

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No.49/2025/SCIC

Shri Gurunath G. Naik
S-4, Sandip Apartments,
2nd Floor, Building B,
Dr. Dada Vaidya Road,
Panaji Goa.

..... Appellant

V/s

1) Public Information Officer,
Anti-Corruption Branch,
Altinho, Panaji Goa.

2) F.A.A, Anti-Corruption Branch,
Directorate of Vigilance,
Altinho, Panaji Goa.

.....Respondents

Shri Aravind Kumar H. Nair – State Chief Information Commissioner

Relevant Facts Emerging from the Appeal

RTI application filed on	- 30-09-2024
PIO replied on	- 25-10-2024
First Appeal filed on „	- 01-11-2024
First Appellate order on	- 20-11-2024
Second appeal received on	- 11-02-2025
Decision of the Second Appeal on	- 11-08-2025

Information sought and background of the Appeal

1. Shri Gurunath G. Naik filed an application dated 30/09/2024 under RTI Act,2005 to the PIO, O/o. Anti-Corruption Branch, Altinho, Panaji seeking following information :

- i. *Specify in details the date of seeking of prior approval under section 17-A of the Prevention of Corruption Act, 1988 by the ACB from the Competent Authority for conducting inquiry investigation of the public servants in pursuant to the complaints dated 17/08/2020 & 15/09/2020 filed by Mr. Gurunath G. Naik.*

- ii. Copies of noting put up for seeking such approval from the Competent Authority.
- iii. Details of the Competent Authority from whom such approval is sought.
- iv. Copy of the letter/application made by the ACB seeking such approval from the Competent Authority.
- v. Copies of correspondence exchanged by the ACB with the competent authority after seeking such approval.
- vi. Status of the same as on date.

2. In response to the RTI application, PIO/Anti-Corruption Bureau vide letter dated 25/10/2024 replied to the Appellant as under -

“Point No.1, 4 & 8 -	The information called by you is ambiguous and not specific. The same is not readily available in format, so as to issue the same.
Point No.2 & 3 -	Applicant is requested to seek for the information giving specific details of the information required.
Point No.6 -	Applicant may seek for such information as described under section 2 (f) of RTI Act, 2005”.

3. Being aggrieved by the reply of the PIO/ACB, Appellant filed first appeal dated 01/11/2024 stating that he is not satisfied with the reply given by the Respondent PIO.

4. The Order dated 20/11/2024 passed by the FAA (S.P, ACB/Vigilance)read as under -

“In view of the above mentioned paras, I am satisfied that information sought by the appellant has been met, hence the reply of the Respondent PIO vide letter No.ACB/VIG/RTI-47/2024/88/2024 dated 25/10/2024, is upheld and the Appeal stands dismissed”.

5. Para 9 of the aforesaid Order stated that the complaints dated 17/08/2020 and 15/09/2020 filed by the Appellant before the Anti-Corruption Bureau have not been registered as criminal cases and as such, seeking prior approval u/s. 17-A of Prevention of Corruption Act does not arise.

6. Para 10 of the said Order stated that on the status of Appellant's complaint dated 17/08/2020 & 15/09/2020 regarding (i) *Illegal recruitment of Executive Director (Finance) by the M.D,GSIDC and* (ii) *Illegal continuance of Swayandipta Pal Chaudhary as CEO at IPSCDL after expiry of his fixed term, the same was forwarded to Directorate of Vigilance for necessary action at their end.*

7. Subsequently, Appellant preferred second appeal dated 11/02/2025 before the Commission stating that –

- (i) The Order passed by the FAA is illegal, perverse and unsustainable in law.
- (ii) The “impugned order” passed by the FAA is unreasonable, erroneous and the reasons contained therein are not supported by or based on material on record.
- (iii) Impugned Order of the FAA is liable to be quashed and set aside.

Appellant prayed before the Commission to quash & set aside the '*impugned order*' of the FAA and direct the Respondent PIO to furnish information sought vide RTI application dated 30/09/2024.

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 22/04/2025 for which Appellant present. Respondent PIO was absent but his authorised representative appeared. Matter adjourned to 19/05/2025.

9. When the matter called for hearing on 19/05/2025, replies dated 19/05/2025 of the Respondent PIO and FAA to the appeal memo were filed.

10. Respondent No.1 stated that –

- i) *He has furnished correct reply within the prescribed period to the Appellant.*

- ii) Application of the Appellant was ambiguous, not specific and the information was not readily available in the required format.*
- iii) A request was made to the Appellant to seek specific desired information but the appellant did not turn up till date.*

11. FAA in his written reply to the present Appeal memo stated that-

- i. On hearing the arguments of the Appellant and perusal of the 'say' filed by the Respondent No. 1, first appeal of the Appellant was dismissed by the Respondent No.2 and upheld the reply furnished by the PIO vide letter dated 25/10/2024.
- ii. The submissions made by the Appellant in the present appeal are vague, baseless, false, illogical and misconceived from the facts. Moreover, the present appeal has no legal sanctity and is devoid by the truth and is liable to be dismissed. Matter adjourned to 16/06/2025.

