

GOA STATE INFORMATION COMMISSION

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

Appeal No. 98/2006/FES

Shri Prakash M. Parab
Asstt. Divisional Officer,
District Fire Station (South),
Aquem, Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Dy. Director (Admn.),
Directorate of Fire & Emergency Services,
St. Inez, Panaji - Goa.
2. First Appellate Authority
The Director,
Directorate of Fire & Emergency Services,
St. Inez, 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: 15/05/2007.

ORDER

This disposes off the Appeal No. 98/2006 filed by the Appellant on 02/03/2007. The brief facts are that the Appellant approached the Public Information Officer, Respondent No. 1 herein, on 13/12/2006 seeking information on a number of questions who replied to him on 12/01/2007. Not satisfied with the reply to 3 questions, namely, No. 3, 4 and 5; the Appellant filed his first appeal on 30/01/2007 before the Respondent No. 2. As no order was passed by him, the present second appeal has been filed. Subsequently, it appears that first Appellate Authority, Respondent No. 2, disposed off the appeal by his order dated 2/3/2007. This was brought to the notice of the Commission by the Appellant by way of a letter dated 12/3/2007 stating that the first Appellate Authority confirmed the wrong replies given by the Public Information Officer. As a proof of the incorrect information, he has submitted self attested photocopies of the registration certificates of 3 vehicles and one logbook extract of one of the vehicles of the Department. Opportunity was given

...2/-

to both the Respondents to file their replies by way of affidavit however, no reply was filed by both the Respondents when an order dated 2/5/2007 was issued by this Commission directing them to file affidavits by 15/5/2007.

2. On 11/5/2007, the Respondent No. 2 filed two letters addressed to the Under Secretary to the Commission. In one letter, he submitted that the Public Information Officer is on medical leave from 2/5/2007 for 15 days and enclosed a photocopy of the medical certificate. He, himself, has submitted his reply to the allegation of incorrect reply by his second letter dated 11/5/2007. For better appreciation of the grievance of the Appellant, the three questions asked by the Appellant and the answers given by the Public Information Officer are reproduced herebelow verbatim.

“Q. No. 3. Whether all the Asst. Divisional Officers are allotted with the right type of vehicles?

Ans. No. Allotted as per availability.

Q. No. 4. How many Motor Jeeps are at present existing in the Dept.? [Excluding those improvised illegally without the approval of the Transport Department]

Ans. There are no Motor Jeeps at present existing in the Department. However, Tata SUMO bearing Regn. No.GA-07-G-1606 has been purchased against Motor Jeep bearing Regn. No. GDL-9766.

Q. No. 5. Name of the Asst. Divisional Officer who are allotted with Motor Jeep?

Ans. Asst. Divisional Officer is not allotted any Motor Jeep”.

3. As can be seen from the above, the areas of disagreement is whether the three vehicles mentioned by the Appellant in his letter dated 12/3/2007 are Motor Jeeps or not and if they are, whether the replies given by the Public Information Officer for the above 3 questions are incorrect.

4. The Respondent No. 2 has agreed that the three vehicles mentioned by Appellant are owned by the Fire and Emergency Services Department, of which, he is the head of department now and is the first Appellate Authority under the Right to Information Act (for short the RTI Act). However, according to him, they are not Motor Jeeps but are MPUs and one of them is a Command Car. According to the registration books issued by the Department of Transport they

are classified as Tata Sumo, Tata Jeep and Maruti Gypsy. All these are vehicles which are normally used by the Government Departments. The questions posed by the Appellant are specific regarding the non-allotment of the Motor Jeeps to the Asst. Divisional Officers even though they are entitled and available in the Department. Instead of giving a direct reply, even now, the Respondent No. 2 has given his own classification of the vehicles in terms of MPUs and Command Car and went on justifying how they are being utilized as transport vehicles in his department and how Appellant himself is using one Tata Mobile vehicle MPU which was earlier used by Respondent No. 2 at Margao when he was working as Asst. Divisional Officer there. Suffice it to say, that all the explanations given by the Respondent No. 2 are irrelevant and the main questions are not answered. We are, therefore, satisfied that the replies for all the above three questions are incorrect and misleading. While we are not concerned who is eligible for what type of vehicle and what are the Department's priority in the allotment of vehicles to its officials, we certainly view seriously furnishing the incorrect information to the citizen by the Public Information Officer even if the citizen requesting the information is one of the employee of the Department. The three vehicles cited by the Appellant are motor jeeps, by whatever, names the Respondent No. 2 chooses to call them, that is, MPUs/Command Car. We hold that the replies to Questions 3, 4 and 5 are incorrect and misleading. We do not have the reply by the Public Information Officer as she is sick. Further, the Respondent No. 2 who is first Appellate Authority not only tried to justify the mistake committed by the Public Information Officer but also did not swear an affidavit in reply as directed by this Commission.

5. We are satisfied that there are sufficient grounds to proceed against the Respondent No. 1, Public Information Officer, for starting the penalty proceedings under Section 20 of the RTI Act. Accordingly, she is directed to show cause why she should not be penalised at the rate of Rs.250/- per day for giving wrong and misleading information to the Appellant deliberately and malafidely. The case will come up for hearing on penalty proceedings on 4/6/2007 at 11.00 a.m.

Inform the parties.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner

