BEFORE THE GOA STATE INFORMATION COMMISSION
Kamat Towers, Seventh Floor, Patto Plaza, Panaji Goa
Website : www.gsic.goa.gov.in Email: spio-gsic.goa@nic.in
Tel Nos. 0832- 2437208, 2437880

Appeal No. 89/2023/SCIC / 608

Mr. Pravin R. Misal,
H.No. 9, Dudhal Kalay,
Sanguem-Goa 403704.

.....Appellant

V/S

Mrs. Sunanda U. Sawant,
Assistant Registrar (Admn. NT),
State The Public Information Officer,
Goa University, Taleigao-Goa.

.....Respondent

To,

1)Mr. Pravin R. Misal,
H.No. 9, Dudhal Kalay,
Sanguem-Goa 403704.

2)Mrs. Sunanda U. Sawant,
Assistant Registrar (Admn. NT),
State The Public Information Officer,
Goa University, Taleigao-Goa.

Whereas the Appellant above named has filed to this Commission the above Appeal No. 89/2023/SCIC under Right to Information Act, 2005.

And Whereas, the above matter came up for hearing before this Commission (Coram: Aravind Kumar H. Nair) on 16/12/2024;

And upon hearing both the parties, this Commission has passed the Order and an authenticated copy of which is enclosed herewith for necessary action.

Given under my hand and seal on this day of 18th December 2024.

7/1/25

By Order of Commission,

(Avit S. Naik)
Under Secretary cum Registrar, GSIC

Encl: Authenticated Order copy.

9/1/25

Shirur

9/1/25

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Appeal No. 89/2023/SCIC

Mr. Pravin R. Misal,
H.No. 9, Dudhal Kalay,
Sanguem-Goa 403704. .....Appellant

V/S

Mrs. Sunanda U. Sawant,
Assistant Registrar (Admn. NT),
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Goa University, Taleigao-Goa. .....Respondent

Shri. Aravind Kumar H. Nair - State Chief Information Commissioner

Relevant facts emerging from the Appeal

RTI application filed on	- 14-11-2022
PIO replied on	- 21-12-2022
First Appeal filed on	- 20-12-2022
First Appellate order on	- 20-01-2023
Second appeal received on	- 09-03-2023
Decision of the Second Appeal on	- 16-12-2024

Information sought and background of this Appeal.

1. The RTI applicant vide RTI application dated 14/11/2022 sought the following information from the PIO, Goa University.

"1) Certified copies of increments and the Dearness allowances given to all contractual employees for the period from 01/04/2015 till Nov. 14, 2022.

2) Information of total number of contractual staff (non-teaching) employees for all posts as per vacancies advertised by Goa University from time to time on a contractual basis period from 01-01-2015 to Nov. 2022 (designations-strength).

3) Certified copies of all minutes of Executive Council Meeting held over subject of increment/giving Dearness Allowances to all contractual staff from 01/01/2015 to November 2022.

4) Certified copies of reasons for not giving Dearness Allowances to all contractual staff employed in Goa University from 01/01/2015 to November 2022.

5) Inspection of all documents files, notings, correspondence and minutes of the Executive Council Meeting on the above asked information."

2. The PIO, Mrs. Sunanda U. Sawant (Asst. Registrar/Admn-NT) vide letter dated 21/12/2022 replied as under:-

"Query No 1 & 2 - The PIO is required to supply the material in the forms as held by the public authority and is not required to do research on behalf of the citizens to deduce anything from the material and then supply to him as per Office Memorandum No. 11/22008-IR issued by the Govt. of India dated 10/07/2008.

Query No. 3 - Not available

Query No. 4 - The information sought in the form of reasons cannot be created which is held inadmissible for being provided.

Query No. 5 - You are permitted to inspect record pertaining to information asked."

3. The applicant preferred first appeal dated 20/12/2022 before the First Appellate Authority (FAA) on the ground of non-receipt of information and not allowing inspection of files pertaining to his RTI application. It is a fact that the RTI applicant didn't receive any reply/information from the PIO till his first appeal dated 20/12/2022 as the PIO's reply is dated 21/12/2022.

4. In his first appeal Appellant's prayers are furnishing the information free of cost and impose fine on erring officers including PIO.

