

GOA INFORMATION COMMISSION

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

Appeal No. 96/2006/SDCT

Shri Manohar Parwar
Group Instructor,
Industrial Training Institute,
Peddem, Mapusa - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Asstt. Director (Admn.),
Office of the State Director of Craftsmen Training,
Panaji - Goa.
2. First Appellate Authority
State Director,
Office of the State Director of Craftsmen Training,
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: 12/06/2007.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent, ex-parte.

ORDER

The Appellant moved a request for information to the Respondent No. 1 on 20/10/2006. It was initially rejected for non-payment of application fees and when it was paid and the reply was ready, the Appellant was asked to pay Rs.240/- towards the charges. On payment of fees, the information was given on 18/12/2006. As the Appellant felt that the information was incomplete, he filed his first appeal to the Respondent No. 2 on 29/12/2006. There is no order by the first Appellate Authority. After waiting for more than 45 days, he filed second appeal before this Commission on 6/3/2007 which is the present subject matter.

...2/-

2. On issuing the notices, the Appellant and the Respondent No. 1 appeared in person. The Respondent No. 2 is absent. No statement was filed on his behalf and no reasons are available why he has not disposed off first appeal in time or after the expiry of time. We do not even know whether he disposed off the first appeal. The Commission takes adverse notice of this as an effort to avoid the responsibility by the first Appellate Authority and warns him to be more careful in future.

3. Both the Appellant and the Respondent No. 1 have filed their replies and statements on 30/5/2007. While the Public Information Officer justified that whatever information was given is complete in all respects, with the supply of additional information on 30/03/2007, the Appellant could not satisfy the Commission in what way the information already supplied is incomplete. The Commission directed him to present his say in a tabular form clearly mentioning the information asked, given and the information not given. In reply, the Appellant has submitted all the information received from the Public Information Officer running into more than 100 pages and did not submit how it is deficient or incorrect. The Commission took considerable pains to sift the information asked and given to satisfy itself whether any information was denied to the Appellant. The effort is not easy and simple because the Appellant has confused himself and the Commission by citing a number of grievances with the Department and just not sticking to his original application dated 20/10/2006. However, the information asked for and supplied by the Public Information Officer on 9 points is given in the table below as furnished to the Commission by the Public Information Officer.

4.

Sr. No.	Sr. No. of the Point/query raised by Shri Parwar	Department's reply	Remarks
1	2	3	4
1.	Point No. 1- Govt. decision notings NAC is equivalent to Diploma in Engg in case of Shri Salunke	There is no Govt. decision or noting available with this department in this regard which says NAC is equivalent to Diploma in Engineering in case of Shri Salunke.	

2.	Point No. 2 Govt. decision/noting that NAC is not equivalent to Diploma in Engg. of the undersigned.	There is no Govt. decision or noting granting NAC is not equivalent to Diploma in Engineering. However, copy of depts. noting dt. 9.5.05 in respect of Parwar is furnished to him on 18/12/2006 is enclosed herewith in ANNEXURE I.	
3.	Point No. 3 Copy of my advocate notice sent to the Director in the year 2003 and the decision/order passed thereon.	No order has been passed on the said Notice by then Director. Copies of the noting dt. 10.1.03 wherein decision is taken by the then Director is enclosed at ANNEXURE II.	
4.	Point No. 4 - Decision notings and DPC Minutes by which Shri Satish Salunke was recruited directly as Group Instructor. Noting and decision taken for the issue of letter No.21/7/82/ILD/Part dated 3/4/89 by the Govt. as also copy of the letter No.21/77/82/ILD-Part dated 3/4/89. DPC Minutes by which Shri Satish Salunke was promoted for the post of Principal, Group B on ad-hoc basis and a copy of the Recruitment Rules for such promotion. Educational/ Technical Qualifications of Shri Satish Salunke.	Decision/noting of 1983 and DPC Minutes by which Satish Salunke was recruited directly as G.I. has been supplied to him on 18.12.06. Copy is enclosed at ANNEXURE III. Noting and decision taken for the issue of the letter No.21/7/82/ILD/Part dated 3-4-1983 is not available in the Department. However, a copy of letter of Labour dept. is enclosed. As regards RRs for the post of Principal, the same is enclosed. There are no minutes for ad-hoc promotion order has already been furnished to him. The above enclosures may be referred at Annexure IV. As regards to his Qualifications, it may be stated that Shri Salunke possess Military Qualification which is equivalent to Diploma in Engineering.	

