

## **GOA INFORMATION COMMISSION**

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

Appeal No. 60/2007-08/SWB

Shri. Sushant P. Nagvenkar  
H. No. C-312, Fondvem,  
Ribandar - Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
The Secretary,  
Department of Sainik & Welfare Board,  
Panaji - Goa.
2. First Appellate Authority,  
Shri. Diwan Chand,  
The Special Secretary (Home),  
Department of Sainik & Welfare Board,  
Panaji - Goa.

..... Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 22/11/2007.

Appellant in person.

Adv. Harsha Naik for both the Respondents.

### **ORDER**

By his application dated 16<sup>th</sup> May, 2007, the Appellant posed two questions to the Public Information Officer to which the Public Information Officer gave a reply on 11<sup>th</sup> June, 2007. Having found that the reply is unsatisfactory, the Appellant filed his first appeal on 15<sup>th</sup> June, 2007 leading to the first appeal having been partly allowed by order dated 3/8/2007 of the Respondent No. 2. The first Appellate Authority has ordered the Public Information Officer to inform the charges for giving the photocopies of the rules and regulations asked for by the Appellant. Instead of informing the amount, the Public Information Officer requested on 8<sup>th</sup> August, 2007 the Appellant to let him know "what are the rules, documents etc." required by the Appellant. Thereafter, it appears that a physical inspection was held of the records and the

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Appellant has even mentioned by letter of the same date that he has not seen an office memo dated 7/6/1983 of the Personnel Department. It is the case of the Appellant that it is for the Public Information Officer to give all the copies of all the rules and regulations, government instructions on the subject of the reservations in the government service for ex-servicemen. By not giving this information, the Public Information Officer had not complied with order of the first Appellate Authority. He has, therefore, filed the second appeal for not only obtaining the information but also for imposing a penalty on the Public Information Officer.

2. The request for information is as follows: -

- (i) Photocopies of rules, directives, including authorities for exemptions and relaxations as were applicable to ex-servicemen for employment in state government departments in the state of Goa as of Dec. 2005. (a) Against reserved vacancies; (b) Against non-reserved/open vacancies.
- (ii) Your observations as to adherence to the said rules, directives, exemptions and relaxation in the state by various government departments.

3. The first Appellate Authority dismissed the request No. 2 saying that it is "a view" of the Public Information Officer and that the Public Information Officer is not obliged to give his "views or opinions" which are not on record and these are not "information" as defined in the RTI Act. Regarding the first request, he found that the Public Information Officer's reply is incomplete and should have given the photocopies of all documents requested after collecting the fees. He also found fault with the Appellant for not filing his first appeal in his office.

4. We will take up the second request first. What the Appellant has requested is "the observations" of the Department of Rajya Sainik Board regarding the adherence to the "rules, directions, exemptions and relaxation" by the Government Departments regarding reservations in favour of the ex-servicemen. Similar reservation to the members of the scheduled castes, scheduled tribes and other backward classes in the government jobs exist. Though all the departments are mandated to follow these rules, the Department of Social Welfare is entrusted with an overall monitoring function and they

periodically undertake a review of other departments to see whether they are following the reservation rules. They not only go through the reservation rosters but also give concrete advice about the filling up these vacancies by the reserved categories of citizens. The Appellant obviously intends to know whether the Rajya Sainik Board does have any such monitoring function. There is, apparently, a communication gap between the Appellant and the Public Information Officer. The Appellant did not ask for the observations of the Public Information Officer in any one individual case. He is asking for factual position about the implementation of the reservation policy by the Government departments. It is possible to give a specific reply one way or the other whether the Public Information Officer and public authority (Rajya Sainik Welfare Board) is undertaking this work or not if so what are their observations. He should do this now by informing the Appellant the role of the Rajya Sainik Board in this matter within the next 15 days from the date of this order.

5. As far as giving photocopies of all the rules and regulations, we do not see what is the difficulty of the Public Information Officer in giving the photocopies of the existing rules and regulations for reservation of ex-servicemen in the implementation of government departments both for reserved vacancies and non-reserved vacancies. In fact the reply dated 11<sup>th</sup> June, 2007 of the Public Information Officer itself states that reservations are provided for by Government O.M. dated 27/11/1997 and Government Circular dated 15/3/2005. The least that he could have been done is to provide the photocopies of these circulars. We do not appreciate what is the reason for calling the Appellant for examination and inspection of the documents when he wanted the copies of the documents. We, therefore, direct the Public Information Officer to provide these two circulars within next 15 days from the date of this order. We are not inclined in the circumstances of the case to proceed further against the Public Information Officer for initiating the penalty proceedings. Consequently, the appeal is partly allowed.

Announced in the open court on this 22<sup>nd</sup> day of November, 2007.

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

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

/sf.

