

GOA STATE INFORMATION COMMISSION

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

Complaint No.22/2006/DOT

Shri Sudesh Rahuvir Kalangutkar
R/o. H. No. 514, Mesta Bhat,
Merces, Ilhas - Goa.

..... Complainant.

V/s.

1. Public Information Officer of
Directorate of Transport,
Panaji - Goa.
2. Director of Transport,
Panaji - Goa.

..... Opponents.

CORAM :

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

(Per A. Venkataratnam)

Dated : 11/09/2006.

Adv. Shashikant Nabar for Complainant. Adv. K. L. Bhagat for both the
Opponents.

ORDER

This order disposes off the complaint dated 13/06/2006 filed before us wherein the complainant has alleged that certain information, which was asked by the complainant, though given to him by the opponents is incomplete and not legible. The comments of both the opponents were called for. They have filed a written statement on 22/08/06. On the day fixed for final arguments, the complainant has given an application praying for inclusion of the name of Shri Ashok Bhosle as opponent no. 3 as a necessary party.

2. The brief facts of the case are that the complainant first approached opponent no. 2 by his application dated 8/6/2005 asking for certain particulars

...2/-

pertaining to one of the Asst. Directors of Transport, by name, Shri Ashok Bhosle. It was followed by another application dated 11/11/2005. The second application is made after the commencement of the RTI Act, 2005. The opponent no. 2 has already given him all the information requested except the S.S.C. certificate of Shri Bhosle, as it was not available in his office. However, he made some efforts to obtain the same from the S.S.C. Board of Maharashtra at Pune and Kolhapur. They have mentioned in reply to the opponent's letter that S.S.C. certificate was already sent to Directorate of Vigilance, Government of Goa earlier. However, on a request by the opponent no. 2, Shri Ashok Bhosle obtained a duplicate copy of that certificate dated 1/6/2006 duly notarized at Kolhapur on 5/6/06. The case of the complainant is that without the original certificate, which was obviously not with the S.S.C. Board, the copy could not have been notarized and submitted to the opponent no. 2 by Shri Ashok Bhosle and that there is a variation in date of birth as per the birth certificate and S.S.C. certificate. He further submitted that to know the factual position Shri Ashok Bhosle should be added as a party before us. He has also submitted that as incomplete and incorrect information was given to him, the opponent no. 2 should be penalized @ Rs.250/- per day and the total amount of Rs.25,000/- be given to him.

3. We have gone through original application of the complainant and reply submitted by opponents to this Commission. It is clear that whatever information which was available with Department has already been given to the complainant and nothing was held back. As to the legibility, he has stated that whatever documents are available with him were photocopied and given to the complainant.

4. Both the complainant's Advocate and Advocate for the opponents have surprisingly mentioned that Shri Ashok Bhosle is a third party in the case. We do not see how he becomes a third party, as he is the employee of the Transport Department. Whatever records are available in Government Department about its employee are public documents and they are available for public scrutiny. It is, therefore, not correct to say that either Shri Bhosle is a third party or that he should be heard before the information given by him is supplied to any other citizen. The provision regarding third party information under Section 11 of the

Act is totally different and it is not applicable in this case. We, therefore, reject the request of the complainant to add Shri Bhosle as a party before us. As to his grievance regarding the discrepancy in the dates of the birth or improper notarizing of documents without checking original, this is not a forum to decide such issues or to examine them. As to the illegible documents, the opponent no. 2 has already clarified that the photocopy of available records are given and if they are not clear, the complainant can always inspect the original documents available with the opponent no. 2 in his office. As to the request of imposing penalty on the opponent no. 2, the question does not arise as the opponents have given documents available with them within time limit of one month after publication of the fee rules and also made some extra efforts to get the documents not available with him and has given to the complainant. The complaint therefore deserves to be rejected and we do hereby reject the same. Parties to be informed.

(A. Venkataratnam)
State Chief Information Commissioner,
GOA.

(G. G. Kambli)
State Information Commissioner, GOA.