

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2233/02**

**Shri.Ruturaj Madhukar Bhosale  
Barve Banglow 1225, Rupali CHS,  
F.C Rd, Shivaji Nagar, Deccan,  
Pune – 411 004.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Law & Judiciary Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Law & Judiciary Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.10.2007 had sought information respect of reservation for backward classes. He wanted to know for how long the reservation would be there and why economic condition should not be a criteria for caste based reservation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 04.05.2009. Appellant and respondent were absent.

After going through the case papers I have come to the conclusion that the information is beyond the Public Information Officer. He originally applied to the Law and Judiciary but his application was sent to the Department of social justice. Since the appellant has remained absent the case is closed.

### **Order**

The appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 04.05.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2237/02**

**Shri.Sudhakar Dinkar Kirve  
Nivadung Coop. Housing Board,  
Flat No.14, B Wing, Rhutunagari,  
Room No.5/10,Benkar Colony,  
Ghayari, Pune – 411 041.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Cooperation and Textile Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Cooperation and Textile Department  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information respect of Nivadung Cooperative Housing Society Ltd, Ritunagari, S.No.5/0 Ghayari, Pune.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 04.05.2009 through video conferencing. Appellant and respondents were present.

The appellant has contended that he has not been given the information. The respondent has submitted that 700 pages of information relating to sanction of loan has been given to the appellant. Remaining information has to be obtained form the office of the District Deputy Registrar. The appellant has been informed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information available has been furnished. The appellant has not organized his papers properly. He has not attached a copy of his original application. It also needs to be explained that information available at local level should sought from there. It is not expected that they will be called in Mantralaya and then sent to the appellant. The appellant has a lot of complaints against the society office

bears and the contractor. These issues can be sorted out under the Maharashtra Cooperative Societies Act 1960. The RTI Act is not supposed to provide remedies or redressal of grievances. I therefore close the case at this end.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 04.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2235/02**

**Shri.Narayan Devidas Pandit  
Flat No.78, Indrayani Vidya Mandir Colony,  
Chakan Rd, Talegaon Dabhade, Pune.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.02.2007 had sought inspection of correspondence between Indrayani Vidya Mandir, Talegaon Dabhade and govt in respect of order no ULC/1093/2193/ULC-2 dated 19.10.1994. The PIO as well as the First Appellate Authority denied information on the ground that the record being “C” category has been destroyed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 04.05.2009 through video conference. Appellant and respondents were present.

The appellant has contended that if the record has been destroyed, how the govt was going to monitor whether conditions imposed were being followed or not. He requested for inspection of whatever is available in the department. The respondent agreed. He also promised to find out from the competent authority Pune whether some related papers are available with him. Parties were advised to fix the date of inspection according to their convenience. In the light the above discussion I pass the following order.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 04.05.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2234/02**

**Shri.Purushottam Sitaram Chawkade  
Proprietor Purushottam Transport Co.,  
A/5/1, General Block,  
S.I.T.C. Bosari,  
Pune – 411 026**

**....Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Co-operative Societies, Mumbai (1), Mumbai,  
Malhotra House, 6<sup>th</sup> Floor,  
Opp.G.P.O,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Asstt.Registrar,  
'B' Ward, Co-operative Societies, Mumbai,  
Malhotra House, 6<sup>th</sup> Floor,  
Opp.G.P.O,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.1.2009 and sought information relating to Mumbai Pune Motor Malik Shramjeevan Premises Co-operative Society Ltd.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 4.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has not been has not been given copies of the annual general body meeting, audited accounts etc.

The respondent's contention is that whatever documents were available with them have been given to the appellant. He has submitted that copies of 9 documents have been given to the appellant. Since copies of AGM and audited statements were not available with them, he could not furnish.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that remaining information should be given to the appellant. The respondent is supposed to have copies of these documents as per the Maharashtra Co-operative Societies Act 1960. The fact that the society did not send copies to the respondent is none of appellant's faults. I therefore direct that the Public Information Officer should collect this information from the society and furnish to the appellant. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 04.05.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2236/02**

**Shri.Chandev Narayan Bankar  
Cosmos B-502, Magar Patta City,  
Hadpsar, Pune 13.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Executive Officer  
Maharashtra Industrial Development Board,  
Udyog Sarthi, Marol, Industrial Estate,  
Mahakali Cevaj Rd, Andheri (E), Mumbai – 400 099.**

**.... Respondent**

**Public Information Officer,  
Maharashtra Industrial Development Board,  
Udyog Sarthi, Marol, Industrial Estate,  
Mahakali Cevaj Rd, Andheri (E), Mumbai – 400 099.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.06.2007 had sought information relating to the proposed International Airport at Shirolu Chandus, taluka Khed District Pune. The appellant has sought information on 6 points. He addressed his letter to the Chief Secretary and the same was transferred to GAD Desk 28 who in turn transferred to Maharashtra Industrial Development Corporation.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.05.2009 through video conference. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The MIDC has furnished incomplete information. He also requested penal action against those responsible.

The respondent's contention is that they are concerned with 3 out of 6 points. Policy decisions are taken at govt level. They have furnished the available information.

After going through the case papers and considering the arguments advanced by parties it is seen that GAD Desk 28 which is supposed to handle the issue has not done its job properly. The issues like whether govt of Maharashtra sent its proposal to Govt. of India, whether Defence Ministry gave its approval and when was the work likely to commence are not supposed to be handled by MIDC. These information have to be with Govt. In case it is not there the appellant has to be informed suitably. The RTI ensures furnishing of available information. I therefore direct the GAD Desk 28 to furnish these information immediately otherwise action under section 20 of the RTI will be initiated against him.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 04.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2252/02

**Shri.Shivaji Wadekar  
Omkar, 31 Anjali Colony Gendamal,  
Shahupuri, Satara.**

.... Appellant

V/s

**First Appellate Officer,  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.07.2006 had sought information on 3 points from the Public Information Officer, Dairy Development Commissioner Govt. of Maharashtra.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 05.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has made written submission. It has been stated by them that the required information has been furnished in phases. It has also been explained by them that since the information had to be collected from Dapchari, Aurangabad Palghar it took sometime. The information has finally been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant's absence has deprived the commission of his input and I am constrained to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 05.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2239/02**

**Shri.Sanjay Vijay Bhide  
1111/1, North Shivajinagar,  
Vishnu Vinayak Bhide Marg,  
Near Ganpati Gas Godaun,  
Sangli 416 416.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.07.2007 had sought information in respect of Govt. Resolution / Finance Department dated 25.05.2005 and its applicability to Mumbai and Nagpur Municipal Corporations and Municipal Corporations under the BPMC Act.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 05.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been given the information. The respondent has made written submission and stated that whether the Govt. decision dated 25.05.2005 was made applicable to the Municipal Corporations can be found out only from the Urban Development department.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information needs to be furnished. I am therefore directing the Principal Secretary (II) Urban Development to arrange to inform the appellant.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 05.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2368/02**

**Shri.Yogesh Arvind Zambare  
Opp. Rajyog Shama Complex,  
Ganpati Nagar, Jalgaon,  
District. Jalgaon.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy Director  
Director of Technical Education,  
3, Mahapalika Marg, Post Box No.100 36,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Assit Director  
Director of Technical Education,  
3, Mahapalika Marg, Post Box No.100 36,  
Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his various complaints against Shri S.G.Devadkar, Dy Director Vocation Education and training, NASHIK.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. The appellant did not turn up.

The appellant has contended that he has not been furnished the required information.

The respondent's contention is that information has been furnished. He has made detailed written submission to the commission. It has been stated that the enquiry conducted revealed that allegations were not based on facts.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the enquiry was conducted and the report has been sent to the Department. It is however not clear whether the appellant has been given

a copy of the report. I therefore direct that a copy of the report dated 14.02.2007 be sent to the appellant free of cost by registered post.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2366/02**

**Shri.Ajay Salunke  
Shivaji Nagar, Tuljapur 413 601,  
Dist. Darashiv.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Public Works Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Public Works Department  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.10.2007 had sought information in respect of his complaint dated 28.08.2007 and action taken on that.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The appellant has contended in his appeal that the information furnished was misleading and not with reference to the issues raised.

The respondent's contention is that although point wise information was not furnished initially, the same was done subsequently after the First Appellate Authority directed to do so.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the required information has been furnished. The PIO informed him that the issue was enquired into earlier and it was concluded that Shri Khedekar, the then Executive Engineer PWD did not possess property disproportionate to his known sources of income. Point wise relies have also been furnished. I therefore close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2367/02**

**Shri. P.G. Kodarkar  
Shri. Akolkar, 33 (A), "Renuka"  
Chtrapati Nagar, Garkheda Colony,  
Aurangabad 431 005.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administration Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
General Administration Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding employment to those dependent on freedom fighters. The Govt. of Maharashtra had issued a GR dated 04.03.1991 in this respect and the appellant wanted this to be implemented.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 Video through Conference. Appellant and respondents were present.

The appellant has contended that the GR dated 04.03.1991 has not been superceded and should be acted upon. The respondent has submitted that in view of the Supreme Court ruling the whole policy has undergone change. All appointments have to be done through open advertisement.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been provided. Since the policy has been revised in the light of the Supreme Court's ruling, the question govt GR dated 04.03.1991 being in operation does not arise. I therefore pass the following order.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2365/02**

**Shrimati. Dhanshri Mukund Saste  
Yedshi, Dist. Osmanabad.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Bar Council of Maharashtra and Goa  
2<sup>nd</sup> Floor, Building of High Court,  
Fort, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Bar Council of Maharashtra and Goa  
2<sup>nd</sup> Floor, Building of High Court,  
Fort, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.08.2006 had sought information relating to her, complaint filed against advocate Dayanand Brirajdar of Osmanabad district.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The appellant has contended that she has not been given the information she required.

The respondent's contention is that the RTI Act is not applicable to them as they receive no grant from the govt. They have quoted commission's earlier order where it has been held that the Bar Council of Maharashtra is not a public authority.

After going through the case papers I have come to the conclusion that the Bar Council is not a public authority. The commission has not yet changed its view on the issue.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai

Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2272/02**

**Shri. Digamber Shankar Girme  
CTS 422, Kosbo Pedh. Pune 11.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Home Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Home Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.10.2007 had sought information in respect of his complaints to Dy. Secretary, Department of Home highlighting various grievances. He has also sent letters to Divisional Commissioner, Pune, Collector Pune, Principal Secretary / Additional Chief Secretary, Home Department.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 02.05.2009 through Video Conference. Appellant and respondents were present.

I have gone through the case papers. Information sought from so many agencies but application addressed to one agency is something not clearly understood. This kind of information seeking is not expected under the RTI Act. The appellant should have sought information from each department individually. Nothing is made out of the application as copies of the letters are also not attached. I would advise the appellant to seek information from every department individually. I therefore close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2274/02**

**Shri.Milind Shard Deshpande  
Flat No.8, A Wing,  
Punyanagri Housing Soc.  
Near Amrapati Petrol Pump,  
Bibvewadi, Pune 411 037.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gandhi Marg,  
Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.09.2007 had sought information relating to the selection process of Sr. geologist G.S. D'A by the Maharashtra Public Service Commission. The PIO by his order dated 20.10.2007 furnished point wise information. The appellant preferred appeal and the First Appellate Authority passed his order dated 14.11.2007.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 02.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been given information the way he wanted. The respondent submitted that all available information has been furnished and whatever did not fit into the definition of information has been denied.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I have gone



through the order passed by the Public Information officer who has very painstakingly examined each and every point has responded suitably. I therefore pass the following order

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2275/02**

**Shri. Bhaiyasaheb S. Waghmare  
101, 2<sup>nd</sup> Floor, Amit Court,  
Near Pune District Court,  
Behind Mangala Theater,  
Shivaji Nagar, Pune 5.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Assit Commissioner  
Municipal Corporation,  
Shri Chatrapati Shivaji Maharaj Market Building,  
2<sup>nd</sup> Floor, Faltan Rd, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer,  
Municipal Corporation,  
Office of the Assit Commissioner,  
G/S Ward, A.S.Joshi Marg, Mumbai – 400 013.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.07.2007 had sought information relating to allotment of staff quarter to Mrs. Rohini G. Ladge. The appellant's complaint is that he was asked to deposit Rs.100 after 71 days and information was furnished after 3 months. The First Appellate Authority's address was not communicated so he filed appeal before the Municipal Commissioner. He has not received any reply.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 02.05.2009 through Video Conference. Appellant and respondents were present.

After going through the case papers it is clear that the required information has been furnished late. It is therefore decided that the PIO must explain why action under section 20 of the RTI Act should not be initiated against him.

### **Order**

The appeal is allowed. PIO to send his explanation to the commission within 3 weeks.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2308/02**

**Shri. Kailahs Devram Patil  
7 B Bhushan Colony, Jalgaon.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Law and Judiciary Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Law and Judiciary Department  
Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his applications dated 17.07.2006 and 27.07.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the PIO has relied on his letter dated 18.04.2007 but the appellant had already filed the first appeal. The respondent has also submitted that the department has received 60 applications so far.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant has not furnished copies of his complaints and therefore it was not possible to understand the precise nature of his complaints. It however appears from the respondent's submission that the appellant wanted information regarding appointment of a medical officer in New Polytechnic run by Shram Sadhana Trust. This does not make any sense to me. In any case the appellant has remained absent I therefore decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 08.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2310/02**

**Shri. Narendra Bhaskar Patil  
71, Dikshitwadi, Dist. Peth, Jalgaon.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Chief Minister  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Office of the Chief Minister  
Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to grant of Rs.18 Lakhs to Jalgaon District Vidya Prasark Sanstha from the Chief Ministers Relief Fund and conditions attached to the grant. The appellant wanted a copy of the conditions on which this amount was sanctioned.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished to him. The respondent submitted that they have informed the appellant that the information cannot be given under section 8(1) of the RTI Act.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information must be furnished. The commission has already decided that this information should be available to the public. The Chief Ministers Office has also communicated to the commission that grant from the CM's Relief Fund can be accessed under the RTI Act. in view of the above, I pass the following order.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 08.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2306/02

**Shri.Parmeshwer Rangnath Gite  
Diwani Court K Parli Vaijnath,  
Dist. Beed.**

.... Appellant

V/s

**First Appellate Officer,  
Food, Civil Supplies & Consumer Protection Department  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Food, Civil Supplies & Consumer Protection Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding district wise bogus ration cards.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted documentary evidence to show that the required information has been furnished. In view of this I decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 08.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2304/02**

**Shri. Basvraj Vishwnath Matkatte  
P.I.Mare Niwas, Peoples Bank Colony,  
Jalana 43.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Irrigation Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Irrigation Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to regularization of irregular appointments in the Department of Irrigation, Govt. of Maharashtra. The appellant had given a 11 point proforma and wanted information to be filled in.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has made written submission. It has been stated by him that the information pertained to the Superintending Engineer Nagpur and the appellant application was sent to him and the appellant was informed. Similarly the appellant had given a proforma but the Act requires information as it is available. Collection and compilation of information was not expected under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the reply given by the respondent was

technically correct. It was however revealed during the hearing that the respondent does have the list of persons whose services were regularized. I am therefore directing that a copy of the list should be sent to the appellant.

**Order**

The appeal is partially allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 08.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2303/02

**Shri. Hirasih Gulabsih Chandel  
Nishant Vaibhav Nagar,  
Jintur Rd, Parbhani 431 401.**

.... Appellant

V/s

**First Appellate Officer,  
Revenue & Forest Department (E-2)  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Revenue & Forest Department (E-2)  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to compliance of Maharashtra Administrative Tribunal's order dated 14.09.2003 original application no 447/2003.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009 through Video Conference. The appellant did not turn up.

The respondent has made written submission. It has been stated by her that the MAT's order has been fully complied. The respondent has stated that the information pertained to the collector of Latur and the first appeal should have gone to the Divisional Commissioner but the appeal was filed before the DY Secretary R & F D, Mantralaya. It was because of this reason that no order was passed by the First Appellate Authority.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. In view of the fact that the appellant was absent and also in view of the fact that respondent has submitted documentary evidence to show that all dues have been paid, I decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 08.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2315/02

**Shri.Girish Vishwasrao Nerkar  
Kasare, Taluka Raki, Dist. Dhule.**

.... Appellant

V/s

**First Appellate Officer,  
Directorate of Forensic Science Laboratories  
Govt. Maharashtra, Vidyanagari,  
Kalina, Santacruz, Mumbai – 400 018.**

.... Respondent

**Public Information Officer,  
Dy Directorate of Forensic Science Laboratories  
Meri, Dindoshi Rd, Nashik.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to selection of Laboratory attendant in the Directorate of Forensic Science Laboratories. The appellant was given some information and some was denied to him on the ground of confidentiality.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent submitted that some information was denied because the process of selection was not over. The information was available now.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information which was denied to the appellant should be furnished to him. I therefore direct that the required information should be sent to him free of cost and by registered post.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 08.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2262/02**

**Shri. Salim Nabilal Nadaf  
171, Guruwar Peth, Solapur.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Managing Director,  
Rajya Etar Magasvar Giya Vitta Ani Vikas Mahamandal.  
Administrative Bhavan, 4<sup>th</sup> Floor, Chemburkar Marg,  
Chemburkar, Mumbai – 400 071.**

**.... Respondent**

**Public Information Officer,  
Maharashtra Stated,  
Rajya Etar Magasvar Giya Vitta Ani Vikas Mahamandal  
Solapur, District Office, Solapur.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to beneficiaries under Maharashtra Etar Magas Vargiya Vitta ani Vikas Mahamandal. The appellant had sought information in respect of loans given under different schemes between 2000 to 2006, December.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The appellant has contended in his appeal that he has been given incomplete information. The respondent submitted that initially the information was not furnished the way the appellant had wanted. The information on the dated of hearing stands furnished. Thus in view of the absence of the appellant and respondent's submission that information has been furnished. I decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2263/02**

**Shri.Damu Kondiba Kamble  
Dr. Vaishali Shirshetti  
1/52, Murarjipeth, Avanti Nagar,  
Juna-Puna Naka, Solapur.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Managing Director,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. It seems that the appeal has not been filed as per standard procedure. The no stamp on the appeal, no copies of the application or the first appeal, no copy of the order passed by the PIO. And finally the appellant has decided to remain absent. I therefore pass the following order.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2360/02

**Shri. Balu Bhaskar Bansode  
Jamgaon, Ragunath Nagar,  
Gangapur, Dist. Aurangabad.**

.... Appellant

V/s

**First Appellate Officer  
Food, Civil Supplies & Consumer Protection Department  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Food, Civil Supplies & Consumer Protection Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his application for allotment of a ration shop. His grievance is that not a single ration shop has been allotted a 100% visually impaired person. He is visually handicapped.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009. Appellant and respondent were present.

The appellant has contended that he has not been allotted a shop although he is visually handicapped. The respondent has submitted that shop no.2 Mauje Jamgaon taluka Gangapur, District Aurangabad was allotted to a lady according to the govt. instruction contained in GR dated 6 March 2002. It was advertised only for ladies and therefore applicant application could not be considered.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished I pass the following order.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 07.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under  
Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2241/02**

**Dr. Atul Govind Bagul  
B-15 Makarand Park,  
Sihgad Rd, Wadgaon Budruk,  
Pune 411 051.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Secretary to the Govt. of Maharashtra  
Raj Bhavan, Mumbai – 400 035.**

**.... Respondent**

**Public Information Officer,  
Office of the Secretary to the Govt. of Maharashtra  
Raj Bhavan, Mumbai – 400 035.**

**Order**

The appellant requested for withdrawal of his appeal. Request granted. Case is closed & appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2375/02

**Shri.Rajesh Sanduji Hivrle  
Room No.261, Milindnagar  
Osmanabad , Aurangabad 431 005.**

.... Appellant

V/s

**First Appellate Officer,  
Tribal Development Department  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Tribal Development Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his request to evaluate his answer books again which according to him has not been done correctly.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.05.2009 through Video Conference.

The appellant has contended that instead of making the information available the department of Tribal Development sent papers to the commissioner Tribal Development who in turn sent it to the additional commissioner. The information remains unfurnished. The respondent did not have any credible answer. I therefore order that the additional commissioner as directed by the commissioner tribal development must inform the appellant whatever action has been taken. I therefore pass the following order.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under  
Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2497/02**

**Shri Yogesh Vinayakrao Patil  
M 326, Balajinagar, Motha Naka,  
Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Executive Office,  
Zila Parishad, Aurangabad.**

**.... Respondent**

**Public Information Officer cum Bock Development Office  
Panchayat Samiti, Aurangabad.**

**Order**

The appellant requested for withdrawal of his appeal. Request granted. Case is closed & appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2253/02**

**Shri. Vasant Maruti Chavan  
Valvan, Taluka. Atpadi, Dist. Sangli.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Rural Development Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Rural Development Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding non payment his salary for the month of July 1993 as finalization of his pension is held up on that account. He retired on 31.07.93 but has been paid salary till 30.06.1993. He wanted action taken report on his representations.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he was paid salary up to June 1993 according to a court order. He has been representing for payment for the months of July 1993 without which his pension cannot be finalised. The last reply received stated that payment cannot be made because of a pending court case although no. He also read out many letters sent by Zilla Parishad, Sangali saying that the payment is under process.

The respondent submitted that since the case is old he needs to examine papers in his office as well as those with the appellant. It was therefore decided that the appellant will meet Dy. Chief Executive Officer Sangali who promised to help him out. I therefore pass the following order.

### **Order**

Appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2255/02

**Dr. Dilip Sitaram Deshpande  
Molajinagar Kolaki, Faltan,  
Dist. Satara.**

.... Appellant

V/s

**First Appellate Officer cum Director  
Directorate Information & Public Relation  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Books and Publication Office,  
Old Custom House, Fort,  
Mumbai – 400 013.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding accreditation procedure for enrolment for getting advertisement and related matters.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been given the required information nor he has received the order passed by the First Appellate Authority.

The respondent's contention is that the appellant had mentioned in his appeal that he would like to collect the information personally. The information has been kept ready.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has not been received because of some communication gap. The appellant's request to penalize the PIO and the First Appellate Authority cannot be accepted because no malafide is seen. I therefore pass the following order

### Order

Appeal is allowed. Information to be furnished by PIO within 30 days. It should be sent by registered post and free of cost.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai

Date: 06.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2374/02

**Shri. Kurle Sidram Ramlingappa  
Adhivyakhyata Sthapatya,  
Technical College, Nanded.**

.... Appellant

V/s

**First Appellate Officer cum Director  
Technical Directorate, Maharashtra Stated,  
3, Mahapalika Marg, Post Box No.1967,  
Mumbai – 400 001.**

.... Respondent

**Public Information Officer,  
Technical Directorate, Maharashtra Stated,  
3, Mahapalika Marg, Post Box No.1967,  
Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding counting of earlier services for promotion to Sr. Scale / selection grade.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.05.2009 through Video Conference. Appellant and respondents were absent.

Since the appellant remained absent the appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/2259/02**

**Shri. Prabhat Sankar Raut  
11/2B, Attarnagar, Vijapur Rd,  
Solhapur 413 004.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Public Health Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Public Health Department  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his complaint and action taken on it. He had complained against Dr. Harlayya for not passing his medical bill and demanding money.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been given the action taken report. The respondent has submitted that the complainant has withdrawn his complaint and the case has been filed and appellant informed. He has submitted appellant's withdrawal letter and Dy. Director's Communication to him informing that the case has been closed. I therefore pass the following order.

**Order**

Appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2256/02

**Shri. Santosh Baban Gadgade**  
**640, Vijapur Naka, 1 No.**  
**Near Ambabai Mandir Solhapur 4,**

.... Appellant

V/s

**First Appellate Officer,**  
**Director Technical Education**  
**3, Mahapalika Marg, Post Box No.100 36**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Assitt. Director**  
**Director Technical Education**  
**3, Mahapalika Marg, Post Box No.100 36**  
**Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding transfer in Pune Division on administrative ground. He has enclosed a proforma and wanted the PIO to furnish information in the same.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been given the information. He also pointed out that commission's earlier direction to consider appellant's case has also not been complied.

The respondents' contention is that the appellant wanted posting at a particular place. He had given his Choice also but the same could not be considered because of some reasons. He also pointed out the commission's direction in an earlier appeal of the appellant has been complied and commission has been informed that the appellant's case would be considered during the next transfer season.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. More over this is purely a personal matter and has no consent of public interest at large. I therefore pass the following order.

### Order

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2378/02  
Appeal No.2009/2380/02

**Shri. Kamlakar Vishnupat Babrekar**  
**13, Raguvirnagar, Near Maroti Mandir.**  
**Near Sent Francis School, Jalna Rd.**  
**Aurangabad 431 001.**

.... Appellant

V/s

**First Appellate Officer,**  
**Home Department**  
**Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer**  
**Home Department**  
**Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information as to how can he redeem his land mortgaged to a moneylender. He has filed two applications. One with the Home Department and the second with the Department of Cooperation. They are being clubbed together.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.05.2009 through Video Conference. The appellant did not turn up but the respondents were present.

The appellant has contended that he wanted a copy of the relevant govt. decision facilitating redemption of mortgaged / sold land to private money lenders. Both departments have informed him that they have not issued any order / they have no such order / decision on their record.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

### **Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2420/02**

**Shri. Tuljaram Eknathrao Phulari  
Shrikushan Nagar, Samrat Chowk,  
Tatur, Dist. Latur,**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Cooperation and Textile Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Cooperation and Textile Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding non compliance of Information Commissioner A'bad's Order dated 02.07.2007. In fact the appellant could have gone to him with a complaint but he wrote to the Chief Secretary and the letter finally landed with the PIO and wheel of RTI started.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that the order of Information Commissioner A'bad has not been implemented. The commission had directed secretary Department of cooperation to initiate action against the PIO under Maharashtra Civil Services Conduct Rules. The appellant stated that he has not been informed about the implementation of the commission's order. The respondents submitted that information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information needs to be furnished. The PIO is directed to inform the appellant what action has been taken by the deptt as directed by the

commission. He is also directed to furnish information 3 points mentioned in the commissions order dated 02.07.2007.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2422/02

**Shri. Balasaheb Nivruti Bhalerao  
Vidya Nagar, Dist. Parbhani.**

.... Appellant

V/s

**First Appellate Officer,  
Maharashtra Road Development Board,  
Opp. Bandra Bus Depo,  
Bandra (W), Mumbai – 400 050.**

.... Respondent

**Public Information Officer cum Executive Engineer  
Maharashtra Road Development Board,  
Opp. Bandra Bus Depo,  
Bandra (W), Mumbai – 400 050.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding finalization of 4 toll nakas in parbhavi district and related document.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. The appellant did not turn up.

The respondent has made written submission. He has informed the commission that the required information has been furnished. In view of that appellant the fact that appellant has remained absent and the respondent has stated that information has been furnished; I decide to close the case. I pass the following order

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2421/02**

**Shri. Yashvant Harikrushanrao Kulkarni  
Umber Kheda, Taluka.Matha,  
Dist. Jalna.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Revenue & Forest Department  
Mantralaya, Mumbai – 400 0032.**

**.... Respondent**

**Public Information Officer,  
Collector Jalna,  
Dist. Jalna.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to know why Shri Latif Pathan was not being transferred from Partur district Jalna and also copies of documents showing the expenditure incurred on Lok Sabha and Assembly elections held during the tenure of Shri Pathan.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information on the first point does not fit into the definition of information. Why Shri Pathan was not transferred is a query not mandated to be answered under the RTI. The second point however is something on record. The collector Jalna is directed to arrange to furnish the required information. We are all aware that details of expenses are required to be kept in offices associated with any Lok Sabha or Vidhan Sabha election. The appellant should be furnished the information.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2419/02

**Shrimati. Rekha Vilas Saraf**  
17, Jivheshwar Colony, Hattesinghpura,  
Near Sakhare Magal, N-8, Aurangabad.

.... Appellant

V/s

**First Appellate Officer cum Director**  
Office of the State Employees Insurance Scheme,  
Panchdip Bhavan, 6<sup>th</sup> Floor, N.M Joshi Marg,  
Parel, Mumbai – 400 013.

.... Respondent

**Public Information Officer,**  
Office of the State Employees Insurance Scheme,  
Panchdip Bhavan, 6<sup>th</sup> Floor, N.M Joshi Marg,  
Parel, Mumbai – 400 013.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to patient, who received super specialty treatment in ESIS Hospital Worli during March 2007 to December, 2007.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that she has not been furnished the required information. There is noting on record to show that information has been furnished. Since the respondent is absent, it could not be verified. I therefore pass the following order.

### Order

The appeal is allowed. PIO to furnish information within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2423/02

**Shri. Subhash Pralhad Pawar**  
Flat No.9, Devgiri Residency, Chtrapati Nagar,  
Garkheda, Malhar Chowk, Aurangabad 431 005.

