

GOA INFORMATION COMMISSION

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

Complaint No. 46/2007-08

Smt. Usha Rajendra Pai,
H.No. 51/1, Bandir waddo,
Chapora, Bardez – Goa.

.... Complainant.

V/s.

The Managing Director,
Goa Electronics Limited,
Sharma Shakti Bhavan, Panaji.

.... Opponent

CORAM:

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

(Per G.G. Kambli)

Dated: 17/01/2008.

O R D E R

This is a Complaint dated 09/11/2007 filed by the Complainant against the Opponent praying inter-alia that the Opponent be penalized and directed to furnish the correct information to the Complainant.

2. The facts of the case in brief are that the Complainant vide her application dated 15/10/2007 requested the Opponent to provide her the information on 7 points under the Right to Information Act 2005 (for short the Act). The Opponent vide reply dated 30/10/2007 furnished the information to the Complainant.

3. In the present Complaint before this Commission, the Complainant had made the grievances in respect of replies given by the Opponent on points 5, 6(c), 3 and stated that no information was provided on point No. 7 of the application of the Complainant. For better appreciation of the matter, we transcribe below the relevant replies of the Opponent. ...2/-

“3. on 20-05-2006 she did not attend her official duty. Attested copy of attendance is enclosed herewith. She had not given leave application but informed us telephonically.

5. on 02-05-2007 she was absent in the morning. Leave card was signed and she attended office in the evening late after attending court. Attested copy of the attendance is enclosed herewith.

6(c) on 06-07-2007 she had informed in the morning on telephone for leave but afterward she attended office late.

7(a) on 28-08-2007 she was present in the Office.”

4. At point No. 3, the Complainant wanted to know whether Smt Siddhi S. Pai alias Siddhi Ramesh Naik working in the office of the Opponent attended her official duty on 20/05/2006 and whether she was present in the office during official hours. The Complainant also sought copy of the attendance. The Opponent replied that on 20/05/2006 she did not attend her official duty on 20/05/2006. The copy of the attendance was also furnished. The Opponent also informed that she did not give leave application but informed telephonically. The Complainant submitted that on inspection of the attendance register, the Complainant noticed that the entry pertaining to the attendance dated 20/05/2006 in respect of Mrs. Pai was manipulated by applying white ink and by super imposing letter ‘A’ and therefore the Complainant alleges that Smt. Naik was present in the Office on 20/05/2006 and had signed the first half day. The Opponent in his reply dated 8/12/2008 filed before us had again reiterated that Smt. Naik did not attend official duty on 20/05/2006 and therefore she was marked absent. However, in his subsequent reply dated 22/12/2007 the Opponent admitted that the muster roll with regard to Smt. Naik was seen signed on 20/05/2006 but since she was not available in the office nor she was sent out of office for official work white ink was used to cancel her signature on 20/05/2006.

5. At point No.5 of the application, the Complainant wanted to know whether Smt. Naik attended her duty on 02/05/2007 and also requested for a attested copy of the attendance. The Opponent replied the said point stating that on 02/05/2007 Smt. Naik was absent in the morning and she attended

the office in the evening after attending the court. Attested copy of the attendance was also provided to the Complainant. The grievances of the Complainant is that the Opponent did not mention exactly at what time Smt. Naik reached the Office in the afternoon since she was present in the court till 3.30 p.m. In the reply dated 08/12/2007 the opponent stated that Smt. Naik was absent in the morning session on 02/05/2007 but she attended the office in the evening at 4.00 p.m after attending the personal court matter at Mapusa. She was allowed to do so by the Opponent. In his subsequent reply dated 22/12/2007, the Opponent has reiterated his earlier stand.

6. Coming now to the reply given by the Opponent at 6(c), the Complainant in her point at 6 wanted to know whether Smt. Naik attended her official duty and was present in office on 24/12/2005, 15/06/2007, 06/07/2007, 23/07/2007 and 24/09/2007. The reply given by the Opponent at 6(c) was in respect of the attendance on 06/07/2007. In his reply dated 30/10/2007, the Opponent had informed that on 06/07/2007 Smt. Naik had informed in the morning on telephone for leave but afterward she attended office late. The grievances of the Complainant is that the time at which she attended the Office on 06/07/2007 and the name of the person to whom she had informed telephonically was not mentioned. In the reply filed before us, the Opponent submitted that Smt. Naik had informed Shri Anthony Silveira, Manager that she will be attending personal court at Mapusa at 10.00 a.m and she was advised to take leave but she attended the Office at 11.00 a.m. and the Opponent allowed her to take her presence on the said date.

7. Turning now to the point at Sr. No. 7, the Complainant wanted to know whether Smt. Naik attended her official duty and was present in the office on 28/08/2007 and 05/09/2007. As against these, the Opponent informed the Complainant that Smt. Naik was present in the office on 28/08/2007. Thus, the Opponent did not provide the information as regard to the date of 05/09/2007. In the reply filed before us by the Opponent, the

information as to whether Smt. Naik attended her official duty on 05/09/2007 and whether she was present in the Office.

8. Thus, it will be seen from the above, that the Opponent has provided the information to the Complainant though belatedly except in respect of point No. 7 (part). The allegation made by the Complainant that as against the entry dated 20/05/2006 that white ink was used over the signature of Smt. Naik and a letter 'A' was super imposed, the Opponent admitted the same. We have observed that the Opponent has not provided the information to the Complainant regarding the attendance of Smt. Naik on 05/09/2007.

9. We have observed that the Complainant has addressed his application to the Opponent. We are not aware whether the Opponent has been designated as a Public Information Officer under the Act. We are also not aware who is the First Appellate Authority in respect of Goa Electronics Limited.

10. In these circumstances, we partly allow the Complaint and direct the Opponent to provide the information to the Complainant on point No.7 (part) i.e. whether Smt. Naik was present in the office and attended her duties on 05/09/2007. We also direct the Public Authority, Goa Electronics Ltd., to designate the Public Information Officer & First Appellate Authority if not done so far.

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

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