

# GOA STATE INFORMATION COMMISSION

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## Appeal No. 471/2023/SCIC

Shri Ulhas R. Mainikar,  
r/o. H. No. 170/3, Pethwada,  
Kudnem, Bicholim,Goa, 403505.

..... Appellant

V/s.

1. The Public Information Officer,  
Dy. S.P. (Legal & Vigilance Cell),  
PHQ, Panaji – Goa.

2. The First Appellate Authority,  
S.P. Legal & Vigilance Cell,  
PHQ, Panaji – Goa.

.....Respondents

SHRI ARAVIND KUMAR H. NAIR–STATE CHIEF INFORMATION COMMISSIONER

**Filed on : 22/12/2023**

**Decided on : 03/02/2025**

### **FACTS IN BRIEF**

1. Shri. Ulhas R. Mainikar filed an RTI application dated 08/09/2023 to the Public Information Officer (Office Superintendent), Police Headquarters seeking information at 9 points pertaining to Administration Branch (PHQ), Security Branch and Petition Cell of Goa Police, PIO (Admn. Branch), Police Headquarters then transferred the copy of RTI application of Shri. Mainikar to the respective PIO's of Security Wing and Petition Cell (Legal & Vigilance Cell) of Police Headquarters for necessary action at their end.
2. The Legal and Vigilance Cell received the RTI application on 14/09/2023 after it was transferred to them by the Admn. Branch, DGP's Office u/s 6 (3) of RTI Act. In response to the RTI application received on transfer, PIO, Legal & Vigilance Cell vide letter dated 09/10/2023 replied to the RTI applicant with a copy addressed to the PIO, Admn. Branch, DGP's Office, who transferred the RTI application to the Legal & Vigilance Cell.

3. Out of the 9 points, queries of the RTI applicant only three viz. Point No. 3, 7 & 8 only related to the Petition Cell (Legal & Vigilance Cell). Hence, the PIO, Legal & Vigilance Cell replied to points 1, 2, 4, 5, 6 & 9 that Information sought is not available on records of this office and Point No.3 was properly replied by furnishing certified copies of joining report of Mr. Kamal Bhago Shelke, LPC- 8557. Reply to the Point No.7 was that *"Information sought by you is rejected u/s, 8 (1) (j) of RTI Act, 2005"* and reply to Point No. 8 was that *"Information sought is not available on records of this office"*
4. Aggrieved by the reply of PIO, Legal & Vigilance Cell, Appellant filed First Appeal dated 26/10/2023 to the First Appellate Authority (FAA/ S.P Legal & Vigilance, PHQ), praying for the direction to the Respondent PIO to furnish information as sought vide RTI application dated 08/09/2023 free of cost.
5. FAA vide Order dated 29/01/2023 dismissed the appeal as the Appellant failed in proving larger public interest in obtaining Attendance Register of Staff members and duty chart of Petition Cell functioning under the Legal & Vigilance Cell, PHQ. Panaji.
6. Aggrieved by the order issued by the FAA (Suptd. of Police, Legal & Vigilance Cell), Appellant preferred his second appeal dated 22/12/2023 before the Commission praying for issuing direction to the Respondents to furnish information as per his RTI application dated 08/09/2023, free of cost and to impose penalty on Respondent PIO, u/s 20 (1) of RTI Act, 2005 for failing to furnish information sought vide RTI application.
7. Following the receipt of Second appeal, parties of the appeal were notified fixing the first hearing on 07/02/2024 wherein Appellant was absent due to sickness and Respondent PIO (Shri. Wilson D'Souza, DY.S.P. Legal & Vigilance Cell) appeared and sought to file his reply. Thereafter, no hearing held in the matter from March 2024 to September 2024 as the post of SCIC and SIC remained vacant.