.... Appellant

V/s

**First Appellate Officer cum Managing Director**  
**Vasantrao Naik Vimukta Jati and Bhatkya Jamati Vikas Mahamandal**  
Juhu Supreme Shopping Center, 1<sup>st</sup> Floor,  
Vile Parle (W), Mumbai – 400 049.

.... Respondent

**Public Information Officer,**  
**Vasantrao Naik Vimukta Jati and Bhatkya Jamati Vikas Mahamandal**  
Juhu Supreme Shopping Center, 1<sup>st</sup> Floor,  
Vile Parle (W), Mumbai – 400 049.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to cases sanctioned, cases pending and cases rejected by Vasantrao Naik Vimukta Jati and Bhatkya Jamati Vikas Mahamandal between Jan, 2002 to 31.05.2007. He also wanted information regarding office expenses no employee and no of employees on daily wages.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. Appellant and respondent were absent.

The respondent has applied for adjournment but since the issues are not complex I proceed to decide the case on merits.

The appellant in his appeal has contended that he has not been furnished the required information. Since the respondent is not present it could not be verified.

After going through the case papers I have come to realize that the appellant has sought information which is not very relevant like copy of the Bank account etc. I therefore pass the following order.

### Order

The appeal is allowed. PIO to furnish information within 30 days. This need not be furnished. The remaining information should be furnished.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2424/02

**Shri. D.M. Akolkar**  
**33 (A), "Renuka"**  
**Chtrapati Nagar, Garkheda Colony,**  
**Aurangabad 431 005.**

.... Appellant

V/s

**First Appellate Officer cum Managing Director**  
**Molana Azad Minority Development Board,**  
**D.D. Building, 2<sup>nd</sup> Floor Old Custom House,**  
**Shahid Bhagat Singh Marg, Mumbai – 400 023.**

.... Respondent

**Public Information Officer,**  
**Molana Azad Minority Development Board,**  
**D.D. Building, 2<sup>nd</sup> Floor Old Custom House,**  
**Shahid Bhagat Singh Marg, Mumbai – 400 023.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copy of the rule under which govt. servants are made to do the work of the Mahamandal without payment and also a copy of the proceedings of the Board of Directors where the issue was discussed.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has made detailed submission. He has stated that the required information has been furnished. He has submitted a copy of the information furnished and the same has been kept on commission's record.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2424/02

**Shri. Basvraj Vishwnath Matkatte  
P.I.Mare Niwas, Peoples Bank Colony,  
Jalana 43.**

.... Appellant

V/s

**First Appellate Officer,  
Law & Judiciary Department,  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Law & Judiciary Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding regularization of irregular appointments in the department of Law and Judiciary Govt. of Maharashtra.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. Appellant and respondent were absent.

I have gone through the case papers. It is seen that the PIO Law and Judiciary by his letter dated 29.01.2007 has furnished the required information. Since the appellant has remained absent, the commission has been deprived of his valuable input. I therefore close the case and pass the following order

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2265/02**

**Associate of Advocate Practicing before Charity Commission's of Maharashtra.  
Gala No. 13, Nathapride, Nort Sadar Bazar,  
Civil Hospital, Solhapur 413 003.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Charity Commissioner,  
Maharashtra State, Mumbai,  
83, Dr Ani Bezant Rd, Worli, Mumbai – 400 018.**

**.... Respondent**

**Public Information Officer,  
Office of the Charity Commissioner,  
Maharashtra State, Mumbai,  
83, Dr Ani Bezant Rd, Worli, Mumbai – 400 018.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The First Appellant Authority by his order dated 09.06.2008 had dismissed the appellant's appeal because he remained absent at the time of hearing.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

It is also seen from case papers that a copy of the application for information is not enclosed. The appellant simply says he required information as contained in his application no 487/07. I am not able to make out what information is required by him. He is absent for the second appeal also. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2384/02**

**Shrimati. Rekha Vilas Saraf  
17, Jivheshwar Colony, Hattesinghpura,  
Near Sakhare Magal, N-8, Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Medical Superintendent  
Office of the State Employees Insurance Scheme,  
Hospital, Worli, Mumbai – 400 018.**

**.... Respondent**

**Public Information Officer,  
Office of the State Employees Insurance Scheme,  
Hospital, Worli, Mumbai – 400 018.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on her applications dated 28.12.2007, 15.01.2008 and 16.01.2008. (Copies NOT attached)

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The appellant has contended that she has not been furnished the required information. The respondent has submitted that these applications pertained to enquires / information relating to reimbursement of medical bills. Action has been taken and even the medical bill has been cleared. Since the appellant was not present it could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information needs to be furnished. The respondent must be informed what action was taken on her applications.

### **Order**

The appeal is allowed. Information to be furnished by PIO 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2266/02

**Shri. Damu Kondiba Kamble  
Dr. Vaishali Shirshetti  
1/52, Murarjipeth, Avanti Nagar,  
Juna-Puna Naka, Solapur.**

.... Appellant

V/s

**First Appellate Officer cum Managing Director,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the Departmental Enquiry against him.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. The appellant did not turn up.

I have gone through the case papers and came to the conclusion that this is purely a personal matter and no content of public interest. More over the appellant has remained absent. The case is therefore closed.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2258/02

**Shri. Vilas Shivlal Shah**  
**9, Karmyogi Apt, Opp. Pradhan Netra Hospital,**  
**Rail Lines, Solapur 413 001.**

.... Appellant

V/s

**First Appellate Officer,**  
**Urban Development Department**  
**Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,**  
**Urban Development Department**  
**Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to construction of a slaughter house outside municipal limits of Solapur City. He wanted to know whether Urban Development Department's permission was obtained and if yes a copy of the same should be furnished to the appellant.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has been furnished incomplete information. He has also alleged that the PIO in her letter dated 11.12.2007 wrote to him that the information was enclosed but what was enclosed was a copy of his own application. He felt that this was done to harass him.

The respondent has submitted that this was not done deliberately and they have already expressed regrets. It has also been stated by them that required information has been sent. They also explained the procedure followed for sanction of a slaughter house.

After going through the case papers and considering the arguments I have come to the conclusion that the required information has already been furnished. I therefore pass the following order.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 06.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2359/02

**Shri. Bhimrao Ganpatrao Jeevane  
Opp. Anand Bhuvan Roxy Cinema,  
Near Hanuman Mandir, Paithan Get,  
Aurangabad – 431 001.**

.... Appellant

V/s

**First Appellate Officer cum Director of Library  
Maharashtra State, Nagar Bhavan,  
Mumbai – 400 023.**

.... Respondent

**Public Information Officer cum Dy. Director of Library  
Maharashtra State, Nagar Bhavan,  
Mumbai – 400 023.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to appointment and promotion of officers and staff in different officers of the Directorate of Libraries and a copy of the roster for filing reserved posts from 1992 – 93 to June 2006.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information. He stated that information on point no three was although sent but it was totally unreadable. The respondent submitted that since the information was not readily available it took sometime.

I have gone through the case papers and also considered the arguments advanced by parties. I have come to the conclusion that information needs to be furnished. I therefore pass the following order.

### **Order**

The appeal is allowed. Information on all 3 points to be sent to the appellant free of cost and by registered post. This has to be done within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 07.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2358/02

**Shri.Dattatray Panditrao Kale  
Kale Bhuvan, 23/11 Papvinash Rd,  
Mahavir Chowk, Latur,**

.... Appellant

V/s

**First Appellate Officer,  
Election Commission, Maharashtra  
New Administrative Building, Opp. Mantralaya,  
Mumbai – 400 0032.**

.... Respondent

**Public Information Officer cum Dy. Director of Library  
Maharashtra State, Nagar Bhavan,  
Mumbai – 400 023.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to his complaint dated 03.09.2007 made to the State Election Commission. The appellant wanted to have copies of the action taken, correspondence and notes on the subject.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been provided the information. The respondent has submitted that the Election Commission has no power to disqualify a person. This has been communicated to the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. It is clear that the PIO by his letter dated 04.06.2008 informed the appellant that the Election Commission had no power to disqualify a person as requested by the appellant. The First Appellate Authority confirmed the PIO's order and the same has also been communicated. The appellant has been informed that his application for information has been filed. I there fore conclude that information has been furnished. I pass the following order.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 07.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2491/02**

**Shri. Mardankha Haidarkha Khan  
Behind Islampura Suryawanshi Building,  
Amalner, Dist. Jalgaon.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
State Information Commission,  
13<sup>th</sup> Floor, New Administrative Building,  
Opp. Mantralaya, Mumbai – 400 0032.**

**.... Respondent**

**Public Information Officer cum Desk Officer  
State Information Commission,  
13<sup>th</sup> Floor, New Administrative Building,  
Opp. Mantralaya, Mumbai – 400 0032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.09.2008 had sought information relating his second appeal disposed off on 29.07.2008. The appellate has stated that no notice was issued to him and under which rule such a procedure has been followed. The PIO by his letter dated 03.10.2008 informed him that the information sought is in the nature of seeking opinion and the appellant was notified through commission's A'Bad office. No order seems to have been passed by the First Appellate Authority.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.05.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had requested. The respondent stated that the information has been furnished except where opinion was sought.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. A special disposal drive was taken to reduce the pendency. The appellant admits having received the notice dated 04.07.2007 for the hearing. Since it was a special drive no fixed procedure was followed the basic idea being to facilitate furnishing of information 50 cases were listed. The appellant's query about who was more efficient is irrelevant and not mandated to be answered under the RTI Act. All kinds of methods like special drive, Video Conferencing and normal hearing are used to ensure that pendency is reduced and citizens get information as fast as possible. In view of the above pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2500/02  
Appeal No.2009/2598/02

**Shri. P.G. Kodkar**  
**Shri. Akolkar**  
**33 (A), Renuka, Chtrapati Nagar,**  
**Garkheda Colony, Aurangabad 431 005.**

.... Appellant

V/s

**First Appellate Officer cum Dy Secretary**  
**General Administrative Department**  
**(Freedom Fighter Desk)**  
**Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Under Secretary**  
**General Administrative Department**  
**(Freedom Fighter Desk)**  
**Mantralaya, Mumbai – 400 032.**

### **GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding for his application grant of central pension as a freedom fighter.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.05.2009 through Video Conference. The appellant did not turn up but the respondents were present.

The respondent has submitted that the appellant's application for central pension has been rejected by the central govt. and communicated to her by their letter dated 05.12.1994. There is nothing to be informed or done.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the relevant information has been furnished I decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2496/02**

**Appeal No.2009/2499/02**

**Shri. P.G. Kodkar  
Shri. Akolkar  
33 (A), Renuka, Chtrapati Nagar,  
Garkheda Colony, Aurangabad 431 005.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administrative Department  
(Freedom Fighter Desk)  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
General Administrative Department  
(Freedom Fighter Desk)  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.03.2007 had sought information relating to appointment of persons nominated by a freedom fighter. The appellant has presented many applications in this regards and some of them have been finally disposed off.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 13.05.2009 through Video Conference.

The respondent's contention is that required information has already been furnished since the appellant was not present; the commission has been deprived of her input.

After going through the case papers it is revealed that the appellant has sought information on the same point time and again. The bone of contention is Govt. GR of 1991 which gave priority in employment to wards of freedom fighters. The GAD has explained that the govt. decision of 1991 is no longer relevant as govt. issued a

comprehensive resolution in 2003 in that light of the Supreme Court order. The

appellant's point is that the GR of 1991 has not been superceded. The respondent has submitted that some provisions of the GR of 1991 are still valid and therefore the GR was not superceded. In any case the available information has been furnished. I therefore pass the following order.

**Order**

The appeals are disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2495/02

**Shri. Vakekar Ratan Ravaji  
Opp. Nagsen Budha Vihar,  
Galli No.8, Kranti Chowk, Aurangabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy Director  
Public Health Department,  
Aurangabad Mandal, Aurangabad.**

.... Respondent

**Public Information Officer,  
Public Health Department,  
Aurangabad Mandal, Aurangabad.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his request not to transfer him from Aurangabad. He had written to the Secretary Public Health Department and he was informed that his application was transferred to the Deputy Director Health Service A'Bad.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 13.05.2009 through Video Conference. Appellant and respondent were present.

After going through the case papers it is seen that this is purely a personal and administrative issue. Moreover the appellant has remained absent. I therefore decide to close the case.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2427/02

**Shri. Basvraj Vishwnath Matkate**  
**P.I.Mare Niwas, Peoples Bank Colony,**  
**Jalana 43.**

.... Appellant

V/s

**First Appellate Officer,**  
**Medical Education and Drugs Department**  
**Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,**  
**Medical Education and Drugs Department**  
**Mantralaya, Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding regularization of irregular appointment in the Department of Medical Education and Drugs in the light of govt. decision dated 08.03.1999.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 12.05.2009 through Video Conference.

The appellant remained absent. The respondent has sought adjourned. His request is rejected because the issue is very simple. Govt. decided to regularize irregular appointments as a one time measure. The appellant has been seeking this information in his 11 colum proforma. It may not be to have information possible in the same format as some of the respondents have pointed out but is possible to have names and other details.

The same needs to be furnished. I therefore order that available information should be furnished. I therefore pass the following order.

### Order

The appeal is allowed. Information to be furnished by PIO within 15 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2427/02

**Shri. Namdeo Pundlik Kolhe  
Raje Sambhaji Colony, 25, 26,  
Jalgaon Rd, Post Harsul, Aurangabad.**

.... Appellant

V/s

**First Appellate Officer,  
Office of Charity Commissioner  
Charity Commissioner Bhavan,  
83, Dr. Annie Beasant Rd, Worli,  
Mumbai – 400 018.**

.... Respondent

**Public Information Officer,  
Office of Charity Commissioner  
Charity Commissioner Bhavan,  
83, Dr. Annie Beasant Rd, Worli,  
Mumbai – 400 018.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.08.2007 had sought the information relating to the transfer and subsequent stay in respect of Shri K.D. Shinde superintendent in the Regional Office of the Charity Commissioner, A'Bad.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent submits that the appellant basically wanted to know why was the transfer order stayed. The Shinde has since been transferred from A'Bad. Since the appellant remained absent and the matter is simple, I decide to close the case.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2372/02

**Shri. Vishnu Ganpat Ghodeswar  
Nagai Shobha-18, Adarsh Nagar,  
Jalgaon 41.**

.... Appellant

V/s

**First Appellate Office cum General Manager  
Maharashtra State Road Transport Corporation,  
Maharashtra Transport Bhavan,  
Dr. Anandrao Nair Marg,  
Mumbai – 400 008.**

.... Respondent

**Public Information Officer,  
Maharashtra State Road Transport Corporation,  
Maharashtra Transport Bhavan,  
Dr. Anandrao Nair Marg,  
Mumbai – 400 008.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to his application for appointment as a typist in Maharashtra State Road Transport Corporation. His application was sent to the Divisional Controller, Palghar. He wanted to know what happened thereafter. He wants copies of notings / orders etc.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not received the information he had sought. The respondent did not have any credible answer. I therefore pass the following order.

