

## **GOA STATE INFORMATION COMMISSION**

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### **Appeal No. 247/2024/SCIC**

Girish Gopal Sawant,  
Munang Wada,  
Assagao, Bardez-Goa 403507.

----Appellant

V/s

1.Swapnita Naik,  
Section Officer/PIO,  
Personnel Department,  
Secretariat, Porvorim-Goa.

2.Shri. Paresh FalDessai,  
Jt. Secretary (Personnel),  
First Appellate Authority,  
Secretariat, Porvorim-Goa.

----Respondents

**Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC**

### **Relevant Facts Emerging from the Appeal**

<b>RTI application filed on</b>	- 31/05/2024
<b>PIO replied on</b>	- 28/06/2024
<b>First Appeal filed on</b>	- 22/07/2024
<b>First Appellate order on</b>	- 03/09/2024
<b>Second appeal received on</b>	- 04/11/2024
<b>Decision of the Second Appeal on</b>	- 02/07/2025

### **Information sought and background of the Appeal**

1. Shri. Girish G. Sawant filed an application dated 31/05/2024 under RTI Act, 2005 to the PIO, Personnel Department, Government of Goa seeking following information :
  - i. *"Certified copies of minutes of all Departmental Promotion Committees (DPCs) including minutes of Supplementary/Review DPCs held along with Noting, Correspondences, any other form of written communication pertaining to DPC and subsequent concurrences granted by the GPSC with respect to Officers of Goa Civil Service from 01/01/2016 till date.*
  - ii. *Certified copies of requisition documents along with noting/correspondence/any other form of written communication pertaining to filling up of posts of Junior Scale Officers of Goa Civil*

*Service by Direct Recruitment and promotions sent to the Goa Public Service Commission from 01/01/2016 till date."*

2. Perusal of documents submitted by the Appellant along with the Second appeal dated 04/11/2024 revealed that Appellant has filed another RTI application dated 31/05/2024 (total 02 applications on the same day on same subject matter) seeking following information :

- i. "Details of Requisition for filling up posts of Junior Scale Officers of Goa Civil Service by direct recruitment in Form 1 sent to the GPSC along with enclosures from 01/12/2019 till 30/07/2021.*
- ii. Details of requisition for filling up posts of Junior Scale Officers of Goa Civil Service by promotions in Form 2 with note for DPC sent to the GPSC along with enclosures from 01/12/2019 till date.*
- iii. Vacancy Register for the post of Junior Scale Officers of Goa Civil Service".*

3. In response to the RTI application, PIO/Personnel Department (Section Officer) vide letter dated 28/06/2024 replied as under :

*"With reference to the RTI applications bearing inward number 95/RTI/2024 and 96/RTI/2024 dated 31/05/2024, I am to request you to pay an amount of Rs. 24,546/- (Rupees Twenty Four Thousand Five Hundred and Forty Six only) towards the fees of the information sought vide RTI application bearing inward number 95/RTI/2024 and the information sought at Point No.1 and 3 (part) of the RTI application bearing inward number 96/RTI/2024 in Cash Section of General Administration Department, Secretariat, Porvorim between 10.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. on any working day and the receipt thereof be produced before the undersigned for collection of information. Please note that the work of photo copying will begin upon payment of the information fees.*

*As regards to the remaining information with respect to notings/correspondences/any other forms of written communications pertaining to direct recruitments sought at Point No.2 (part) of the application bearing inward number 96/RTI/2024, it is requested to inspect the concerned files available in this department except the records exempted from disclosure under Section 8 of RTI and to specify the documents required."*

4. Being aggrieved by the reply received from the PIO, Applicant filed first appeal dated 22/07/2024 before the First Appellate Authority (Joint Secretary/Personnel Department) stating that there was a delay on the part of PIO in furnishing information. According to the Appellant, the reply/information to his RTI application dated 31/05/2024 should have been received/provided on or before 29/06/2024, being the 30<sup>th</sup> day. However, in this case, the reply to the RTI application was ready with the PIO on 28/06/2024 but it was dispatched through Registered post with AD on 01/07/2024 and delivered to the Appellant on 02/07/2024 i.e. on 33<sup>rd</sup> day causing 3 days delay in furnishing the sought information. Appellant prayed before the FAA to direct the PIO to provide the information, free of cost, u/s. 7(6) of the RTI Act, 2005.
5. Respondent PIO vide reply dated 19/08/2024 submitted before the FAA that two RTI applications bearing inward No. 95/RTI/2024 and 96/RTI/2024 dated 31/05/2024 were received from the Appellant seeking information from 2016 till date. RTI applications were replied vide letter dated 28/06/2024. However, the same remained pending with the Central Registry as 29/06/2024 and 30/06/2024 were non-working days being Saturday and Sunday and the same was dispatched through Registered AD on the next working day i.e. 01/07/2024, which was also within the prescribed time limit under RTI Act, 2005.
6. FAA (Jt. Secretary, Personnel) vide order dated 03/09/2024 dismissed the appeal with the following observation :

*"It is observed as records that the reply to the Appellant remained pending with the Central Registry since 29/06/2024 to 30/06/2024 being Saturday and Sunday and the same was dispatched on the next working day i.e. 01/07/2024 and Appellant received on 02/07/2024. There is a delay of 03 days which is not intentional on the part of PIO but due to non-working day.*

*As per the track consignment of the Postal Department produced on record, it can be concluded that there is no intentional delay on the part of PIO in supplying the information."*

7. Subsequently, Appellant filed Second Appeal dated 04/11/2024 before the Commission stating that :
- i. Respondent PIO has violated the provision of the RTI Act, 2005 by not furnishing the reply/information within the time limit of 30 days.
  - ii. Despite having clear delay of three days, the Judgement of the FAA was that there is no intentional delay on the part of Respondent PIO.
  - iii. Respondent PIO was aware that 29/06/2024 and 30/06/2024 were non-working days and there was no need for the PIO to wait till last working day.
  - iv. The RTI Act, 2005 does not exempt holidays and non-working days from calculating time limit to furnish the information.
  - v. Appellant cited an earlier order dated 12/01/2023 of previous SCIC granting relief to the Complainant in a complaint in which the Complainant received the information on 34<sup>th</sup> day only.

