

GOA INFORMATION COMMISSION
Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 04/2007-08/CLE

Kum. Sushama G. Aldonkar
Wadakade, Alto Porvorim,
Bardez - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Dy. Labour Commissioner,
O/o Commissioner of Labour & Employment,
Shrama Shakti Bhavan, Panaji - Goa.
2. The Assistant Public Information Officer,
Asstt. Labour Commissioner,
Tiswadi Taluka, Panaji - Goa.
3. First Appellate Authority
The Commissioner,
O/o Commissioner of Labour & Employment,
Shrama Shakti Bhavan, Panaji - 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: 28/06/2007.

Appellant in person.

All the Respondents are also in person.

ORDER

The Appellant by her request dated 12/12/2005 addressed to the Commissioner of Labour and Employment, Goa wanted certain information about a candidate selected by the latter for the post of a LDC. The letter is not addressed to the Public Information Officer nor any mention that it is a request under Right to Information Act, 2005 (The Act for short) was mentioned by her. No need to mention that no application fee of Rs.10/- was paid by the Appellant. Nevertheless, the Respondent No. 2 herein, who is the Asst. Public Information Officer (APIO), and who is also a member of a institution called "Human Resource Development Foundation" (HRDF for short) replied to the Appellant by his letter dated 9/1/2006 signing as APIO to

...2/-

the points raised by the Appellant. The HRDF appears to be functioning in the office of the Labour Commissioner, Respondent No. 3 herein and that the Respondent No. 3 is the Chairman of that institution. Nowhere it has been mentioned in as many words, but it is a presumption that can be drawn from the correspondence entered into between the Appellant and the Respondent No. 3. Further, a close reading of the correspondence also reveals that the recruitment of the LDC which has been questioned by the Appellant is employed by the HRDF and not by the Commissioner of Labour and Employment Department. Be that as it may, the Appellant continues to address to the Respondent No. 3 as Commissioner of Labour and Employment (CLE) and latter continues to respond to her as the Chairman of HRDF.

2. It is important to note the questions on which the information is sought before we proceed further. As mentioned above, the request for information dated 12/12/2005 addressed to the CLE in para No. 5 contains the following queries (i) information regarding the method adopted in the selection of the candidate; (ii) his (the candidate's) name & qualification; (iii) whether the post was reserved for employed candidate; (iv) if so, then the reason for the advertisement in the newspapers. The APIO by his letter dated 9/1/2006 informed about the details of the selected candidate and stated that she fulfills the qualifications prescribed for the post, names of the members of the selection committee who have interviewed the candidate and the reasons for issuing the advertisement. He did not, however, mention that whether it is a reserved post or not. The main grievance of the Appellant arises from her presumption that the selected candidate Smt. Rupa Shirodkar was working with the Department of the CLE in a temporary capacity earlier was regularized by holding an interview and that the interview itself is a farce to fulfill the procedural requirement. This is what she means when she asked whether the post was reserved for the "employed candidate". Not satisfied with the reply of the APIO, she made a first appeal in which she assailed information furnished by the APIO and asked seven more question to the first Appellate Authority. Though this is title as first appeal, as it requires furnishing for further information, we are at loss to understand whether it was a first appeal or original application for information. It is also interesting to see that the first Appellate Authority asked her to pay Rs.10/- as a processing fee and finally he himself has given the information on 28/2/2007 signing as Chairman of HRDF (neither as Public Information Officer, nor as first Appellate Authority). It is also quite interesting to note that the Public

Information Officer was totally left out from the picture and rightly he has taken the same plea in his written statement that he is not aware of this matter as he is not in picture right from the beginning. We hope that all the Respondents will take note of the lapses in following the procedure as described above.

3. The subsequent first appeal-cum-request for information, the Appellant herein has raised 3 important points namely (i) she got the impression that the post is reserved for the serving employee, namely Smt. Rupa Shirodkar because of her reported conversation with the P.A. to the Hon'ble Minister for Labour and Employment; (ii) that the candidate was selected well in advance of advertisement/interview; (iii) that her interview was taken by only two members, one male and one female and not three male members as mentioned in the reply of the Public Information Officer as well as Respondent No. 3. In the written statement before us, the Respondent No. 3 mentioned that he is not aware of the discussion of the Appellant with P.A. to the Hon'ble Minister, that the advertisement was issued much before actual selection of the candidate, that the members of the selection committee are as per the information given to the Appellant. As to the statement to the contrary by the Appellant, he submitted that, for sometime, he was away from his chamber while interview was going on because of certain official work and therefore, the Appellant might have been under the impression that there are only two members of the interview committee. He has not explained about the female member. However, we accept his statement, as it is not for this authority to get into the matters of selection committee and other matters raised by the Appellant. We find that the information given is complete and though there is a little delay in furnishing the information, it does not warrant our intervention. We, however, notice that the procedure in disposing off the appeal/applications under the Act is not followed properly by the Public Authority. It should be noted for future guidance.

4. With these observations, we dismiss the appeal. Parties should be informed.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kamblī)
State Information Commissioner