### **Order**

Appeal is allowed. Information to be furnished within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2370/02**

**Shri. Chandrakant Baburao Adasule  
Shahu Chowk, Latur.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy Director  
Nagar Parishad Directorate,  
Govt. Transport Seva Building  
3<sup>rd</sup> Floor, Sir Pachkhanwala Rd,  
Worli, Mumbai – 400 030.**

**.... Respondent**

**Public Information Officer,  
Maharashtra State Road Transport Corporation,  
Maharashtra Transport Bhavan,  
Dr. Anandrao Nair Marg,  
Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding designations and pay scales of posts equivalent to Dy Engineers according to the Staffing Pattern sanctioned for the Municipal Council of Latur by order dated 05.05.2005.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.05.2009 through Video Conference. Appellant and respondent were present

The appellant has contended that the information furnished is misleading and different from the ground realities. The respondent has submitted that the information has been furnished according to the available record in his office and no attempt was made to mislead the appellant.

After going through the case papers and considering the argument advanced by parties it is revealed that there is no post of Dy Engineer in the current staffing pattern. The appellant however has pointed out that one deputy engineer has been brought on deputation to Latur Municipality. He points out that there is a contradiction

between the information furnished and the ground reality. In this connection it is pointed

out that this is the basic purposes of the RTI Act. It is supposed to bring transparency. It however does not permit arbitration or resolution of the problem for which citizens are supposed to take recourse to the appropriate competent authority. I would therefore advise the appellant to approach the competent authority and bring to his notice the discrepancy between the ground reality and the staffing pattern and seek remedial measure. My conclusion is that information stands furnished.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2502/02

**Shri. Basvraj Vishwnath Matkatte**  
**P.I.Mare Niwas, Peoples Bank Colony,**  
**Jalana 43.**

.... Appellant

V/s

**First Appellate Office cum Dy Secretary**  
**Home Department,**  
**Mantralaya Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Under Secretary**  
**Mnatralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.11.2006 had sought information relating to regularization of irregular appointments in the light of govt. decision dated 08.03.1999.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has been informed by govt. letter dated 12.02.2007 that only one post of Sr. Steno in the office of the Police Commissioner, Nagpur was regularized. This was a non gazetted post. He also stated that the Police Commissioner Nagpur has been requested to furnish information in the format given by the appellant. In view of this and also in view of the fact that the appellant remained absent, I decide to close the case.

### **Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 15.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2383/02**

**Shri. Nagsen Bansode  
Bhimnagar Murum, Ta. Umarga,  
Dist. Osmanabad.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Education Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Education Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding approval to his appointment as an art teacher. He was appointed as an art teacher in Gajanana Maharaj Vidhya Mandir, Solapur which was not approved by the Education Officer, Zilla Parishad, Solapur. He has been requesting for approval and gone to the Hon High Court.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not received the information he had sought. The respondent has contended that his application has been disposed of at the level of the PIO as well as the First Appellate Authority. They have stated that the appellant has sought information which is not available at Mantralaya level and he has been advised to get in touch with Education Officer of Zilla Parishad in the state. Information on points 1, 2, 5, 6 & 7 do not fit into the definition of information as per section 2 of the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has sought information on 7 points. He sought various

clarifications and explanations. In fact what he needs is not information but adjudication. The RTI Act does not provide adjudication. The appellant has already gone to the High Court. In view of this I come to the conclusion that available information has been furnished. The case is closed.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 15.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2383/02**

**Shri. Nagsen Bansode  
Bhimnagar Murum, Ta. Umarga,  
Dist. Osmanabad.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Education Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Education Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding approval to his appointment as an art teacher. He was appointed as an art teacher in Gajanana Maharaj Vidhya Mandir Solapur. Which was not approved by the Education Officer Zilla Parishad, Solapur. He has been requesting for approval and gone to the Hon High Court.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not received the information he had sought. The respondent has contended that his application has been disposed of at the level of the PIO as well as the First Appellate Authority. They have stated that the appellant has sought information which is not available at Mantralaya level and he has been advised to get in touch with Education Officer of Zilla Parishad in the stated. Information on points 1, 2, 5, 6 & 7 do not fit into the definition of information as per section 2 of the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has sought information on 7 points. He sought various

clarifications and explanations. In fact what he needs is not information but adjudication. The RTI Act does not provide adjudication. The appellant has already gone to the High Court. In view of this I come to the conclusion that available information has been furnished. The case is closed.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 15.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.**

**ComplaintNo.2009/213/02**

**Shri. Mohammad Yusuf Farukh Khan  
B/8, Mustfa Chawl,  
Achanak Nagar, Mubra Thane 400 612.**

**.... Complainant**

**V/s**

**Public Information Officer cum Managing Director  
Maharashtra State Handicap Development Cooperation  
Room No. 74, Ground, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 23.12.2008 passed in appeal no 2008/1355/02. The facts in brief are as follows: The appellant had sought information as to how many disabled persons applied for loan to the Mahamandal from Mumbai City, Mumbai suburban and Thane district from the inception of the scheme. He was asked to deposit Rs.36, 000/- so that required information could be furnished. He approached the commission in the second appeal and the commission ordered that the complainant should be allowed inspection of office record so that he selects the documents he requires and the same can be supplied to him. Since this order has not been complied, this complaint has been filed.

The complaint was heard on 15.05.2009. Complainant and defendant were present.

The complainant's contention is that he visited their office so many times but no inspection was allowed. He therefore requested for penal action as per the RTI Act.

The defendant has stated that he is working under severe staff constraint. The Mahamandal has no MD and there are very few people working right now. He pleaded that he should be given a chance to facilitate the inspection of document so that he can furnish copies of selected ones.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order to facilitate inspection has not been complied. Information also has not been furnished. I would therefore direct that the then PIO should explain why penal action under section 20 of the RTI should not be taken against him. His reply to come within 3 weeks and if we do not hear from him it will be presumed that he has nothing to say and the commission will proceed according to law.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 15.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2531/02**

**Shri. Surendar Gopalrao Dhavad  
Industrial Security & Health Directorate,  
6<sup>th</sup> Floor, Civil Lines, Nagpur.**

**.... Appellant**

**V/s**

**First Appellate Authority cum Joint Director  
Industrial Security & Health Directorate,  
Commerce Center, Taradev, Mumbai.**

**Public Information Officer cum Dy Director  
Industrial Security & Health Directorate,  
Commerce Center, Taradev, Mumbai.**

**.... Respondent**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information whether the following persons appointed as factory Inspector Class II have passed their intermediate examination or not.

1) Shri. A.B. Pawar 2) Shri S.B. Randive 3) Shri. S.C. Gavali 4) Shri S.P Kulkarni  
5) Shri. J. B. Kumbar 6) Shri S. L Choudhary 7) Shri P.S. Sonawane.

It has been prescribed that the candidate must have passed the intermediate examination of a recognized University and a diploma in 1<sup>st</sup> class in Mechanical and or Electrical engineering recognized by the Board of technical education, Maharashtra or its equivalent.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has stated that since they did not have the requisite information they could not furnish to the appellant. They have also pointed out that

factory Inspectors class II are selected by the Maharashtra Public Service Commission which scrutinizes their applications and there is no way for them to have the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondent's contention will have to be accepted. They did not have the information and therefore could not furnish. They have, however, informed the appellant about non availability of the required information. I therefore decide to close the case.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 18.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2530/02**

**Shri.Nanaji Donuji Alsawar  
Near Ram Mandir, Ward No.2,  
Taluka Chamoshi, Dist. Gadchiroli 442 603.**

**.... Appellant**

**V/s**

**First Appellate Authority,  
Settlement Commissioner & Director  
Land Records, Maharashtra State,  
Pune.**

**Public Information Officer  
Settlement Commissioner & Director  
Land Records, Maharashtra State,  
Pune.**

**.... Respondent**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information in respect of his application dated 05.10.2008. He has sought information on 3 points but has been given information on point no 3 only. The information furnished is incomplete.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.05.2009 through Video Conference. Appellant and respondents were present.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information on remaining points must be furnished. If it is not given within the time stipulated in this order, the PIO will be proceeded against under section 20 of the RTI Act. I pass the following.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 18.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2524/02**

**Shri. Gopal Balaji Zade  
Dairy Development Officer,  
8, Purohit Le-Out, Ambazri,  
Nagpur 440 033.**

**.... Appellant**

**V/s**

**First Appellate Authority cum Dy Secretary  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department,  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer cum Under Secretary  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.02.2008 had sought the following information relating to the finalization of the departmental enquiry against him. He has stated that he had been acquitted by the enquiry officer but the final order was not being issued.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that despite a favorable report from the enquiry officer his case has been kept pending. He has not been given the required information.

The respondent's contention is that the report has been received and govt. had sought more information to finalize the case. The same has been received and case is under govt's consideration

After going through the case papers and considering the arguments advanced by parties it is revealed that final decision has not yet been taken. The appellant has been



made aware of the developments. It is not possible for the commission to give a deadline by which the case should be finalised. I would however advise that in view of the fact that it is pending for quite sometime, early decision may be taken and appellant informed. I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 18.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2526/02

**Shri. Niranjan Ramchandra Kakdekar**  
S-66, Bharat Nagar, Nagpur 440 033.

.... Appellant

V/s

**First Appellate Authority cum Joint Transport Commissioner**  
Office of the Transport Commissioner, Administrative Building,  
4<sup>th</sup> Floor, Govt. Colony, Bandra (E), Mumbai – 400 051.

**Public Information Officer cum Transport Commissioner**  
Office of the Transport Commissioner, Administrative Building,  
4<sup>th</sup> Floor, Govt. Colony, Bandra (E), Mumbai – 400 051.

.... Respondent

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.07.2009 had sought the following information relating to grant of deemed date to him. He has been writing since 2002 but did not receive any reply. He wanted to know how much time it was likely to take.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has been writing from 2002 but has been getting replies that the matter was under consideration.

The respondent's contention is that the case is about to be finalised. The Departmental Promotion Committee has already met and order would be issued soon.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. The issue has remained for a long time. Such issues need to be handled with sensitivity specially when the person concerned has already retired. I therefore direct that decision should be taken at the earliest and the appellant informed. I therefore pass the following order.

### Order

The appeal is allowed. Information to be furnished by PIO within 21 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 18.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2574/02**

**Dr. V.S. Gambhir,  
447, Chandanwadi Sargam,  
Nagpur 440 009.**

**.... Appellant**

**V/s**

**First Appellate Authority cum Dy Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer cum Under Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding applicability of stated Govt. Policy decision of December 1977 and its interpretation given by Pay Revision Committee 1997. He wanted to know whether above expressed statutory provision & its interpretation is applicable to medical officers of Employees State Insurance Scheme of Govt. of Maharashtra.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. He has been denied information on the ground that it does not fit into the definition of information.

The respondent's contention is that information has already been furnished. It was also stated by him that broadly govt. follows the recommendation Central pay commission. However it may not be possible to give a general interpretation.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The PIO can

surely inform the appellant what benefits he is entitled to. It would help the PIO if the appellant specifies the area. I therefore order that the appellant should specify the area of his enquiry and the PIO should give information.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days from the date the appellant specifies the area.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 21.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2573/02**

**Shri. Yogesh Sukhadevrao Dhakne  
758, Navin Subhedar Layout,  
Behind Gajanan High School,  
Nagpur.**

**.... Appellant**

**V/s**

**First Appellate Authority cum Dy Secretary  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer cum Under Secretary  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information as to why was he sent on compulsory leave without any charges against him or without giving any memo or notice.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he was asked to go on compulsory leave. His application for information has not been replied favorably.

The respondent's contention is that there is no provision in service rules to send some one leave. So there was no information to be given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The letter dated 25.10.2004 has to have some background. It is necessary to furnish the background papers / notings which finally culminated into writing the letter. The appellant agreed that would meet his requirement. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 15 days free of cost as the same has not been provided earlier.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 21.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.**

**ComplaintNo.2009/163/02**

**Shri. Sunil Madhukar Wakharkar  
Build 5/ B-007, Highway Park,  
Thakur Sankul, Kandivali (E),  
Mumbai – 400 101.**

**.... Complainant**

**V/s**

**Public Information Officer,  
Narsi Monaji Commerce & Economic College,  
Juhu Parle Development Scheme,  
Vile Parle (W), Mumbai – 400 049.**

**.... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 06.09.2008 passed in appeal no 2008/749/02. The facts in brief are as follows: The complainant had sought information whether Principal N.M. College was authorized by the Deputy Director of Education to sign the school leaving certificate of students of Mithibai College. The commission ordered that information should be furnished within 30 days. This complaint has been filed because of alleged non compliance of the commission's order.

The complaint was heard on 15.05.2009. Complainant and defendant were present.

The complainant's contention is that he has been given misleading information and action should be taken under section 20 of the RTI Act 2005.

The defendant's contention was that information has been furnished and the question of action does not arise.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has been furnished in time. The commission's order is dated 06.09.2008 and the Principal has replied by his letter dated 29.09.2008. He has stated that no permission was sought from the Deputy Director. He has explained the circumstances under which permission could not be sought. The RTI

Act ensures furnishing of available information and is not mandated to arbitrate whether the action was right or wrong. Since information has been furnished in time, the question of action under section 20 of the Act does not arise. I decide to close the case.

**Order**

Complaint is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.



**Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.**

**ComplaintNo.2009/162/02**

**Shri. Sunil Madhukar Wakharkar  
Build 5/ B-007, Highway Park,  
Thakur Sankul, Kandivali (E),  
Mumbai – 400 101.**

**.... Complainant**

**V/s**

**Public Information Officer,  
Mithibai College,  
Juhu Parle Development Scheme,  
Vile Parle (W), Mumbai – 400 049.**

**.... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 06.09.2008 passed in appeal no 2008/749/02. The facts in brief are as follows: The complainant had sought information whether the Deputy Director, Education had permitted the Principal of N.M. College to sign the school leaving certificate of students of Mithibai College (May 2006 to June 2006). The commission ordered that information should be given within 30 days. The complaint is against non complain of the order.

The complaint was heard on 15.05.2009. Complainant and defendant were present.

The complainant has stated that the information furnished was misleading and incorrect. He also requested that the defendant should be fined under section 20 of the RTI Act 2005. He has also pointed out that the PIO was required to give the information but the First Appellant Authority has signed the letter and it is not clear whether the PIO has consented to the reply.

