

GOA INFORMATION COMMISSION

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

Appeal No. 12/2007-08/EDC

Ms. Audrey J. Colaco
C/o Crown Engineering Industries,
Khareband Road,
P.O. Box 163,
Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Goa Education Development Corporation,
EDC House, Mezzanine Floor,
Panaji - Goa.
2. First Appellate Authority,
Goa Education Development Corporation,
EDC House, Mezzanine Floor,
Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 18/07/2007.

Appellant in person.

Respondent No. 1 person.

ORDER

This disposes off the second appeal dated 15th May, 2007 filed by the Appellant against the order dated 24/4/2007 of the first Appellate Authority. The facts are that the Appellant was working in Goa Education Development Corporation (GEDC for short) as a Program Officer on deputation. She no longer works there, the deputation having come to end. While she was working with the Corporation, she was on maternity leave and commuted leave from December 21, 2005 to August 13, 2006. During that period, her work was entrusted to another official Shri S. M. Govenkar. When the Appellant re-joined the Corporation after the leave, she found a number of irregularities committed by Shri S. M. Govenkar and listed them out and submitted a note to the Chairman of the Corporation on September 8, 2006. It is her case that instead of

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taking any action on her note, the Chairman, Managing Director and other officials have directed herself to regularize all the "misdeeds" committed by Shri S. M. Govenkar. According to her this is not correct and refused to obey, the orders of her superiors. Meanwhile, she has made an application under the Right to Information Act, 2005 (RTI Act for short) on 24/1/2007 requesting for some information. The information which was available on record was furnished to her by the Respondent No. 2 only after first appeal was filed by the Appellant. The Appellant is still not satisfied with the reply because only documents were supplied to her as requested and four more queries raised by her in the original request for information were not replied. It is the case of both the Respondents that these four queries are outside the purview of the RTI Act as they do not come under "information" as defined under the RTI Act.

2. The queries are quite lengthy. However, a brief summary is as follows: -

- i) As per Government Rules, only a defaulting officer is made to undo his misdeeds and he continues to remain accountable for his actions. The misdeeds committed by Mr. Govenkar during leave period of the Appellant cannot be rectified by the Appellant herself. In such case, the Ex-MD of the Corporation should not have called for the comments of Mr. S. M. Govenkar. He should have also been left out of the picture;
- ii) If disciplinary action is contemplated against the Appellant for disobeying the directions of Chairman and MD why was the predecessor of Appellant not taken to task of negligence of duty;
- iii) No indication has been given regarding the applicants who have already completed their courses after committing major irregularities while implementing the scheme, Interest Free Educational Loans (IFEL) by the Corporation;
- iv) The IFEL recovery work should not have been assigned to her, as full-fledged Accounts section is available with the Corporation.

3. As we have mentioned already, the documents requested by the Appellant like Agenda Notes, Resolutions, Minutes of the meeting of Board Directors have already been handed over to her though after the statutory time

period. The Appellant contented that every page of the minutes of the Board meeting are not initialed by all the members of Board. The Respondents have taken the plea that there is no such rule when once the documents are attested and given by the Public Information Officer. We accept this plea. As to the delay, the Respondents have explained that though the request for information was made on January 24, 2007, the fees of Rs.10/- was paid only on 22/2/2007 and hence they have given the reply within the statutory period. We accept this plea also as the fee has to be accompanied with the application requesting for information.

4. This leaves us with the four queries posed by the Appellant which were not replied to by the Respondent No. 1. The case of the Respondent No. 1 as well as Respondent no. 2 is that the queries raised are regarding distribution of work by the Corporation and working of the Corporation. It does not amount to information as defined under the RTI Act. A perusal of the queries reveals that the Appellant feels aggrieved with the Management on certain matters which she has raised in her note dated 8/9/2006 and as the management did not take any action on her note, she made the RTI application. This is outside the purview of the RTI Act, however, much genuine the grievances of the Appellant might be. We are, therefore, constrained to dismiss the appeal as not maintainable. Accordingly, the appeal is dismissed. Parties should be informed.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner

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sf./km.