reply signed by both of them and their Advocates. In this reply, the Respondent No. 1 has

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denied that he has allowed V. V. S. Kunkolienkar of the KTC to cover up the original notings dated 30/5/2006 and replace the same by other notings in collusion with him. However, he has not denied the pasting of the page No. 10 of the noting sheet. The brief point for us is to decide whether the pasting of the note sheet in office amounts to the suppression of the original noting and if so whether it has caused any injustice to the Appellant and whether we can order the restoration of the original noting. It is true that in the Government offices when the notes are submitted by one official to other sometimes mistakes are committed, they are pasted and new notes are recorded thereon. This is resorted to avoid the scoring out the already recorded noting in order that note sheets are not shabby. However, the correct procedure should be to completely score out the wrongly recorded note after duly initializing it and reinitiating fresh note. This will remove the kind of doubts the Appellant has in his mind. However, as long as the Public Authority does not rely on the superseded notes for any decision, it is not relevant to the Appellant and accordingly the question of going behind the pasted notes does not arise. The only point that remains for answering is why was the pasted noting sheet No. 10/N was not given to the Appellant. We, therefore, direct that this be done even if it is a empty or blank sheet after pasting.

4. We now come to the prayer of excess charges. We agree with the Appellant that he was charged more than what is provided under Rule 3 of Goa Right to Information (Regulation of fee and cost) Rules, 2006 which provide for a charge of Rs.2/- only per page. Accordingly, we order that the Appellant be reimbursed Rs.62/- as per calculation at para 5 of the appeal memo. We are, however, not inclined to agree to grant the prayer regarded initiating action under Section 20 of the RTI Act.

5. The appeal is accordingly partly allowed. The Appellant order dated 1/9/2006 is set aside. The Respondent No. 1 is directed to issue certified true copy of the page No. 10 of the note sheet of the KTC file of which the previous 9 pages was already given to the Appellant. He is also directed to refund Rs.62/- to the Appellant.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

(G.G. Kambli)
State Information Commissioner, GOA.

