

## **GOA INFORMATION COMMISSION**

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

Appeal No. 15/2008

Smt. Matildes Lobato de Faria,  
25-C, Patto Government Quarters,  
Panaji – Goa – 403 001.

..... Appellant.

V/s.

1. First Appellate Authority,  
The Registrar of Co-op. Societies,  
Altinho, Panaji – Goa.
2. Public Information Officer,  
The Deputy Registrar of Co-op. Societies,  
ADM(II), Headquarters,  
Altinho, Panaji – Goa.

..... Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 16/07/2008.

Appellant present in person.

Adv. N. P. Das for the Respondent No. 2. Respondent No. 1 is absent.

### **ORDER**

The Appellant filed this second appeal aggrieved by the order of the first Appellate Authority, Respondent No. 1 herein, directing to approach the Public Information Officer, Respondent No. 2 herein, for inspection of documents when she has not asked for the inspection of the documents, thus effectively dismissing her first appeal. Earlier, she approached the Public Information Officer, Respondent No. 2 herein with a request for information on 6 points. The Public Information Officer replied to each of the points which the Appellant considers as incomplete.

2. Notices were issued and a written statement was filed by the Respondent No. 2 as well as his Advocate argued the matter. The main argument of the Appellant that she is not required to inspect the documents when specific information is asked for is upheld by us in a number of other cases and in this case also we hold the same view. Again, the first Appellate order states that the

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no information can be asked in the form of questions. This is also not correct. Therefore, we have no hesitation in setting aside the Appellate order. However, we would like further to examine whether the information asked by the Appellant has actually been given by the Public Information Officer.

3. The first question is regarding the creation of a post of Registrar of Co-operative Tribunal. The Public Information Officer has specifically informed that no such post was created. However, an administrative arrangement has been made by a notification by the Registrar of Co-operative Societies handing over the additional charge of the Registrar of the Co-operative Tribunal to Shri. U. N. Kadam. A copy of this is also enclosed with the written statement of Respondent No. 2 before us. He has further explained that this order has been issued under the Maharashtra Co-operative Societies Act by the Registrar of Co-operative Societies. It is not for us to get into the correctness or otherwise of such an order giving additional charge of a non-existing post to U. N. Kadam. For all we know, it is an administrative arrangement and infact it is continued prior to this order as well. The Appellant herself was discharging the duties of the Registrar from 1/7/2004 to 7/11/2005 and was also paid honorarium for the additional work. We, therefore, find that the first question is completely and properly answered by the Public Information Officer. The next question is as to how many posts were created for the Co-operative Tribunal were also answered by the Public Information Officer stating that three posts were created on the establishment of the Registrar of Co-operative Societies and placed at the disposal of the Co-operative Tribunal. The question posed by the Appellant is whether the staff appointed by the Registrar of Co-operative Societies can be posted to a statutory tribunal by the Registrar of Co-operative Societies. This is outside the purview of the Right to Information Act, 2005 (for short the RTI Act) which mandates the Public Information Officer to give only information. It is neither for the Public Information Officer nor for this Commission to go into the validity of such actions of the administrative authority. The Public Information Officer has given available information, namely, that the Co-operative Tribunal is a statutory organization and pointed out the provisions of the Maharashtra Co-operative Societies Act under which such tribunal is constituted, and that three posts have been created on the establishment of the Registrar of Co-operative Societies and deployed in the Co-operative tribunal. We, therefore, do not see any inconsistency or incompleteness in the reply.

4. The next question is about why and how deputation allowances are not being paid to the staff posted in the tribunal. This also has been properly replied to by the Public Information Officer stating that as the staff are the employees of the Registrar of Co-operative Societies, the question of payment of the deputation allowances do not arise and hence, the reply is complete and correct. Whether such arrangement is legal and valid is again outside the purview of the RTI Act. The fourth question is whether there should be a separate office, separate staff and separate funds with the President of the Co-operative Tribunal. This question is replied by the Public Information Officer again referring to the statutory provisions under which the tribunal was constituted. This, of course, does not answer the question of the Appellant. However, this does not come within the provisions of the RTI Act as it is a question seeking the opinion of the Public Information Officer and need not be answered.

5. The fifth question is regarding the allowances and remuneration which was answered by the Public Information Officer already. The last point is about the indefinite continuation of the temporary posts in Co-operative Tribunal. The Public Information Officer answered that the posts are continued from time to time and that this procedure will continue till the establishment of a separate independent office for the Co-operative Tribunal. The information is, therefore, complete in all respects and we do not find any merit in the second appeal at all. Thus, although the first Appellate Authority's order is set aside by us, second appeal does not succeed for the simple reason that the information is already supplied by the Public Information Officer wherever it is required to be supplied. Whatever not replied need not be replied as it relates to the opinion of the Public Information Officer which is outside the purview of the RTI Act.

6. For the above reasons, the second appeal is dismissed as lacking in merit.

Pronounced in the open court on this 16<sup>th</sup> day of July, 2008.

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

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