

GOA INFORMATION COMMISSION

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

Appeal No. 143/2007-08.

Shri Vital P. Khandolkar,
U.D.C,
Office of the Commissioner of Labour & Employment,
Shram Shakti Bhavan,
Patto, Panaji - Goa.

..... Appellant

V/s

1. The Public Information Officer,
The Deputy Labour Commissioner - Panaji,
Office of the Commissioner of Labour & Employment,
Shram Shakti Bhavan,
Patto, Panaji - Goa.

..... Respondent No.1..

CORAM:

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

(Per G.G. Kambli)

Dated: 05/06/2008.

Shri D. S. Shirodkar, Learned Advocate for the Appellant.
Respondent in person.

J U D G E M E N T

The Appellant herein vide his application dated 10/10/2007 requested the Respondent to provide information on 7 points under the Right to Information Act, 2005 (for short the Act). The Respondent vide his letter dated 29/10/2007 provided the information to the Appellant along with the certified copy of the information sought at serial No. 1. Dissatisfied with the information furnished by the Respondent, the Appellant preferred the first appeal before the First Appellate Authority making out the grievances that the Respondents did not furnish the complete information on certain points. The First Appellate Authority by his order dated 31/12/2007 directed the Respondent to furnish the information in respect of the points 1,2 and 5. However, the Respondent did not furnish the information on second part of the question No. 1. Hence, this Second Appeal.

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2. In this appeal we are concerned only with that part of the information, which has not been provided by the Respondent. The point No. 1 of the application of the Appellant reads as follows: -

“A copy of the letter No. 2/39/2002-ADM/4057 dated 25/09/2002, addressed to the Joint Secretary, Labour, Secretariat, Panaji – Goa by the Commissioner, Labour and Employment, Panaji regarding tampering of leave Account by Smt. Sayed. Whether any action was taken in the matter. If Yes, kindly furnish a copy of the same.”

3. So far as the first part is concerned, the Respondent has already provided a copy of the letter No. 2/39/2002-ADM/4057 dated 25/09/2002. However, the Respondent did not furnish the information on the 2nd part of the point i.e. whether any action was taken in the matter. If Yes, kindly furnish a copy of the same.

4. The Respondent filed the reply stating that the Appellant has sought the information in his official capacity as UDC and not in his individual capacity as a citizen. In support of this contention, the Respondent relied upon the decision of this Commission passed in appeal No.109/2007.

5. During the course of the hearing, Shri D. S. Shirodkar the learned Advocate for the Appellant contended that the object of the Act is to enable the citizen to secure access to information under the control of the Public Authority in order to promote transparency and accountability. In his written submission, he has submitted that the word “citizen” as definition in the Oxford English Dictionary, means legally recognized subject or National of a State or Commonwealth, it also means an inhabitant of a town or city. He further made a submission that every State Government Servant is primarily a citizen of a country and therefore he can seek the information under the Act by using his designation and official address.

6. Shri Shirodkar, the learned Advocate, for the Appellant further submitted that the Respondent has already furnished the information to the

Appellant though partly and the First Appellate Authority was also pleased to give direction to the Respondent to furnish the information on the remaining 3 points and at no point of time, the Respondent has taken the plea stating that the Appellant cannot seek the information under the Act in his Official capacity.

7. We have already examined this point. This Commission in Complaint No. 25/2006 has held a view that under the Act only the natural person i.e. individual can seek the information for the reasons recorded therein. The Appellant is a natural person though he has given his official address in his application. Therefore, we are not inclined to agree with the learned Advocate for the respondent that the Appellant cannot also avail of the provisions of the Act. The decision relied by the Respondent in a case No. 25/2006 of Lalka Associates V/s Commissioner of Commercial Taxes, Panaji wherein the Appellant was a legal person & does not help the Respondent.

8. Coming now to the next contention of the learned Advocate for the Appellant that Government Servant is primarily a citizen of the country and therefore, is entitled to seek the information. We agree with the learned Advocate for the Appellant that a Government Servant being a citizen of India can seek an information under the Act and there is no prohibition to that effect in the Act. We, therefore, differ our view taken in Appeal No. 109/2007-08 T. S. Vincent V/s PIO Electricity Department and hold a view that a Government Servant/Public Servant can also seek the information under the Act being a citizen of India. However, we reiterate and maintain our earlier view taken in case No.25/2006 that the legal persons like Companies, Association, Union, Firms etc. cannot seek information under the Act.

9. The Respondent submitted that the Respondent has no objection and ready to provide the remaining information on point No. 1 to the Appellant.

10. In view of the above we pass the following order.

O R D E R

Appeal is allowed. The Respondent is directed to provide the information on the remaining part of the point No. 1 to the Appellant within a week time from the date of this order.

Announced in the open Court, on this 5th day of June 2008 at 11.00 a.m.

Sd/-
(G.G. Kamblı)
State Information Commissioner

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner