

GOA INFORMATION COMMISSION

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

Complaint No: 23/2007.

Smt. Shanta S. Ambi,
R/o H.No. 250,
Volvoi-Ponda,
Goa-403401

.....

Complainant

V/s

1. Public Information Officer,
The Chief Officer,
Curchorem-Cacora Municipal Council,
Curchorem-Goa.

.....

Opponent No. 1

CORAM:

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

(Per G.G. Kambli)

Dated: 10/09/2007.

The Complainant was represented by his Authorized representative Sanjay Prabhakar Shet.

Opponent represented by Head Clerk.

J U D G M E N T

1. The present complaint is filed under section 18 of the Right to Information Act, 2005(for short "the Act") against the Opponent praying that the Opponent be directed to furnish the information to the Complainant as per the application dated 28/02/2007, and also allow inspection of the documents. The Complainant has also prayed that the Complainant be compensated and penalty be imposed on the opponent under section 20 (1) of the Act.

...2/-

2. The Complainant sought the following information vide application dated 28/02/2007.
 - 1) How much amount was deducted from my salary towards GPF Subscription from July, 97 to February 98 or so? Whether this contribution is credited into GPF Account? If so, against which account number?
 - 2) Are the rules pertaining review of DPC amended or relaxed to Curchorem-Cacora Municipal Council? If so, under which rule such procedures are implemented? A copy of the rule followed in this regards may please be issued.
 - 3) Whether head of Office has observed Supplementary Rule 202 for maintaining my service records? What is the balance leave available at my credit as on Dec. 06? Reasons for not issuing leave sanction order for availing leave during past 2 years may also be furnished.
 - 4) What is total amount of arrears of Salary payable to me with reference to your order No. CCMC/Admn/Order/96-97/2026 dated 8/8/2006? How much time is required to pay the arrears of Salary? A Copy of the due and drawn statement in this regards may please be issued.
 - 5) Whether Seniority list of LDC's working in Curchorem Cacora Municipal Council is revised with reference to your order No. CCMC/Admn/Order/96-97/2026 dated 8/8/2006? If yes, what is my position in the list? A copy of the said list may please be furnished.
 - 6) A copy of the instructions issued to your employees in respect of my applications dated 12/9/2006 regarding review of DPC, dated 21/9/2006 regarding leave account and dated 21/9/2006 regarding release of arrears of my Salary may please be furnished to me.
3. The Opponent had furnished the information to the Complainant vide letter dated 26/03/2007. The Complainant was not satisfied with the information provided by the Opponent and therefore, preferred first appeal (before the First Appellate Authority).

4. The Appellate Authority by its order dated 04/05/2007 had directed the Opponent to furnish the information sought by the Complainant vide application dated 28/02/2007 within 10 days. Pursuant to the said order of the Appellate authority, the Opponent vide letter dated 11/05/2007 informed the Complainant that the GPF contribution from August 1997 to February 2007 has been deducted from the salary @ of Rs. 262/- per month and the total of Rs. 1,834/- has been credited in the common PF account. It will be seen from the application dated 28/02/2007 of the Complainant, the Complainant has sought the information regarding the deduction from the salary towards the PF for the period from July 1997 to February 1998 whereas the Opponent has provided the information from August 1997 to February 2007 which is not as per the information sought by the Complainant. Regarding the point No. 2, the Complainant wanted to know whether the rules pertaining to the review DPC has been amended and also sought the copy of the Rules. The Opponent has replied that this information was already provided to the Complainant vide letter dated 15/02/2007. On perusal of the reply dated 15/02/2007, the Opponent has informed the Complainant that the procedure laid down in the manual of establishment and Administration has not been followed. This information is also not to the point because which rules are followed is not mentioned. As regard to point 3, the Opponent has informed that the leave account has been maintained and as on December 2006, 146 days of Earned Leave was at the credit of the Complainant and 27 days as a half pay leave.

5. Coming now to the point No. 4, the Opponent has informed the Complainant that the calculation of arrears is under consideration and on account of the break in the pay register, the same has been delayed. However, the Opponent has agreed to furnish the information to the Complainant. As regard the point No. 5, the Opponent has informed that no seniority list has been drawn but the name of the Complainant is figured at Sr. No. 3 as per the post based roster. As regard point No. 6, the Opponent has informed the Complainant's name is listed at Sr. No. 3 and whenever any vacancies of UDC/Higher post exist, her case will be taken in to consideration as per Rules and Regulation.

6. It will be seen from the above, that the Opponent has not provided the complete information to the Complainant on point No. 1, 2 and 4. Further, the information sought by the Complainant on point No. 6 relates to review DPC, Leave account and release of arrears. The Complainant has also asked this information in point No. 2, 3 and also at point No.4.

7. Though the Opponent in its reply has stated that the Opponent has provided the information on all the points to the Complainant we have observed that the Opponent has not provided the information on point No. 1 and 2 and also not provided the information on point No. 4. The Office of the Opponent by now might have calculated the arrears payable to the Complainant in terms of the order dated 08/08/2006 and therefore there should not be any difficulty in providing the information to the Complainant.

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

O R D E R

The Complaint is partly allowed. The Opponent is directed to provide the information on points No. 1, 2 and 4 of the application dated 28/02/2007 within 15 days from the date of this order. The, prayers of the Complainant for imposing of penalty and compensation are rejected. The prayer of the Complainant to allow inspection of documents is also rejected as no such request was contained in the application dated 28/02/2007 of the Complainant. Further, if the information is upto the period ending February 2007, the total contribution @ Rs. 262/- per month, would be much more than Rs. 1,834/- as furnished to the Complainant.

Announced in the open Court on 10th day of September, 2007.

Sd/-
Shri G. G. Kambli
State Information Commissioner

Sd/-
Shri A. Venkataratnam
State Chief Information Commissioner

No.GIC/ Complaint No. 41/2007-08/
Goa Information Commission,
Shrama Shakti Bhavan,
Patto, Panaji Goa.

Dated: 07/09/2007.

To,

1. Smt. Shanta S. Ambi,
R/o H.No. 250,
Volvoi-Ponda,
Goa-403401
2. Public Information Officer,
The Chief Officer,
Curchorem-Cacora Municipal Council,
Curchorem-Goa.

Sub: Complaint No. 41/2007-08/CCMC.

Sir,

I am directed to forward herewith the copy of the Order dated 06/09/2007 passed by the Commission on the above Complaint for information and necessary action.

Yours faithfully,

(Pratap Singh Meena)
Secretary
Goa Information Commission.

Ecl: Copy of Order in 4 pages.

No: 2/4/GSIC/Accts/2007-08/
Goa State Information Commission,
Shram-Shakti Bhavan,
Ground Floor, Patto Plaza,
Panaji – Goa.

Dated: 06/09/2007

N O T E

Placed Opposite is Bill No. 5667 dated 01/08/2007 of M/s Impact, Car Accessories, Panaji at page 2/C and returned Memo dt. 16/08/2007 of Directorate of Accounts Panaji is at Page 12/C, may kindly be seen.

As per the requirements of the State Information Commissioner the MP3 player was purchased and installed in the Vehicle No. GA-07-0444. after inviting quotations. The said item was purchased from M/s Impact Car Accessories, Panaji and the rate is reasonable.

As per the Finance Budget Department circular No. 1-27-98/Fin(Bud) dated 16/06/1998 prior approval of Finance Department is required for purchase of Vehicle Music system.

This being the new organization, which has been established from March 2006 onwards, circulars/orders issued by the Government prior to its establishment are not available in the office.

Since, the item is already purchased and fitted for the Vehicle No. GA-07-0444 of this Commission ex-post facto sanction may kindly be granted in relaxation to the Rules.

Submitted,

(Pratap Singh Meena)
Secretary
Goa State Information Commission

Special Secretary (Inf. & Pub.)

Jt.Secy. Fin (Bud) Dept.