5. The FAA heard the matter on 20/01/2023 wherein Respondent PIO agreed to furnish information with regards to point No. 1 and 2 and to provide certified copies of the minutes of the Executive Council Meeting, as mentioned. With regards to information sought at point No. 4, FAA informed that Respondent PIO is not the competent Authority to provide the information sought and hence it was not provided. As requested by the Appellant at point No. 5, the FAA permitted the Appellant to inspect the relevant records with

prior appointment with Respondent PIO. The first appeal was disposed accordingly by the FAA on 20/01/2023.

6. In pursuance of this order dated 21/01/2023 of the FAA, the Respondent PIO vide letter dated 13/02/2023 furnished reply/ information to the RTI applicant besides allowing him to inspect the available files regarding appointment of contractual staff on 21/02/2023. However, information pertaining to point No. 1 was mentioned as NIL, inspite of PIO agreeing to provide during the hearing held by the FAA.

7. The Appellant filed second appeal dated 09/03/2023 before the Commission praying for *i) directions to the Respondent PIO to furnish information free of cost ii) impose penalty on the PIO for denying the information and iii) Compensation as deemed fit for harassment and detriment caused to the Appellant.*

8. Parties were notified and hearing started from 26/04/2023 and the Advocate appeared on behalf of the PIO sought time to file reply.

Facts Emerging in course of hearing

9. During the hearing on the appeal on 10/07/2023, Adv. A. Agni appeared on behalf of the Respondent PIO filed reply to the second appeal of the Appellant. The Respondent submitted that there was neither denial of information nor rejection of prayer for inspection of files, as alleged by the Appellant. Moreover, the Appellant filed his first appeal dated 20/12/2022 without inspecting the concerned files which was allowed by the PIO.

10. Respondent further submitted that instructions given by the FAA have been complied and the available information has been provided to the Appellant.

11. Since information pertaining to point No. 1 of the RTI application was not furnished, the Commission on 11/08/2023 directed the advocate for PIO to first comply with the order of the FAA. Accordingly, on the next hearing (07/09/2023), advocate appeared on behalf of the PIO and furnished bunch of documents to the Appellant and submitted that PIO has furnished all the available information to the Appellant, who sought time to scrutinise the documents.

12. In his rejoinder dated 18/10/2023, Appellant submitted that Respondent PIO has given incomplete information in terms of Dearness Allowances (financial year-wise) as per RTI application. Hence, directions be issued to the Respondent PIO to provide complete information in Dearness Allowances for the financial year 2017 to 2022. Appellant in his rejoinder requested for following additional information also: -

a) OMGU Admn(NT)/DWR/337/2022/712.
b) Order copy of Finance Dept. of Goa Government pertaining to Dearness Allowance.
c) Advertisement of Junior Engineer and Library Assistant.

13. However, Respondent PIO in her sur-rejoinder objected the Appellant's move to expand the scope of his appeal at this stage.

14. Appellant was found absent in the subsequent few hearings and giving last opportunity, Appellant was asked to remain present in person for the next hearing and file his submission, if any, to the sur-rejoinder filed by the Respondent PIO. Appellant did not turn up on 19/11/2024 also and giving another opportunity to the Appellant, Commission fixed matter for order on 16/12/2024.

15. When the matter fixed for order today i.e. 16/12/2024, Appellant and advocate for Respondent appeared. When advocate for Respondent PIO submitted that the Appellant in his rejoinder

pointed out that the Respondent has not furnished financial year wise details of DA but the same (from 2016 to 2022 as requested by the Appellant) was duly furnished to the Appellant. Perusal of this records by the Commission revealed that Appellant has been provided the said information by the PIO. At this point, Appellant stated that he had lost the entire file containing information/ documents with regards to Appeal No. 89/2023 and the advocate for Respondent made a plea before the Commission that negligence of the Appellant be noted by the Hon'ble Commission.

16. The Commission directed to provide the same bunch of documents to the Appellant and he was directed to give written submission about the receipt of the documents including DA related documents for the financial year 2016 to 2022.

17. Accordingly, Appellant submitted a written submission dated 16/12/2024 and requested to dispose the matter.

DECISION

With the Respondent PIO furnishing all the information/documents to the Appellant and the Appellant submitting a written request to dispose the appeal as he received the information sought under RTI application, the matter stands disposed.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

(Aravind Kumar H. Nair)
State Chief Information Commissioner

Goa State Information Commission
Panaji - Goa

Authenticated Copy

Under Secretary cum Registrar
Goa State Information Commission
Panaji - Goa