5.	<p>Point No. 6 Promotion order of Domingos Coelhos TPO alongwith copies of the DPC Minutes Recruitment Rules based on which Shri Domingos Coelho was promoted as TPO from Craft Instructor (E). Technical qualification of Shri Domingos Coelho</p>	<p>There are no DPC minutes for ad-hoc Promotion. However department notings/Govt. decision and copy of the ad-hoc promotion order in respect of Shri D. Coelho to the post of TPO have been supplied to him on 18/12/2006.</p> <p>As regards Recruitment Rules for the post of T.P.O, it may be stated that there are no RRS. However, the copy of draft RR based on which Domingos Coelho was promoted as TPO on ad-hoc basis already furnished to him on 18.12.2006. The above enclosures may be seen in ANNEXURE V.</p> <p>The technical qualifications possessed by Sh. D. Coelho is Diploma in Electronics.</p>	
6.	<p>Point No. 7 DPC Minutes by which Jose Mascarenhas G.I. (COPA) was initially promoted to the post of GI Copa, Copy of RR for such promotions. Promotion Order of Shri Jose Mascarenhas for the post of Principal, who is presently at ITI Bicholim Goa. DPC Minutes by which Jose Mascarenhas was promoted for the post of Principal (Group B) on ad-hoc basis and a copy of the RRs for such promotions and his Educational/Technical Qualifications.</p>	<p>G.I. (COPA) Jose Mascarenhas was never promoted as G.I. (COPA). Since no such promotion has taken place in the department, such RRS are not available in the department.</p> <p>As regards promotion to the post of Principal on adhoc basis, there are no DPC Minutes. However, department Notings/Govt. decision for promoting Shri Jose Mascarenhas to the post of Principal on ad-hoc basis, copy of the Recruitment Rules and copy of the ad-hoc promotion order, the same have been furnished to him 18.12.06. As regards his Educational Qualifications the same has also supplied to him on 30/3/2007. The above enclosures may be referred at ANNEXURE VI.</p>	

7.	<p>Point No. 9 Decision/notings and DPC minutes by which Marino D'Souza was initially promoted to the post of Group Instructor (Copa) copy of the RRs for such promotion. Further promotion order of Shri Marino D'Souza for the post of Principal who is presently at ITI Mapusa Goa. DPC Minutes by which Shri Marino was promoted for the post of Principal Group B on ad-hoc basis and a copy of the RRs for such promotion and his Educational/Technical Qualifications.</p>	<p>G.I. (COPA) Shri Marino D'Souza was never promoted as G.I. (COPA). Since no such promotion has taken place in the department, such RRs are not available in the department.</p> <p>As regards to promotion to the post of Principal on adhoc basis, there are no DPC Minutes. However, department Notings/ Govt. decision for promotion to the post of Principal on ad-hoc basis, copy of the Recruitment Rules and copy of the ad-hoc promotion order, the same have been furnished to him on 18.12.06. As regards his Education Qualifications, the same has also supplied to him on 30/3/2007. The above enclosures may be referred at ANNEXURE VII.</p>	
8.	<p>Point No. 10. Decision of the noting putting G.I./ Surveyors and GI Copa in one seniority list.</p>	<p>Copies of the noting wherein decision of putting G.I./Surveyor and C.I. (Copa) in one seniority list taken has already been furnished to him. The same is enclosed at ANNEXURE VIII.</p>	
9.	<p>Point No. 11. When Govt. Servant sought for representation for grievance to department how may days applicant can wait to representation to higher Authority when no response is given.</p>	<p>The Circular dt. 10.10.1986 containing instructions from Govt. issued by the ARD has been furnished to him on 30/3/2007. The same may please be seen in ANNEXURE IX.</p>	

5. We have seen from the above table and the records submitted, most of the grievances of the Appellant are not genuine. His grievance of non promotion as Principal of I.T.I. and promotion of others cannot be agitated before us. We have to satisfy ourselves only whether the information asked by the Appellant is furnished by the Department. In the instant case, the Appellant has asked for the records of DPC Minutes of the promotion of the following: -

- a) Shri Satish Salunke as Principal.
- b) Jose Mascarenhas as Principal.

- c) Marino D'Souza as Principal.
- d) Domingos Coelho as TPO.

6. The Public Information Officer while clarifying that they were not promoted on regular basis and hence, there are no DPC Minutes and clarified that all the above promotions are ad-hoc and also furnished the Appellant the copies of the notings of the above ad-hoc promotions. In the case of preparing a combined seniority list of G.I./Surveyor, the seniority list as well as the notings of the Department for taking such a decision were all provided to the Appellant. Though the Department's action of resorting to a number of ad-hoc promotions for such important posts of I.T.I is strange, it is outside the scope of the Right to Information Act and we are not in a position to inquire into or comment as to why the Department made ad-hoc promotions and not regular promotions. The Commission has noted that the Public Information Officer has given clear replies regarding the recognition of the qualification of NAC as a Diploma in Engineering in case of Shri Salunke and denying in his own case. The Public Information Officer stated that there is no such decision by the Government one way or the other. In short, we are satisfied that the replies given by the Public Information Officer are satisfactory and hence, dismiss the appeal. Parties may be informed by post. The information produced by the Appellant may be returned to him personally on a proper application and verification.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kamblı)
State Information Commissioner