8. Incumbent SCIC took up the matter for hearing on 08/10/2024 but Appellant and Respondents remained absent. Hence, notice served to the parties to the appeal for their absence in the next hearing fixed for 19/11/2024. Appellant as well as their Respondent PIO present and the Commission issued direction to the PIO to furnish submission before the next date of hearing with an advance copy to the appellant.
9. Respondent PIO in his written reply dated 07/12/2024 stated that as regards information in respect of Point Numbers 1, 2, 4, 5, 6, 8 & 9, Appellant was informed that information is not available on records of the office of the PIO in Legal & Vigilance Cell, PHQ.
10. With regards to information in respect of Point 7 (Certified copies of Attendance Register of Staff members of Petition cell (Legal & Vigilance Cell) for the year October 2022 to till date), PIO submitted that he has informed the Appellant that the information sought vide RTI application dated 08/09/2023 falls under the ambit of Section 8(1) (j) of the RTI Act, 2005 and hence exempted from disclosure. In support of this denial citing exemption clause, PIO relied on the Judgement passed by ***the Hon'ble High Court of Delhi on 31/08/2020 in Dr. R.S Gupta V/s. Govt. of NCTD & Others LDA.No.207/2020*** in which the Hon'ble Court has observed that the attendance record in part of Service record which is a matter between the employee and employer and ordinarily these aspects are governed by Service Rules which falls under the expression 'personal information'.
11. PIO further cited the Judgement passed by the ***Hon'ble High Court of Punjab & Haryana on 25/01/2023 in Dr. Jagrati Sharma V/s. State Information Commissioner, Haryana & Others, LPA, No.145 of 2020***, in which Hon'ble Court observed that the information regarding posting, working hours, copy of attendance register in relating to the information personal to the concerned staff.
12. On the other hand, Appellant submitted a rejoinder letter to the reply of the PIO and submitted that he is eligible for receiving information to Point No. 7 and 8 mentioned in his RTI application and cited earlier

decisions of the Goa State Information Commission in Appeal No.277/2021/SCIC, Complaint No. 27/2023/SCIC, Complaint No. 318/2022/SIC and Complaint No. 302/2023/SIC to support his claim.

13. During the final argument in the matter today i.e. 03/02/2025, Appellant submitted that in his 9 point RTI application dated 08/09/2023, only three points viz. point numbers 03, 07, and 08 pertains to the Petition Cell of Goa Police Headquarters, Panaji. Out of which, he received information in respect of Point No.3 only and information to Point No. 7 was denied under section 8 (1) (j) of RTI Act, 2005 and with regard to Point No.9, PIO replied that information sought is not available on records of his office. PIO agreed the same and submitted their Point No. 7 is pertaining to the certified copies of Attendance Register of all staff members of Petition Cell (Legal & Vigilance Cell) and rightly denied under the provision of section 8 (1) (j) of the RTI Act, 2005 and Point No. 9, the Appellant sought certified copies of month-wise duty chart of police staff attached to Petition Cell but such information is not available on records of the office of PIO.
14. When Commission sought justification from the Respondent PIO about not availability of duty chart of the staff members attached to the Petition Cell, PIO submitted that Petition Cell staff had no specific duty chart. At this point, Commission highlighted the difference between 'not available' of duty chart and 'no duty chart system' prevails in the Petition Cell for their staff members and directed the Respondent to reply appropriately.

### **DECISION**

**Based on the above mentioned facts and circumstances, arguments, placed before the Commission by the parties to the appeal and perusal of records, Commission hereby issued directions to the Respondent PIO-**

- 1. To furnish certified copies of Attendance Register of the staff members of Petition Cell of Goa Police at PHQ, Panaji for the period October 2022 to till date**

**i.e. 08/09/2023, the date of RTI application of the Appellant (It pertains to Point No. 7 in RTI application).**

- 2. With regard to Point No. 8, seeking duty chart of police staff attached to Petition Cell, PIO is directed to furnish copy of the duty chart, if it is existing, if no specific duty chart is not maintained for the staff of police personnel, as submitted by the PIO today (03/02/2025) give reply to the Appellant to that effect instead of furnishing reply as 'Not Available'.**
- 3. Information in respect of above said two points viz. Point No. 7 & 8 should be furnished to the Appellant within 15 days of the receipt of this order dated 03/02/2025.**

**With the above directions to the Respondent PIO, Appeal No. 471/2023/SCIC disposed off today, i.e. 03/02/2025.**

- Proceeding in the matter stands closed.**
- Proceeding in open Court.**
- Notify the parties.**

Sd/-

**( ARAVIND KUMAR H. NAIR )**  
State Chief Information Commissioner, GSIC