The defendant's contention was that information has been furnished in time. It was also stated that the information furnished is based on fact and is not misleading and incorrect.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the information has been furnished in time. The commission's order is dated 06.09.2008 and the information has been furnished by the Principal's letter dated 30.09.2008. In my view it is not important as to who signed the letter but the contents of the letter. The letter does not become misleading because it has signed by the Principal and the First Appellate Authority. Since the information has been furnished in time the question of action under section 20 of the RTI Act does not arise. I therefore decide to close the case.

**Order**

Complaint is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.**

**ComplaintNo.2009/165/02**

**Shri. Sunil Madhukar Wakharkar  
Build 5/ B-007, Highway Park,  
Thakur Sankul, Kandivali (E),  
Mumbai – 400 101.**

**.... Complainant**

**V/s**

**Public Information Officer cum Special Executive Officer  
Exam Supervisor, Exam Division,  
Mumbai University, Mahatma Phule Bhavan,  
Santacruz (E), Mumbai – 400 028.**

**.... Respondent**

### **GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.08.2008 passed in appeal no 2008/649/02. The facts in brief are as follows: The complainant had sought information whether Dr. Welling should have worked as Chief of Examination centre at N.M. as well as Mithibai for the 3<sup>rd</sup> year examination. He had sought copies of instructions allowing one principal to act as Chief of examination centre at two colleges.

The complaint was heard on 15.05.2009. Complainant was present but the defendant was absent.

The complainant has stated that he has not been given the information as ordered by the commission. Since the defendant was not present, it could not be verified. I therefore pass the following order.

### **Order**

Defendant to show cause why he should not be fined @ Rs.250/- per day according to section 20 for the RTI Act for not providing the information.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 21.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2570/02**

**Shri.Dattatraya J. Pachkhede  
54, Radhanarayan Apt. Pande Layout,  
Khamla, Nagpur 25.**

**.... Appellant**

**V/s**

**First Appellate Authority,  
Directorate of Medical Education & Research,  
Govt. Dental College & Hospital Building,  
St. George's Hospital Compound,  
Mumbai – 400 001.**

**Public Information Officer,  
Directorate of Medical Education & Research,  
Govt. Dental College & Hospital Building,  
St. George's Hospital Compound,  
Mumbai – 400 001.**

**.... Respondent**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to pay fixation of Shri. S.A. Lad and participation in the refresher course.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 22.05.2009. The appellant however has written to the commission that he is withdrawing the appeal.

### **Order**

Request granted. The case is closed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2563/02

**Shri. Ravindra Madhav Choudhary  
28, Vidhyavihar Pratapnagar, Nagpur.**

.... Appellant

V/s

**First Appellate Authority,  
Directorate of Medical Education & Research,  
Govt. Dental College & Hospital Building,  
St. George's Hospital Compound,  
Mumbai – 400 001.**

**Public Information Officer,  
Directorate of Medical Education & Research,  
Govt. Dental College & Hospital Building,  
St. George's Hospital Compound,  
Mumbai – 400 001.**

.... Respondent

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to pay fixation of Shri. Ashok Shelokar.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 22.05.2009. The appellant however has informed the commission that he wanted to withdraw the appeal.

### **Order**

Request granted. The case is closed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2565/02**

**Shri. Shreyashkumar Jain  
Golden Residency, Flat No.G-4,  
Shashtri Nagar, Bhandara 441 904.**

**.... Appellant**

**V/s**

**First Appellate Authority cum General Manager  
Maharashtra Electricity Board,  
4<sup>th</sup> Floor, Prakash Gad, Station Rd,  
Bandra (E), Mumbai – 400 051.**

**Public Information Officer cum Manager  
Maharashtra Electricity Board,  
4<sup>th</sup> Floor, Prakash Gad, Station Rd,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his appeal against the order passed by the competent authority. His employer had initiated action against him and awarded punishment. The appellant preferred an appeal. He wanted to know what happened to his application.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009. The appellant did not turn up but the respondent was present.

The respondent's contention is that initially the application was not traceable but the file was reconstructed appeal heard and disposed off. The appellant has accordingly been informed. He has submitted a copy of the documents which have been kept on record.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2561/02**

**Shri. P.B. Sahasrabhojane  
35-B, Hindusthan Colony, Amravati Rd,  
Nagpur – 440 033.**

**.... Appellant**

**V/s**

**First Appellate Authority  
Urban Development  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer,  
Urban Development  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on his complaint against Shri N.P. Vaswani, suspended Superintending Engineer, Nagpur Improvement Trust. The appellant had alleged that Shri Vaswani had threatened him and he lodged complaint with audio proof. He wanted to know what action has been taken.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not received the information he had asked for. He has also stated that he was informed that the issue was pending before the Hon up Lokayukta where as the application has been sent to the Urban Development Depart. The respondent did not have any credible answer. I therefore pass the following order.

### **Order**

Appeal allowed. PIO to furnish the information within 15 days and free of cost. The PIO should also show why action under section 20 should not be initiated against him for not furnishing the information. His reply to come to the commission within 3 weeks.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2572/02**

**Shri. Kiran Digambar Gosavi  
Addition Police Superintendent,  
Transport Work School,  
Katol Rd, Nagpur 13.**

**.... Appellant**

**V/s**

**First Appellate Authority cum Special Inspection of Police  
Maharashtra State Police Head Office,  
Shahid Bhagat Sing, Kulaba,  
Mumbai – 400 001.**

**Public Information Officer,  
Maharashtra State Police Head Office,  
Shahid Bhagat Sing, Kulaba,  
Mumbai – 400 001.**

**.... Respondent**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of his confidential report from 1989 to 2007. The information has been denied under section 8 of the RTI Act.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009 through Video Conference. Appellant was present but the respondent was absent.

The appellant has contended that he requires copies of his confidential reports which has been denied to him wrongly.

I have gone through the case papers. The commission has been of the view that copies of confidential reports need not be given to the appellant.

The confidential report by nature is confidential. There are rules regarding its contents to be made known to the person. There are instances where courts of law have asked for it and perused. I therefore feel that there are enough safeguards provided in relevant rules. Copies of the confidential report need not be furnished in routine course. Incidentally the second appeal is also deficient. No copy of the original application,



order of the PIO, no copy of the first appeal have been submitted. I therefore pass the following order.

**Order**

Appeal is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2571/02**

**Shri. Md. Sajid Marghoob Ansari  
UT. No.4169/08,  
Separate-A, Chhoti Gol,  
Nagpur Central Jail,  
Nagpur – 440 020.**

**.... Appellant**

**V/s**

**First Appellate Authority cum Superintendent  
Mumbai Central Jail,  
Mumbai – 400 011.**

**Public Information Officer,  
Mumbai Central Jail,  
Mumbai – 400 011.**

**.... Respondent**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the incident which took place at Arthur Road, Jail on 28.06.2008. The information has been denied on the ground that the matter regarding the incident is pending before Hon High Court, Mumbai and the related trial court. The First Appellate Authority has confirmed the PIO's order.

Not satisfied with replies from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009.

The appellant has contended that the information has been wrongly denied to him. He has also requested for action against the PIO under section 20 of the Right to Information Act 2005.

The respondent's contention is that the appellant has taken up the matter before Hon High Court. The Hon High Court has ordered an enquiry by the sessions judge who submitted his confidential report to the Hon High Court. The case is still pending before the Hon High Court.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been rightly denied. The case

is still pending before Hon High Court. The sessions judge has submitted his confidential report to the Hon High Court. Under these circumstances, the decision of the PIO and the First Appellate Authority are in order. I therefore pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2566/02**

**Shrimati. Sindhubai Uttamrao Patil  
651, Nehru Nagar, Mahanagarpalika,  
Nagpur, Water Division, Near Zone (5),  
Sankkardara, Nagpur.**

**.... Appellant**

**V/s**

**First Appellate Authority,  
Home Department,  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer,  
Home Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on her various complaints made in connection with alleged illegal transfer of her truck no MH-31-M-5247 to Shri. Ahok Kalambe.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009. Appellant and respondents were present.

The appellant has contended that he addressed his complaint to so many high officials and met several of them but has not received the information he had sought.

The respondent's contention was that information has been given more than once. They have made written submission. It is very detailed & gives the full history of the vehicle no MH-31-M-5247. It is a long and informative, step by step narration of the whole history. It also says that the appellant approached the Hon High Court Nagpur and the Division Bench has dismissed her writ petition. The respondents inform the commission that the appellant has been kept informed and information under RTI has been furnished.

After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that what the appellant wants is not information but arbitration. Apart from the fact that RTI Act is not supposed to arbitrate, the Hon High Court has already given its judgment. There is nothing which the commission can do. I therefore pass the following order.

**Order**

Appeal is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2558/02**

**Shri. Sanjay Manoharrao Warjekar  
Shankarpur Ta.Chimur, Dist. Chandrapur.**

**.... Appellant**

**V/s**

**First Appellate Authority,  
Agricultural Department,  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer,  
Agricultural Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on his complaint against Shri Mangesh Wavadhane, taluka agricultural officer,Chimur.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has made his submission in writing. He has stated that the appellant's application for information was received on 16.12.2008. The appellant was informed that he should deposit requisite fee. He was reminded on 27.01.2009. The appellant deposited the required fee on 31.01.2009 and information was furnished thus has been furnished 03.02.2009.

After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that the information has been furnished. Since the

appellant remained absent the commission has been deprived of his valuable input. I am therefore constrained to pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2564/02**

**Shri. Panther Prakash Bansod  
180, Medical College Road,  
Nagpur – 440 009.**

**.... Appellant**

**V/s**

**First Appellate Authority,  
Public Service Commission,  
Bank of India Building,  
3<sup>rd</sup> Floor, Mahatma Gandhi Marg,  
Mumbai – 400 018.**

**Public Information Officer,  
Public Service Commission,  
Bank of India Building,  
3<sup>rd</sup> Floor, Mahatma Gandhi Marg,  
Mumbai – 400 018.**

**.... Respondent**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding fixation of the upper age limit for appointment by nomination to the post of sub Inspector of Police. The Maharashtra Public Service Commission had invited application for Police Sub Inspector examination (Preliminary) 2007 where in they had stated that the upper age was relaxable by 3 years in case of people belonging backward categories. It is normally 5 years as prescribed in Govt. Resolution (GAD) dated 17 August 2004. The appellant wanted to know why this period has been reduced to 3 years. He has asked for copies of all relevant papers.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has clarified that the Govt. Resolution (GAD) dated 17 August 2004 prescribes that upper age relaxable in case of candidates belonging to backward categories will be 5 years. Para 3 of the same circular however says that where recruitment rules prescribe higher or lower age limit because of special reasons, this GR



will not apply. The Police Sub Inspectors Recruitment Rules 2000 prescribed the upper age limit as 25 and relaxable up to 28 in case of backward class. The respondent also stated that relevant papers / circulars / Govt. resolutions have already been sent to the appellant.

In view of this I come to the conclusion that information has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2567/02**

**Shri.Ramsag Pundalik Pilewan  
83, Hindustan Colony, Wardha Rd,  
Nagpur 15.**

**.... Appellant**

**V/s**

**First Appellate Authority,  
Revenue Department  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer,  
Revenue Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.04.2005 had sought information in respect of city survey no 2382 admeasuring 2851.1 square Meter, report of the enquiry held on his application, copies of related documents. He also wanted copies of the action taken by Deputy Director Land Records and Settlement ommissioner.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing 22.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the information sought is available at the local level. The appellant has been informed and his papers also sent. It has been stated that the case has also been decided by the Information Commissioner, Nagpur on 15.07.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the case deserves to be closed. The appellant has been informed that he can get his complaint sorted out at the level of the competent authority. It is also stated that the Information Commissioner has already passed his order. The appellant is also not present. In view of all this I pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 22.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2562/02**

**Shri.Yogesh Sukhdevrao Dhakne  
758-Navin Subhedar Layout,  
Behind Gajanan High School  
Nagpur 440 024.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of the recommendation made by the Establishment Board, notings by the Hon Minister, Dairy Development and Hon Chief Minister, recommendation of the Maharashtra Public Service Commission in respect of promotion to senior class I (Dy Commissioner, Dairy Development.)

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended the information has been denied to him under section 8. The information sought has been taken to be confidential and wrongly denied to him.

The respondent's contention is that the information being confidential has not been given to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The appellant has asked for copies of the Establish Boards recommendation and notings of all those

who were concerned with the processing and have contributed their might. There is nothing confidential once the held and minutes finalised. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 15 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2589/02

**Shri. Sunil Pandirao Jagtap**  
**Type-F/53/12, Electric Center Colony Koradi**  
**Kamthi, Dist. Nagpur.**

.... Appellant

V/s

**First Appellate Officer cum Labour Commissioner,**  
**Office of the Labour Commissioner,**  
**Commerce Center, Taddev, Mumbai – 400 034.**

.... Respondent

**Public Information Officer cum Labour Officer,**  
**Office of the Labour Commissioner,**  
**Commerce Center, Taddev, Mumbai – 400 034.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating the adoption of the Industrial Disputes Act to महाराष्ट्र राज्य औष्णिक विज मंडळ. He has asked for copies of related documents.

Not satisfied responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been furnished the complete information. If the Industrial Disputes Act was applicable there has to be some documents to prove that महाराष्ट्र राज्य औष्णिक विज मंडळ has adopted the Act.

The respondent's contention is that there is no choice and it automatically applied to महाराष्ट्र राज्य औष्णिक विज मंडळ. Since it applied automatically, the question of documents related to its adoption did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The Right to Information Act ensures supply of available documents. If there are no documents

relating to the adoption of the Industrial Disputes Act and the same has been told to the appellant, the obligation under RTI Act stands discharged. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2588/02**

**Dr. Vijay Shravan Gambhir  
447, Chandanwadi Nagar, Sargam,  
Nagpur 09.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Public Health Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding implementation of the Pension Lok Adalat's order dated 28.06.2006. By this order the Pension Lok Adalat had ruled that the appellant was entitled to claim pensionary and service benefits by including 25% NPA in the amount on which his pension was calculated.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he wanted to know when would the govt. implement the Pension Lok Adalat's order. He also stated that none of his queries has been replied satisfactorily.

The respondent's contention is that most of the Appellant's queries do not come under the definition of information. However, as far as the central point of adding NPA for pensionary benefits from 01.01.1996 is concerned, it has been decided in consultation with Law and Judiciary to go in appeal against the order. The appellant has been informed accordingly.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It does not fall within the jurisdiction of the commission the comment on why has the govt. decided to go is appeal. Available information has been furnished.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2590/02**

**Shri M.P. Gulhane  
120, Malhari Apartment.  
Ghare Lane, In front of  
Dhantoli Police Station, Dhantoli,  
Nagpur.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Desk Office  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether the Public Service Commission had conducted the written examination as per recruitment rules 1965 before they were sent for training. The information has been sought in respect of 21 persons whose names have been enclosed by the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he not been given complete information.

The respondent's contention is that available information has been furnished. The respondent has informed him that the recruitment rules for Assistant conservator of forest were in existence in 1982. He probably wanted the appellant to inter that examination must have been conducted.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. What the appellant has sought is a matter of record. The respondent is directed to inform whether the MPSC conducted the examination in 1982 before these candidates were recommended sent for training.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2620/02**

**Shri Ramesh Narayan Swami  
Bavane Chawl, Civil Lines,  
Washim – 444 505.**

**.... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Police Director,  
Shahid Bhagat Singh Marg, Kulaba,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer,  
Office of the Police Director,  
Shahid Bhagat Singh Marg, Kulaba,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.12.2009 had sought information relating to temporary / officiating police sub inspectors, their confirmation, whether they can be demoted at any time, whether they can be made incharge of a police station and rules relating to that.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 27.05.2009. Appellant and respondent were absent.

I have gone through the case papers. It is revealed that the Public Information Officer under his letter dated 01.01.2008 has furnished the required information. The case is therefore closed.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2595/02**

**Shri Madhukar Varluji Ooile  
35, Godwala Nagar, No.2 Bailtaridi Rd,  
Vivekanand Nagar, Nagpur 15.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Labour Commissioner,  
Office of the Labour Commissioner,  
Commerce Center, Taddev, Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer cum Labour Officer  
Labour Commissioner,  
Office of the Labour Commissioner,  
Commerce Center, Taddev, Mumbai – 400 034.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.08.2008 had sought information relating to the employees belonging to Scheduled Tribe in the office of the Labour Commissioner, Mumbai. The appellant wanted to know names of employees, name of the scheduled tribe surname, date of appointment their promotion and verification of their caste certificates.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he has not been furnished the required information. The respondent has stated that the information was received late from the Asstt Labour Commissioner (Administration) and therefore it could not be furnished in time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been received late by the PIO. It is clear from the case papers that the Assitt Labour Commissioner (Administration) has

informed the PIO and Govt. Labour Officer on 19.11.2008. It is thus clear that the delay has been caused be cause of late submission of the information. I therefore direct that the Labour Commissioner should ask the Assitt Labour Commissioner's explanation and take appropriate disciplinary action against him after giving him hearing.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2515/02**

**Shri Athavale Ashok Kacharu  
Kamble Niwas Ananad Nagar,  
Nagar Rd, Beed, Dist, Beed**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Social Justice Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Desk Officer  
Social Justice Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.04.2008 had sought the following information relating to organizations – govt. & same govt. connected with the welfare of the disabled., the kind of disability they have, their caste sex and related information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he has not been given the required information.

The respondent's contention is that the information pertains to their pune office and appellant's application has already been forwarded. It has been stated that whatever information was available with them have been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The application in accordance with provisions of the RTI Act has been sent to the commissioner. It is therefore advised that the appellant should get in touch with the commissioner.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2516/02

**Shri. Damodar Sanduji Pagare**  
**Flat No.152, A.T. Co operative Housing,**  
**Soc. N-2 Cidc, Aurangabad.**

.... Appellant

V/s

**First Appellate Office cum General Manager**  
**Maharashtra State Road Transport Corporation,**  
**Maharashtra Transport Bhavan,**  
**Dr. Anandrao Nair Marg,**  
**Mumbai – 400 008.**

.... Respondent

**Public Information Officer cum Labour Officer**  
**Maharashtra State Road Transport Corporation,**  
**Maharashtra Transport Bhavan,**  
**Dr. Anandrao Nair Marg,**  
**Mumbai – 400 008.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.05.2008 had sought information relation to his supercession. He has asked for copies of his confidential report, minutes of the Establish Boards meeting and other related documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.05.2009 through Video Conference. Appellant was present but the respondent was absent.

The appellant has contended that his application for information has not been taken cognizance of by the Public Information Officer. The First Appellate Authority has also not given him the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be given. I therefore order that copies of documents required by the appellant except the confidential report should be furnished. I therefore pass the following order.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2591/02

**Shri.Ramsagar Pundalik Pilewan**  
**83, Hindustan Colony, Wardha, Nagpur.**

.... Appellant

V/s

**First Appellate Office cum Dy Director**  
**Nagarparishad Administration Directorate,**  
**Govt. Transport Seva Building, 3<sup>rd</sup> Floor,**  
**Sai Pochakhanwala Rd, Worli,**  
**Mumbai – 400 030.**

.... Respondent

**Public Information Officer,**  
**Nagarparishad Administration Directorate,**  
**Govt. Transport Seva Building, 3<sup>rd</sup> Floor,**  
**Sai Pochakhanwala Rd, Worli,**  
**Mumbai – 400 030.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.08.2007 had sought information relation to his application submitted to the Director, Municipal Administration for taking action against the Chief Officer, Pawani, district Bhandara. The PIO replied by his letter dated 29.08.2007. The First Appellate Authority has passed order on 16.11.2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.05.2009 through Video Conference. Appellant was present but the respondent was absent.

I have gone through the case papers and also considered the argument advanced by the respondent. It appears that the dispute is basically a land dispute. The appellant has attached a copy of the Chief Officers report to the Collector Bhandara (20.12.2007) which gives detracted narration of the developments. It is thus clear that the appellant is fully aware of the facts in the case. As far as the request for action against the Chief Officer is concerned, I agree with the finding of the First Appellate Authority and do not find it necessary to intervene. I therefore decide to close the case.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2632/02**

**Shrimati. Zibrail Ibrahim Diwan  
15, 16, 17 Krushi Utppan Bazaar Samiti,  
Akola, Dist. Akola.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Superintended Land Record,  
Old Custom House, Fort,  
Mumbai.**

**.... Respondent**

**Public Information Officer,  
Superintended Land Record,  
Old Custom House, Fort,  
Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding CTS No 471 (Bhuleshwer Division) admeasuring 11, 667 Square yards known as Wilson College Gymphana, Mumbai. The appellant wanted to know the year of purchase, who sold it out, cost of purchase etc. The appellant was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal.

The appeal was heard on 28.05.2009 through Video Conference. Appellant and respondents were present. The appellant has contended that he has not received the required information. The respondent showed to me a copy of the information sent to the appellant. After discussion it was agreed that information should be given to the appellant free of cost. The appellant wanted to collect it personally. He stated that he will visit the respondent on 04.06.2009. The respondent is directed to ensure that information is handed over to the appellant as decided.

In view of the above I decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai

Date: 28.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.**

**ComplaintNo.2009/228/02**

**Shri. Zahida Zubir Merchant  
40, Razzak Manzil, 3<sup>rd</sup> Floor,  
L.J. Rd, Mahim, Mumbai – 400 016.**

**.... Complainant**

**V/s**

**First Appellate Authority cum Assitt Commissioner  
G North Ward, Municipal Corporation,  
Harishchandra Yevale Marg, Dadar (W),  
Mumbai – 400 028.**

**Public Information Officer cum Assitt Engineer,  
G North Ward, Municipal Corporation,  
Harishchandra Yevale Marg, Dadar (W),  
Mumbai – 400 028.**

**.... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2008 passed in appeal no 2008/1349/02. The facts in brief are as follows: The complainant had sought copies of the application submitted to the MCGM for Ismail Garage, plan approved by MCGM no objection from the fire fighting department. The complainant has alleged that the MCGM ward office did have relevant papers but they still misled the commission to believe that there were no papers.

The complaint was heard on 29.05.2009. Complainant and defendant were present.

At the very outset the defended stated that he is willing to give whatever papers he has. The complainant perused that file and wanted copies. These documents were xeroxed and handed over during the hearing. The complainant to approach the opponent to set it signed / certified.

**Order**

The complaint is closed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2636/02

**Shri. Kesharsing Ginansing Rajput  
Satagaon, Dist. Buldhana.**

.... Appellant

V/s

**First Appellate Office,  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.08.2007 has sought information relating to his applications dated 20.08.2007 and 11.10.2007. He sought information regarding action taken by the office of the Chief Secretary, Govt. of Maharashtra. The PIO informed him that his application has been sent to the Home Department for necessary action.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 28.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has already been informed that the application submitted by him has been transferred to the Home Department since the office of the Chief Secretary is not concerned with the subject.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2514/02

**Shri. P.G. Kodkar  
Shri. Akolkar  
33 (A), Renuka, Chtrapati Nagar,  
Garkheda Colony, Aurangabad 431 005.**

.... Appellant

V/s

**First Appellate Officer,  
Public Health Department  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,  
Public Health Department  
Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.03.2007 has sought information relating to his application for employment. The appellant has sought information as to what happened to his application for employment of a freedom fighter's ward in govt. service.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

It appears from the record that the appellant was informed by PIO's letter dated 21.05.2009 to deposit Rs.65/- to get the required information. There is nothing on record to show that the appellant has deposited the required amount. Since the appellant is absent it could not be verified

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the case deserves to be closed.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2637/02

**Shri. Kashinath Dondoppa Bhusnur,  
Vasant Sah Gramin Griha Nirman Santha,  
Lohara, Yavatmal 445 001.**

.... Appellant

V/s

**First Appellate Officer cum Joint Secretary  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Administrative Officer  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.12.2008 has sought information relating to his complaint dated 28.08.1997 against Shri. Ramesh Shrawan Jhade, junior clerk in the office of the Collector, Yavatmal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 28.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the issues pertain to General Administration Deptt, Rehabilitation Branch and Collector of Yavatmal. The appellant was informed accordingly. He did not appear before the First Appellate Authority and his appeal was therefore dismissed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that in view of the fact that his application pertains to the Collector of Yavatmal and he has been informed accordingly and also in view of the fact that he remained absent during the hearing of the first appeal as well as the second appeal, the case deserves to be closed. I therefore pass the following order.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2640/02  
Appeal No.2009/2641/02**

**Shri. Dinesh Ramrao Sambare  
Gurukrupa Colony, Near Meharnand Dalan Center,  
Opp. Dental College Flat No.4,  
S.R.P Camp, Amravati – 444 602.**

**.... Appellant**

V/s

**First Appellate Officer cum Director  
Directorate of Medical Education & Research  
Dental College & Hospital Building,  
4<sup>th</sup> Floor, Near CST, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Superintendent  
Directorate of Medical Education & Research  
Dental College & Hospital Building,  
4<sup>th</sup> Floor, Near CST, Mumbai – 400 001.**

**GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information in respect of 14 nurses appointed by the Directorate of Medical Education and Research Mumbai. The appellant wanted to know whether collectors recommendations were sought and received in these cases as required under the govt. circular dated 13.09.2000.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2008 through Video Conference. The appellant did not turn up but the respondents were present.

The appellant has contended that he has been given misleading information. It has also been stated that the information furnished is not what was requested.

The respondent's contention is that the relevant records were not available with the Directorate. The same have been obtained from govt. and information based on those records have been sent to appellant on 26.05.2009. It has been clarified by them that out of 14 nurses names of 3 only were received from Collectorate, Beed, although correspondence shows that requisition was sent to all collectors.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has since been furnished. There is no doubt that it has been delayed. Taking into account the circumstances explained by the respondent, it is clear that there was no deliberate attempt to delay or conceal the information. The available information that recommendations in respect of only 3 nurses

were received has been furnished. The appellant can draw his conclusion. The RTI Act ensures furnishing of available information and is not mandated to interpret the information. I therefore decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 28.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2638/02**

**Shri. Gangadar S. Gadge  
Khapde Flat, Near LIC office,  
Achalpur, Amravati – 444 805.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy Director  
Nagar Parishad Directorate,  
Govt. Transport Seva Building  
3<sup>rd</sup> Floor, Sir Pachkhanwala Rd,  
Worli, Mumbai – 400 030.**

**.... Respondent**

**Public Information Officer,  
Nagar Parishad Directorate,  
Govt. Transport Seva Building  
3<sup>rd</sup> Floor, Sir Pachkhanwala Rd,  
Worli, Mumbai – 400 030.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.04.2008 had sought information in respect of his application for removal of encroachment on record and open space. The appellant had complained to the Chief Officer, Municipal Council Achalpur, Dist. Amravati. The appellant has stated that the only information he got was a letter from the Chief Officer that they have sought police help and as some as the same is made available encroachment would be removed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2008 through Video Conference. Appellant and respondents were present.

The appellant has contended that his application for information has not been responded favourably. He therefore applied to the Secretary, Urban Development. The application was transferred to Director Municipal Administration. The First Appellate Authority in the office of the Director Municipal Administration ordered the Chief Officer to furnish the required information within 15 days. Since the information was not received, he has come in second appeal before the commission. The respondent admitted that although encroachment has not been removed, the Chief Officer has explained the situation to the appellant by his letter dated 15.11.2008.

After going through the case papers and considering the arguments advanced by parties it is seen that the Chief Officer has technically discharged his responsibility under



the RTI Act. He has furnished the information. The appellant obviously is not satisfied. He had wanted action. This is not uncommon. When people are fed up with inaction and insensitivity, they approach anyone they think can help them. The Chief Officer has been claiming that he needs police to remove the encroachment. It is nearing a year but he has not received the police help. This is very serious. The request is to clear the road and the open space but the same is not happening I would therefore direct the Director Municipal Administration to instruct the Chief Officer take this seriously, do what is required and inform the appellant.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 28.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2624/02**

**Shri. Sudhir Vishwnath Bache  
Vasudevrao Waghadkar, Mukund Nagar,  
Telegraph Colony, Akola.**

**.... Appellant**

**V/s**

**First Appellate Office cum Secretary  
Public Service Commission  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Dy. Secretary  
Public Service Commission  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.11.2008 had sought copies the application forms of those qualified for interview but were not finally recommended for appointment as Asstt Motor vehicle Inspector on the basis of the examination conducted in 2005. The PIO and the First Appellate Authority have denied information under section 8 and 11 of the RTI Act 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 27.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has been denied the information wrongly. He had also stated that he has been given misleading letter. He wanted copies of those 327 candidates' application forms whose names were not recommended.