12. When matter took up for hearing on 16/06/2025,Appellant filed written submission stating that –

- i. The Police Inspector of ACB/Vigilance vide reply dated 03/03/2025 before the Court of Hon'ble Principal Sessions Judge, North Goa, Panaji in the Criminal Miscellaneous Application No.104/2020 and 106/2020 have submitted that before initiating any inquiry ACB has sought prior approval from the Competent Authority/State Government as per provisions of Section 17-A of the Prevention of Corruption Act,1988 for conducting inquiry in respect of complaints dated 17/08/2020 and 15/19/2020 and the same is yet to be received from the Competent Authority/State Government.
- ii. S.P, ACB/Vigilance in the reply dated 20/06/2024 & 12/08/2024 before the Court of Hon'ble Sessions Judge, North Goa to Criminal Miscellaneous Application No. 76/2024 has submitted that the S.P/ACB has moved the file seeking prior approval of Competent

Authority as per provision of Section 17-A of the Prevention of Corruption Act, 1988 for conducting inquiry in respect of Complaint dated 17/08/2020. However, till date, no approval has been received from the Competent Authority.

- iii. Above mentioned replies filed by the P.I and S.P of the ACB before the Sessions Judge, North Goa clearly establish that ACB had sought prior approval u/s 17-A of the Prevention of Corruption Act, 1988 from the Competent Authority in the complaints dated 17/08/2020 & 15/09/2020 mentioned by the Appellant in the RTI application.
 - iv. However, the details of the Competent Authority from whom such approval sought and status of the same have been denied by the Respondent No. 1.
 - v. Respondents have misguided the Hon'ble Commission by filing false reply dated 19/05/2025.
13. In order to substantiate his claim of reply submitted by the P.I and S.P of ACB before the Hon'ble Sessions Judge, North Goa admitting that prior approval has sought from the Competent Authority in complaints dated 17/08/2020 and 15/09/2020 filed by the Appellant before this ACB, Appellant submitted following copies :
- i. **Reply dated 05/03/2024 filed before the Principal Sessions Judge, North Goa, Panaji by P.I/ACB, Shri Sameer M. Haldankar -**

“The offences alleged in the complaint of Shri Gurunath Naik are relatable to recommendation made or decision taken by public servants in discharge of their official functions or duties. Therefore, in order to conduct enquiry or inquiry or investigation in this matter, prior approval of Competent Authority, State Government is required to be obtained as per provisions of Section 17-A of Prevention of Corruption Act, 1988 (as amended in 2018)”.

ii. Reply dated 20/6/2024 filed before Hon'ble Sessions Judge, North Goa, Panaji by S.P, ACB/Vigilance Shri Dharmesh G.P. Angle -

“Accordingly, Respondent’s i.e. Superintendent of Police, ACB, has moved the file for seeking prior approval of competent authority i.e. Govt. of Goa, as provisions of Section 17-A of Prevention of Corruption Act, 1988 (as amended in 2018) for conducting enquiry in this matter”.

iii. Reply dated 12/08/2024 filed before Hon'ble Sessions Judge, North Goa, Panaji filed by SP,ACB/Vigilance Shri Nelson Albuquerque -

“Since the matter is relatable to recommendation made or decision taken by public servants in discharge of their official functions or duties, prior approval of competent authority i.e. State Government is required, as per provisions of Section 17-A of Prevention of Corruption Act, 1988 (as amended in 2018) for conducting enquiry or inquiry or investigation in this matter against Government Servants”.

14. Matter posted to 10/07/2025 for further hearing. During the hearing on 10/07/2025, Respondent No.1 (PIO/ACB) filed written submission dated 10/07/2025 containing the following details :

- i) Prior approval of Competent Authority, State Government is required to be obtained as per Provisions of Section 17-A of Prevention Corruption Act, 1988 for conducting enquiry or inquiry or investigation in any matter related to recommendation made or decision taken by public servant in discharge of his official functions or duties.
- ii) ACB functions under the administrative control of the Directorate of Vigilance of the Government of Goa and the Chief Secretary being the Secretary (Vigilance) and the Chief Vigilance Officer is the administrative head of the Directorate of Vigilance.
- iii) With regard to the Complaint dated 17/08/2020, a requisition for obtaining approval u/s. 17-A of Prevention of Corruption Act, 1988

was processed in the noting dated 22/12/2020 (Enquiry File No. ACB/VIG/Comp-69/2020 dated 19/08/2020 into Complaint dated 17/08/2020) and it was submitted before the administrative section of the Directorate of Vigilance. However, no specific confirmation was received.