### **FACTS EMERGING IN COURSE OF HEARING**

8. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 26/02/2025 for which Appellant and Respondent PIO present.
9. Matter was adjourned for further hearing on 31/03/2025 for which Appellant appeared in person and the Respondent PIO present along with the APIO.

During the course of hearing, Respondent PIO submitted that -

- i. The Appellant had filed two applications, which were inwards on 31/05/2024, seeking information pertaining to direct recruitment and promotion proposals from the year 2016 till date.*
- ii. The sought information was voluminous in nature comprising thousands of pages and was scattered over various files.*
- iii. Staff of the Personnel Department were exclusively made to work on the Appellant's application to compile the information.*
- iv. The RTI applications were duly replied by the PIO vide letter dated 28/06/2024 i.e. (Friday) 28<sup>th</sup> day of receiving the application, since 29<sup>th</sup> & 30<sup>th</sup> day, i.e. 29/06/2024 & 30/06/2024 were non-working days being Saturday and Sunday.*

- v. *Appellant was requested to pay an amount of Rs. 24,546/- towards the information sought by him.*
  - vi. *Even though O/o. the Respondent PIO dispatched the reply to the Appellant on 28/06/2024 (on 28<sup>th</sup> day of the receipt of the application), same remained pending with Central Registry since the next two days were non-working days being Saturday and Sunday (29/06/2024 and 30/06/2024) and then dispatched from the Central Registry on the next working day i.e. 01/07/2024*
  - vii. *There is no delay of 03 days in furnishing the information as the Respondent PIO has replied to the Appellant within the prescribed time limit under the RTI Act, 2005 i.e. on 28<sup>th</sup> day.*
10. Matter was taken up for final hearing on 02/07/2025 for which both Appellant as well as Respondent PIO present.
- Highlighting three days delay in receiving the information, Appellant submitted that since the information received after the stipulated time period of 30 days i.e. on 33<sup>rd</sup> day, he is entitled to get the information free of cost. Appellant further submitted that Central Registry is an internal communication system of the Secretariat and PIO is well aware of the functioning of the Central Registry and Respondent PIO cannot deny the delay of 03 days.
11. Respondent PIO submitted that there was no delay on her part and to gather, compile, Xerox and certify the sought information spread over thousands of pages took reasonable time despite diverting sizeable resources/manpower of the office. Moreover, the information of voluminous nature dispatched by the O/o. PIO on **28<sup>th</sup> day (28/06/2024)**, i.e. within the stipulated time frame of 30 days specified under the RTI Act, 2005 but 29/06/2024 and 30/06/2024 being non-working days (Saturday and Sunday) the Central Registry actually dispatched on 01/07/2024 only resulting in the information reaching the Appellant on 02/07/2024.
12. After going through the submissions as well as oral arguments placed by the parties to the present appeal, Commission has come to the conclusion that :

- i. Technically there is a delay of 02 days in receiving the information by the Appellant, who received information by Registered post on 02/07/2024 to his RTI application dated 31/05/2024 but there is no deliberate or intentional delay on the part of the Respondent PIO, who dispatched the information of voluminous nature (Rs. 24,546/-as necessary fee for information clearly vindicates the voluminous nature of information) on 28/06/2024 itself, i.e. on 28<sup>th</sup> day from the receipt of the RTI application.**
- ii. One can reasonably understand that preparing, compiling, Xeroxing and certifying this much voluminous information requires ample time as well as resources. Hence Appellant cannot claim information free of cost citing technical delay of 02 days.**
- iii. Appellant cited an order dated 12/01/2023 of the previous SCIC in Complaint No. 27/2022 directing the Respondent PIO to furnish the information to the Complainant free of cost with a request to consider the same order in the present matter. However, perusal of the said complaint revealed that the delay in furnishing information in the said matter (Complaint No. 27/2022) was 04 days and the amount to be paid by the Complainant was Rs. 454/- only (Copy of ComplaintNo. 27/2022 and PIO's reply dated 17/06/2022 enclosed) as against (Rs. 24,546/-) to be paid by the Appellant in the present appeal.**
- iv. If the cost of information in the present appeal is a marginal one, Commission could have favour the Appellant but in the present matter the resources, time, energy, manpower etc. involved in providing information costing Rs. 24,546/- need to be taken into account.**

**DECISION**

1. **Even though the Respondent PIO dispatched the sought information to the Appellant on 28<sup>th</sup> day of the receipt of the RTI application and the appellant received the information by Registered AD on 32<sup>nd</sup> day only on account of postal holidays on 30<sup>th</sup> and 31<sup>st</sup> day, this two-day delay, for which Respondent No. 1 cannot be held fully responsible, cannot provide the appellant any right to claim the voluminous information free of cost.**
2. **If the appellant desires to avail the above mentioned voluminous information costing prescribed fee of Rs. 24,546/- , he has no valid ground to take the shelter of 2 days technical delay but to pay the necessary fee calculated on the basis of the pages of information.**
3. **Considering the above mentioned facts and circumstances, Commission has come to the conclusion that the Appellant has to collect the information as sought by him in the present appeal by paying the requisite fee of Rs. 24,546/-.**
  - Proceeding stands closed.
  - Pronounced in open Court.
  - Notify the parties.

*Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act, 2005.*

Sd/-

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