The respondent has made written submission. It has been stated by them that applications were invited for 207 posts. They received 2518 applications, all them wrote the written examination, 578 were called for interview and finally 208 were recommended. They have stated that it serves no purpose to furnish copies of application forms of those whose names were not recommended.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been rightly denied. It is huge task and it is doubtful whether it will serve any purpose. The respondent contention that these application forms are personal and it may not be desirable to disclose without taking their view. Asking hundreds of persons whether a copy of their application form should be give to the appellant will definitely divert disproportionately the resources of the Public Authority. I therefore feel that there is need to intervene. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2621/02**

**Shri. Rambhau Sakharam Chumbulkar  
Tilak Chowk, Vashim, Dist Vashim.**

**.... Appellant**

**V/s**

**First Appellate Office cum Labour Commissioner,  
Office of the Labour Commissioner,  
Commerce Center, Taddev, Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer,  
Office of the Labour Commissioner,  
Commerce Center, Taddev, Mumbai – 400 034.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.08.2007 had sought information in respect of his application submitted to the then Hon Minister Labour, Govt. Maharashtra. The appellant wanted to what happened to the application and he also wanted to know the action taken by the deptt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 27.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has made written submission. It has been stated by them that the application was dated 01.09.1972. It was sent to the Deputy Commissioner, Mumbai as it pertained to them. They have reported that the said application was not traceable and therefore no information could be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that under the circumstance explained by the respondent the required information could not be furnished. Since the appellant was also not present I am constrained to close the case. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2644/02**

**Ad. Arvind Hiroji Wankhede  
Loni Gavali, Meharkar, Dist. Buldhana.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy. Secretary  
Urban Development, Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Urban Development, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.07.2008 had sought information in respect of his application for allotment of a flat under the discretionary quota of the Hon Chief Minister. The appellant says that the Hon Chief Minister had already sanctioned one flat to him but he wanted to know what happened to that order. He has enclosed a copy of the letter on which the Hon CM's endorsement / sanction is there.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2009. Appellant and respondent were present.

The appellant has contended that despite the Hon CM's order he has not been informed what happened to his application.

The respondent's contention is that the desired information was not available with them and therefore they could not provide the same. It has been explained by them that the allotment from the discretionary quota is made by the Hon CM and the department receives list of such allottees and the department thereafter issues the allotment letter to individual allottees.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. As explained by the respondent there is no system of the department putting up the file to the Hon CM and obtaining his order. The process is otherwise the allotment is done and list of allottees with flat no and location is sent to the Urban Development Deptt and they issue letters. It is thus seen that the available information has been furnished. The case is closed.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2626/02**

**Shri. Durgaprasad Ramchandra Gupta  
Shri Ramkarnji Tiwari, Akot Fail,  
Ambedkar Marg, Dist. Akola.**

**.... Appellant**

**V/s**

**First Appellate Office cum General Manager  
Maharashtra State Road Transport Corporation,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Division Supervisor  
Maharashtra State Road Transport Corporation,  
Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.01.2007 had sought information relating to Enquiry report and action taken on complaint against irregularities while deciding cases of misappropriation by conductors in Jalgaon Division of Maharashtra State Road Transport Corporation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 27.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that the First Appellate Authority has concurred with in correct report and has not furnished other information.

The respondent's contention is that the required information has been furnished. A copy of the report by the security and vigilance officer Jalgaon has also been furnished to the appellant by their letter dated 07.02.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant seems to be unhappy with the quality and content of the report. The commission is not the right forum for that. The RTI Act ensures furnishing of available information. If the

information furnished is not to his liking he may approach the channels prescribed by the MS RTC. I therefore decide to close the case as available information has been furnished.

**Order**

The appeal is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2619/02**

**Shri. Mohanlal Bhagirat Pipalwa  
Manrulpeer Kalyani Chowk,  
Near Barabhai Vihir, Dist. Vashim.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy Director  
Nagar Parishad Administrative Directorate  
Govt. Transport Seva Building,  
3<sup>rd</sup> Floor, Sir Pochakhanawala Marg,  
Worli, Mumbai.**

**.... Respondent**

**Public Information Officer cum Executive  
Nagar Parishad Administrative Directorate  
Govt. Transport Seva Building,  
3<sup>rd</sup> Floor, Sir Pochakhanawala Marg,  
Worli, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 27.09.2009 had sought information relating Finance Departments decision क्र.सेनिवे-१०९९/सेवा-४/२३८/२३९ दि.२९.०७.१९९९, निर्णय क्र.३०२ व ३०४ दि.१५.११.१९९९. The appellant wanted to know how many Municipal Councils have implemented and what action has been taken against those who have not implemented govt. deasion.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 27.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he had sought information as to how many municipalities have paid arrears because of implementation of the govt. order mentioned above. He did not get the information. The PIO asked him to get in touch with Municipal Councils and govt.

The respondent has contended that information in part has been furnished in view of the First Appellate Authority's order dated 02.01.2008 the balance will be furnished as soon as they are received.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that only part information has been furnished. It is true that the information sought involves more than 200 municipal councils. Since part information has already been furnished, it is desirable that remaining should be collected and furnished to the appellant I therefore direct that the balance information should be furnished within one month. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2618/02**

**Shri. Santosh Narayan Ingle  
Ramayan Bangla, Parisar,  
Opp. District Hospital, Mount Caramel Rd,  
GPO Bit No.7, Akola – 444 001.**

**.... Appellant**

**V/s**

**First Appellate Office cum Director  
Directorate of Public Health Service,  
St. George's Hospital Compound,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Administrative Officer  
Directorate of Public Health Service,  
St. George's Hospital Compound,  
Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.03.2008 had sought a copy of the Public Health Department's resolution no पदआ २००७/प्र.क्र.११७/सेवा-१, dated 06.08.2007 and a copy of the letter issued by the Directorate of Public Health. The PIO by him letter dated 22.04.2008 informed him that since the information runs into 1909 pages he should deposit Rs.3818 @ Rs.2/- per copy. The First Appellate Authority confirmed the order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 27.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that the demand made by the PIO is not in accordance with the rule and information has not been furnished in time.

The respondent's contention is that the appellant applied on 24.03.2008 and the PIO replied on 22.04.2008. It is possible that the appellant did not receive within one month. Since the information sought is huge there is no way but to demand Rs.3818.

After going through the case papers and considering the arguments advanced by parties it is seen that the PIO sent the information within time. It is possible that the appellant received it late. The PIO cannot be held responsible. I see no intention of denying or concealing the information. The appellant is not selective or is not aware of the volume of information he has sought. In fact the RTI Act also provides that if the information sought was likely to divert disproportionately the resources of the public authority the same may be denied. It is therefore decided that the appellant should be allowed inspection of documents. He will select the ones he required and the same should be supplied on payments of necessary fee.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2598 A/02**

**Dr. Anand S. Borikar  
57 A, Pachavi Galli, Jawahar Nagar,  
Manewala Rd, Nagpur – 440 024.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.10.2008 had sought information relating to the addition of Non practicing allowance for the purpose of pensionary and service benefits. The Pension Lok Adalat by its order dated 17.06.2006 had directed that govt. should pay pension based on Non Practicing Allowances at 25% of basic pay for the period from 01.01.1996 to 01.10.1998 including service and pensionary benefits.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 25.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that information has not been furnished. The Pension Lok Adalat decided in 2006 but govt. has still not taken final decision.

The respondent's contention is that Govt. has decided to go in appeal against the order of the Pension Lok Adalat. They have consulted Law and Judiciary. They have therefore stated that they could not implement the Pension Lok Adalat's order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The RTI has limited role to play in such cases. We cannot ask the govt. why they have decided to go

in appeal. We cannot order them to implement the Pension Lok Adalat's order also. The action taken on the order has been made known to the appellant. It may be unpalatable but there is no way out. I am constrained to close the case. I therefore pass the following order

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2560/02**

**Shri Manohar Pandurang Sadavarte  
25, Bapu Patilwadi Maida Baug Rd,  
Binaki, Nagpur 440 017.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Education Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Education Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.05.2007 had sought the following information in respect of his application for sanction of additional divisions as a result of natural growth. He has been pursuing vigorously but has not received any definite and positive reply.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 22.05.2009 through Video Conference. Appellant was present but the respondent was absent.

The appellant has contended that he has finally been communicated the sanction of additional divisions on no grant in-aid basis. He however has pointed that a copy of the sanction order has not been received either by the Director of Education or Deputy Director of Education. The file is therefore not moving forward.

After going through the case papers and considering the arguments advanced by parties the appellant it is seen that although he has received the information but it is of no use to him since copies have not been received by the Director of Education or the Deputy Director of Education. The PIO is therefore directed to ensure that copies are sent immediately. If it has already been done, the appellant should be informed

accordingly. A copy of the information furnished to the appellant should be sent to the commission.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2519/02**

**Shri Rajesh Sanduji Hivrle  
Room No.261, Milindnagar,  
Osmanabad, Aurangabad 431 005.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Office of the Governors Secretaries,  
Raj Bhavan, Malbar Hill,  
Mumbai – 400 035.**

**.... Respondent**

**Public Information Officer,  
Office of the Governors Secretaries,  
Raj Bhavan, Malbar Hill,  
Mumbai – 400 035.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.04.2008 had sought information relating to the marks given to him during the oral examination for appointment a 'Shikshan Sevak'. He wanted to know whether his marks can be corrected and appointment given. He feels that he was given less marks than he is entitled to.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 14.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he has been deliberately given less marks although all the answers given by his were correct.

The respondent's contention is that the application was sent in the name of HE Governor of Maharashtra. The PIO in the Raj Bhavan came to the conclusion that the subject pertains to the Department of Tribal Development and his application was sent to that department. The First Appellate Authority confirmed the order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information has been furnished. He has been

rightly informed that HE the Governor's office is not concerned and the Subject is pertaining to the Department of Tribal Development. The appellant should get in touch with the department of Tribal Development.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2569/02**

**Shri Satish Ramkrushan Dhabekar  
V.H.B Qtr. No.5/84, Near Chotta Tajbag,  
Raghuji Bazar, Nagpur – 440 024.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Maharashtra State Electricity Board,  
Prakashgad, 4<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy Manager  
Maharashtra State Electricity Board,  
Prakashgad, 4<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.02.2008 had sought information whether judgment of Hon High Court of judicature of Bombay reported at 1991 (1) CLR 401 (Dinkar Sadashiv Sane Vs MSEB) and also case decided by Division Bench in LPA No.892/1991 in addition to the case decided in writ petition no 7267/1999 has been applied for granting him the First benefit of higher grade under G.O. 111 (P).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 22.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that the state Public Information Officer and Manager MS EDCL has given only time passing and irrelevant information.

The respondent's contention is that it has been clarified that the decision on the petition filed by Shri Dibkar Sadashiv Sane was not applicable in the appellant's case and it was applicable to the petitioner only.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. It is

not mandated in the RTI Act to interpret the information. It only ensures furnishing of available information. Since available information has been furnished in this case, it is decided to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2432/02**

**Shri Rajendra Harinarayan Sharma  
Behind S.P. Office, Vajirabad, Nanded.**

**.... Appellant**

**V/s**

**First Appellate Office cum Executive Engineer  
Mumbai Works Board, 2<sup>nd</sup> Floor Chembur,  
Mumbai – 400 071.**

**.... Respondent**

**Public Information Officer,  
Multistoried Building Works Division,  
Chunabhatti, Mumbai – 400 071.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.05.2007 had sought the following information. The amount for which letter of credit was issued under different heads to the Executive Engineer Multistorey construction Division during 2006 – 2007. The appellant also wanted names of works on which the grant was spent. The PIO did not furnish information in time and the appellate preferred the first appeal. The First Appellate Authority directed the Executive Engineer to furnish the information. He was reminded on 29.09.2007. The information was finally sent on 15.02.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 12.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he has been furnished the information late and the PIO should be penalized.

The respondent has made submission in writing. He has given details of letters written by the First Appellate Authority, the demand for money from the appellant, receipt of the money and finally dispatch of the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished late. This was

not done even though reminded by the First Appellate Authority. This gross violations of the provisions of the RTI Act. There is a prima facie case for imposing fine under section 20 of the RTI Act. I therefore pass the following order.

**Order**

The PIO to show cause why action under section 20 of the RTI should not be taken against him. He should send his explanation to the committee within 3 weeks.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2597/02**

**Dr. Anand S. Borikar  
57 A, Pachavi Galli, Jawahar Nagar,  
Manewala Rd, Nagpur – 440 024.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.01.2009 had sought the following information: -

1. Whether Medical Officers of Employees State Insurance Scheme are entitled for pay fixation identical to the Central Medical Officers?
2. What are reasons for non grating of pay fixation equally?
3. Can the State act discriminatorily with ESIS Medical Officers?
4. Whether Stated is making a decision to implement pay fixation identical to centre?

The Public Information office and the First Appellate Authority have rejected the request as the same does not fit into the definition of information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 25.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that the information sought does not fall within sections 8 and 9 of the RTI Act. Since the idea of ‘classified information’ is no longer valid he should have been given the information.

The respondent's contention is that information has not been denied because it falls in section 8 or 9 of the RTI Act. The appellant has raised questions and wants answer which is not permitted under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information has been correctly denied. In fact no information has been sought but question raised and answer expected. What information is expected if the query is – can the state govt. discriminate against ESIS medical officer? or what are the reasons for non granting a pay fixation equally? The answer could be subjective and therefore not allowed. The RTI Act ensures furnishing of available information record. The appellant has been rightly rejected.

**Order**

The appeal is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2646/02**

**Shri Ravi Anandrao Labhade  
Shelubazar, Mangrulpir, Washim.**

**.... Appellant**

**V/s**

**First Appellate Office cum Special Police General Inspector  
Shahid Bhagat Sing Marg,  
Kulaba, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Senior Police General Inspector  
Shahid Bhagat Sing Marg,  
Kulaba, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.08.2008 had sought information in respect of Shri Dyaneshwer Kadu, Police Inspector, Mangrulpir district Washim, Maharashtra. The appellant wanted to have copies of Shri Kadu's first appointment letter, his transfers and copies of the transfer orders, his property returns filed by him, copies of his confidential reports and details of the salary, traveling allowances, complaints against him and action taken on them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2009 through Video Conference. Appellant and respondent were absent.

After going through the case papers. The Public Information Officer by his order dated 07.10.2008 informed the appellant that Shri Dyaneshwer Kadu has objected to furnishing of the information to the appellant. The First Appellate Authority by his order dated 28.11.2008 has confirmed the PIO's order. No additional argument has been made or evidence produced to convince that larger public interest demands disclosure of the information sought by the appellant. I therefore feel that the orders passed by the PIO and the First Appellate Authority need no intervention. I therefore pass the following information.