- iv) With regard to the complaint dated 15/09/2020 (File No.ACB/VIG/COM-79/2020 dated 22/09/2020) a separate file No.79/2020 (Link File 17-A) was processed for seeking approval under section 17-A of Prevention of Corruption Act 1988 and sent to the Administrative Wing of the Directorate of Vigilance on 17/06/2022. Presently the file is before the Administrative Wing of the Directorate of Vigilance.
15. Matter took up for final hearing on 11/08/2025 for which Appellant and the Representative of the Respondent PIO present. During the course of hearing/arguments, it has come to know that the Appellant is primarily looking for the following three information only pertaining to his complaints filed before the ACB/Vigilance dated 17/08/2020 & 15/09/2020-
- i) Date on which proposal seeking approval of the Competent Authority u/s. 17-A of the Prevention of Corruption Act 1988 was moved by the ACB/Vigilance.*
 - ii) Details of the Competent Authority from whom approval is sought by the ACB.*
 - iii) Present status of the Appellant's Complaint dated 17/08/2020 & 15/09/2020 filed before ACB.*
16. Written submission dated 10/07/2025 filed by the Respondent: No. 1 (PIO/ACB) clearly states that –
- a) ACB/Vigilance has moved the File No.ACB/VIG/COMP-69/2020 dated 19/08/2020 in connection with Complaint dated 17/8/2020 of the Appellant, Shri Gurunath G. Naik to the Administrative Section of

the Directorate of Vigilance for seeking approval u/s 17-A of Prevention of Corruption Act 1988 from the Competent Authority but no specific confirmation received so far.

- b) With regard to Complaint dated 15/09/2020 filed by the Appellant, ACB sent File No.79/2020 (Link File 17-A) to the Administrative Wing of the Directorate of Vigilance on **17/06/2022** seeking approval under section 17-A of the Prevention of Corruption Act 1988 but the file is still pending before Administrative Wing of Directorate of Vigilance.

COMMISSION'S OBSERVATION

Based on the aforesaid facts & circumstances, submissions and arguments placed by the Appellant and Respondents in the present appeal, Commission has observed the following :

- i) Based on the Complaints filed by the Appellant Shri Gurudas G. Naik, ACB/Vigilance has moved file to the Administrative Wing of the Directorate of Vigilance seeking prior approval u/s. 17-A of Prevention of Corruption Act 1988 (amended in 2018) from the Competent Authority to institute action in the complaints.
- ii) Proposals seeking prior approval u/s 17-A of Prevention of Corruption Act 1988 in connection with the said complaints are still pending before the Administrative Wing of the Directorate of Vigilance and ACB/Vigilance yet to receive any confirmation over approval u/s 17-A of Prevention of Corruption Act 1988.
- iii) Reply filed by the PI and SP of ACB/Vigilance before the Hon'ble Sessions Judge, North Goa, Panaji vide dated 05/03/2024, 20/06/2024 and 12/08/2024 vindicates that ACB has moved file for seeking prior approval of Competent Authority u/s. 17-A of Prevention of Corruption Act 1988 for conducting inquiry into the complaints filed by the Appellant.

- iv) Proposed for seeking prior approval u/s 17-A of Prevention of Corruption Act 1988 is pending before Administrative section of the Directorate of Vigilance.
- v) Respondent No.1's (PIO/ACB) written submission dated 10/07/2025 provides clear information to the Appellant's query over the date on which proposal seeking prior approval u/s. 17-A of Prevention of Corruption Act 1988 moved.
 - a. *As far as complaint dated 17/08/2020, the date of proposal is **22/12/2020**.*
 - b. *With regards to the complaint dated 15/09/2020, the date of proposal is **17/06/2022**.*
- vi) Two remaining RTI queries of the Appellant to be replied are-
 - i. Details of the Competent Authority to whom proposal for seeking prior approval u/s 17-A of Prevention of Corruption Act 1988 is sought by the Directorate of Vigilance based on the note/proposal moved by the ACB/Vigilance OR the details of the Competent Authority who gave prior approval.
 - ii. Present status of the two complaints dated 17/08/2020 and 15/09/2020 filed by the Appellant.

DECISION

- i. Based on the Respondent PIO's written submission dated 10/07/2025 about the proposal moved to the Administrative Wing of the Directorate of Vigilance for seeking prior approval u/s 17-A of the Prevention of Corruption Act 1988 from the Competent Authority to institute inquiring/investigation into the complaints filed by the Appellant, Shri Gurudas G. Naik, Commission hereby **directed the Director of Vigilance** to furnish following information to the Appellant through PIO/ACB within 10 days from the receipt of the order :

- (1) **Designation of the Competent Authority** to whom proposal for seeking prior approval u/s. 17-A of Prevention of Corruption Act 1988 has submitted to take action on the complaints dated 17/08/2020 and 15/09/2020 filed by the Appellant to ACB/Vigilance.
- (2) **Present status of the said two complaints** dated 17/08/2020 & 15/09/2020. Only, whether under inquiry/investigation/still pending/Awaiting Prior Approval etc. No details at all into the subject matter or the Investigation is to be provided.

Director of Vigilance shall provide the information on above two points to the Appellant through Respondent PIO (Anti-Corruption Bureau).

Compliance Reports of Director of Vigilance and Respondent PIO (ACB) should reach this Commission within 15 days on receipt of the Order.

- Proceedings stands closed.
- Pronounced in the 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