**Order**

The appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2645/02**

**Shri. Atmaram Uttamrao Kavare  
Sudhir Colony, Sitaram Apt.  
Jawaharnagar Rd, Akola.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Maharashtra Agriculture Industry Develop Corporation,  
3<sup>rd</sup> Floor, Prabhadevi, Mumbai – 400 025.**

**.... Respondent**

**Public Information Officer,  
Maharashtra Agriculture Industry Develop Corporation,  
3<sup>rd</sup> Floor, Prabhadevi, Mumbai – 400 025.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.09.2008 had sought information in respect of the enquiry and recovery of the processing charges proposed to be recovered from the appellant. The appellant was working as a clerk in the Divisional office of MAIDC. During the inspection of stock of insecticide it was found that the stock on record and in the go down was not matching and there was shortage of 1677 liters. In another inspection dated 31.03.2007 it was found that there was no shortage. The management came to the conclusion that the shortage was made good by the appellant. It was also found that dates of some of the insecticide were over or were about to be over. They had to be sent for reprocessing for which the company had to spend Rs.1, 29, 780/-. The appellant wants to have copies of enquiry papers and also the way in which reprocessing charge have been recalculated.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2009 through Video Conference. Appellant and respondent were absent.

The appellant has contended that he was not given information in time. He has also disputed the conclusions of the management.

The respondent's contention is that all relevant information has been furnished. The calculation of reprocessing charges were also obtained and sent to the appellant. All papers relating to the enquiry have also been given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. As far as the appellant's contention disputing the finding is concerned the commission is not mandated to intervene. I have therefore come to the conclusion that available information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2645/02**

**Shri. Atmaram Uttamrao Kavare  
Sudhir Colony, Sitaram Apt.  
Jawaharnagar Rd, Akola.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Maharashtra Agriculture Industry Develop Corporation,  
3<sup>rd</sup> Floor, Prabhadevi, Mumbai – 400 025.**

**.... Respondent**

**Public Information Officer,  
Maharashtra Agriculture Industry Develop Corporation,  
3<sup>rd</sup> Floor, Prabhadevi, Mumbai – 400 025.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.09.2008 had sought information in respect of the enquiry and recovery of the processing charges proposed to be recovered from the appellant. The appellant was working as a clerk in the Divisional office of MAIDC. During the inspection of stock of insecticide it was found that the stock on record and in the go down was not matching and there was shortage of 1677 liters. In another inspection dated 31.03.2007 it was found that there was no shortage. The management came to the conclusion that the shortage was made good by the appellant. It was also found that dates of some of the insecticide were over or were about to be over. They had to be sent for reprocessing for which the company had to spend Rs.1, 29, 780/-. The appellant wants to have copies of enquiry papers and also the way in which reprocessing charge have been recalculated.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2009 through Video Conference. Appellant and respondent were absent.

The appellant has contended that he was not given information in time. He has also disputed the conclusions of the management.

The respondent's contention is that all relevant information has been furnished. The calculation of reprocessing charges were also obtained and sent to the appellant. All papers relating to the enquiry have also been given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. As far as the appellant's contention disputing the finding is concerned the commission is not mandated to intervene. I have therefore come to the conclusion that available information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2639/02**

**Shri. Janardan Dattaram Sali  
Vasantao Tulshiram Talabe,  
Deulgaon, Dist. Buldhana.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Profession Education & Training Directorate,  
Mahanagarpalika Marg, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer,  
Profession Education & Training Directorate,  
Mahanagarpalika Marg, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.12.2007 had sought information relating to absorption of staff working in trades which have been discontinued and disposal of articles. Appellant has not attached a copy of the PIO's order / letter but copy of the order passed by the First Appellate authority is attached.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 28.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he has not been given complete information. The respondent submitted that information has been furnished. In fact the First Appellate Authority has given point wise details of the information furnished. After discussion it was concluded that the information regarding disposal of articles has remained. The same should be obtained from respondent's office at Aurangabad. It was decided to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2577/02**

**Shri. Nimai Anil Das  
Virasi Camp, Paraspada,  
Tahasil, Dist, Gondiya.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy. Secretary  
Revenue & Forest Department  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Revenue & Forest Department  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.11.2008 had sought a copy of the Govt. Resolution allotting land, houses and agricultural implements to refugees from Bangladesh.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 21.05.2009. Appellant and respondent were present.

The appellant has contended that he has not received the information he had asked for. The respondent's contention is that they have failed to trace the papers but the same were not available in the department and therefore the required information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. This document is very important. It is not enough to say that it is not traceable. I direct that diligent search should be made. It should also be found out whether collectors are having copies. The outcome of the search should be communicated to the appellant.

**Order**

The appeal is allowed. Information to be furnished by PIO after diligent search.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2576/02**

**Shri.Satish Ramkrushan Dhabekar  
VHB Qtr. No. 5/84, Near Chotaa Tajbag,  
Raghuji Nagar, Nagpur – 440 024.**

**.... Appellant**

**V/s**

**First Appellate Office cum Manager  
Maharashtra State Electricity Board,  
4<sup>th</sup> Floor, Prakashgad, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Manager  
Maharashtra State Electricity Board,  
4<sup>th</sup> Floor, Prakashgad, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.02.2008 had sought the following information: -

- 1) All the case papers related to my claim of first Benefit of higher grade including proposals submitted to the competent selection Committee and competent authority, since 03.03.1989 to 01.04.2004.
- 2) Copy of CR's since 1986-87 to 2003-04 Year wise and CR rating since 86-87 to 03-04 Year wise and details of over-all grading.
- 3) HO replies to my representations on the subject matter, if given.
- 4) Give information with documentary Proof "whether Judgment of Hon'ble High Court of Judicature of Bombay reported at 1991 (I) CLS 401 (Dinkar Sadashiv Sane Vrs.M.S.E.B.) and also case decided by Division Bench in LPA No.892/1991 in Addition to the vase decided in Write Petition No. 7267/1999 has been applied for granting me the first benefit of higher grade under GO 111 (P)?.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 21.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that the State Public Information Officer has given only time passing and irrelevant information.

The respondent's contention is available information has been furnished. They have made their written submission.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partially furnished. The appellant has submitted another appeal to the commission on the same issue. After going through the case papers and written submission made by the respondent I am of the view that the grading of his CRS and reasons for rejection of his case should be communicated to him. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2581/02**

**Shri. Chitrashekar Gavande  
House of Shrimati Nilabai Gavande,  
Akori Ward, Behind Akori Mandir,  
Dist. Chandrapur – 442 402.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy. Secretary  
Cooperation and Textile Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Cooperation and Textile Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.07.2007 had sought information relating to the assurances given by Hon Minister of State for cooperation to employees of Land Development Bank, Chandrapur. These employees had gone on hunger strike and the Hon Minister by his letter dated 21.05.2007 informed the collector Chandrapur that govt. was considering their demands sympathetically and they should call off their hunger strike. The appellant wanted day to day movement of the file.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 21.05.2009. Appellant and respondent were present.

The appellant has contended that he has not been given complete information. Information on some points have not been furnished.

The respondent's contention is that whatever information was available has been furnished. It has been submitted that some more information has been furnished as directed by the First Appellate Authority.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Case papers

reveal the movement of the file. Minutes of meeting, Hon Minister's letter to Hon Chief Minister and Assembly proceedings are there on record. It is possible that the appellant problem has not been solved. The RTI Act is not mandated to solve problems. It ensures furnishing if available information. The information which does not exist cannot be furnished. I see no attempt to deny or conceal the information. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2312/02**

**Shri. Shaik Shakir Abdul Sattar  
Manohar Canting, Near Municipal Corporation,  
Ahamdnagar.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.04.2007 had sought a copy of the proposal submitted by the Municipal Corporation of Ahamdnagar in response to Urban Development Department letter dated 22.06.2006. The proposal was asked for approval of the staffing pattern for class III and class IV employees.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.05.2009. Appellant and respondent were present.

The appellant has contended that the required information has not been furnished by the Public Information Officer. The First Appellate Authority also did not decide the appeal within the stipulated time. He has therefore requested that these officers should be penalized under section 20 of the RTI Act. The respondent has submitted that no proposal was received from the Ahamdnager Municipal Corporation but the same was not communicated to the appellant. The First Appellate Authority has regretted for that.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information was not furnished. There is no credible answer either from the Public Information Officer or the First Appellate Authority. It is therefore decided that both of them must explain their conduct and show

cause why action under section 20 of the RTI Act should not be taken against them.

Their replies to come to the commissioner within 4 weeks.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2520/02**

**Shri. Surendra Gopaldas Dhavad  
Asstt. Director,  
Industrial Security & Health Directorate  
6<sup>th</sup> Floor, Industry Bhavan, Civil Lines,  
Nagpur.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy Secretary  
Industries, Energy and Labour Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Desk Officer  
Industries, Energy and Labour Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.01.2008 had sought information whether the following persons appointed as factory inspectors class II had passed the intermediate examination. 1) Shri. A.B. Pawar 2) Shri. S.B. Randive 3) Shri. S.C. Gavali 4) Shri. S.P. Kulkarni 5) Shri. J.B. Kimbhar 6) Shri. S.L. Choudhary 7) Shri. P.S. Sonawane. The PIO by his letter dated 12.02.2008 informed him that what the appellant had sought was not information but questions which was not required to be answered under the RTI Act. There is nothing on record to show that the First Appellate Authority passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 18.05.2009. Appellant and respondent were present.

The appellant has contended that since recruitment rules required that candidate should have passed intermediate examination of a recognized university and a diploma in first class in Mechanical and or Electrical Engineering recognized by the Board of Technical Education Maharashtra State or its equivalent, the information sought must be furnished. The respondent has contended that these recruitments are done by

Maharashtra Public Service Commission. They recommend and govt. appoints these officers they therefore they have no information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondent has given him the correct information. The recruitments are done by the Public Service Commission in accordance with the rules framed by govt. The govt. receives recommend action from the MPSC and appoints officers. It is important to record that the MPSC has already informed the appellant that these persons were found fit for recommendation and therefore their names with all papers have been sent to govt. I therefore feel that now that the papers are with govt. copies of the same should be furnished to the appellant.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2583/02**

**Shri. Vasant Rushi Masram  
Gandhi Ward, Ballarpur,  
Dist. Chandrapur.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy Secretary  
Tribal Development Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Tribal Development Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.09.2007 had sought copies of proposals sent by the Department of Tribal Development Govt. of Maharashtra to Ministry of Tribal welfare Govt. of India for central assistance during 2005 – 2006, 2006 – 2007 and 2007 – 2008. He also wanted a copy of the Non govt. organizations proposals sanctioned during 2005 – 2006, 2006 – 2007 by Ministry of Tribal welfare.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 21.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has made written submission. It has been contended by them that the appellant deposited Rs.140/- as demanded on 10.12.2007 and the information was furnished on 11.01.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished but late. This shows carelessness on the part of the Public Information Officer. He is warned not to repeat this otherwise action under section 20 of the RTI Act will be taken against her. The case is closed.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2584/02

**Shri. Suresh Haribhau Chincholakar**  
**House of Gajanan Yerewar,**  
**Near Adv. Eknath Salve, Vittal Mandir Ward,**  
**Chandrapur.**

.... Appellant

V/s

**First Appellate Office cum Chief Excretive Officer**  
**Maharashtra State, Khadi & Village Industries Board,**  
**19/21, Manohardas Street, Fort, Mumbai – 400 001.**

.... Respondent

**Public Information Officer,**  
**Maharashtra State, Khadi & Village Industries Board,**  
**19/21, Manohardas Street, Fort, Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.07.2007 had sought information relating to payment of pension. He was paid difference between due and paid but the wanted to know from what date etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 21.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the required information was sent to the appellant by the PIO letter dated 29.08.2007. He has however submitted a copy of the information sent to the appellant which has been placed on record.

In view of the respondent's submission and the appellant's absence I have come to the conclusion that information has been pass furnished. I pass the following order.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2603/02**

**Shri. Vahid Khan  
District Sanghatak Chief BSP,  
Ward No.30, Ansar Nagar,  
Amravati.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy. Secretary  
Higher & Technical Education Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Higher & Technical Education Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.04.2008 had sought information relating to his complaint against Shri Arvind Chaudhury, Joint Secretary, Department of Higher and Technical Education, Govt. of Maharashtra. He had complained that Shri. Arvind Chaudhury is associated with processing of files relating to sanction of new colleges. His wife Smt. Seema Chaudhury is a one of the members of “Kranti Joyoti” Savitribai Phule Shikshan Santha, Amravati. The appellant wanted to know whether Shri Chaudhury has taken required permission from govt. The application was submitted to the Chief Secretary but the same was sent to the Department of Higher and Technical Education. The PIO by his letter dated 17.05.2008 and the First Appellate Authority by his letter dated 27 June, 2008 have sent necessary information to the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 26.05.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The appellant has contended that he was given wrong information by the office of the Chief Secretary. He says that no action was being taken therefore he approached the commission.

The respondent's contention is that action has been taken and the appellant has been informed accordingly. The respondent has made written submission which is on record. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. In view of the appellant's absence and respondent's submission and documents on record I decide to close the case

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2607/02**

**Shrimati. Laxmibai Ginansing Rajput  
Satgaon Masla, Dist. Buldhana.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 16.08.2008 had sought information regarding action taken by the Chief Secretary's, Govt. of Maharashtra on letters forwarded to him by the Ministry of Home, affairs, Govt. of India New. Delhi. The Chief Secretary Office informed the appellant that these communications have been sent to the Department of Home Govt. of Maharashtra for necessary action. The First Appellate Authority also informed the appellant that it was not within the jurisdiction of the Chief Secretary to intervene in the matter and the letters have been rightly forwarded to the department of Home, Govt. of Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 26.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that she was given wrong information by the office of the Chief Secretary. She also says that no action was being taken therefore he has approached the commission. She expected the office of the Chief Secretary to intervene

The respondent's contention is that the Chief Secretary Office does not deal with the subject. They have given a list of case / letters / references which has been received

from Govt. of India and all of them have been forwarded to respective department for necessary action.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The Chief Secretary is not expected to directly intervene in subjects allotted to different departments. The First Appellate authority has rightly pointed that subjects are assigned as per rules of business and every department has been assigned the functions. It is also seen from case papers that govt. has by its order dated 17.11.2007 finally closed the case and informed the appellant under these circumstances the case deserves to be closed I pass the following order

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2608/02**

**Shri. Anna Gangaram Wagh  
Juna Ajispur Rd, Near Tulsi Nagar,  
Buldhana.**

**.... Appellant**

**V/s**

**First Appellate Office cum Joint Transport Commissioner  
Office of the Transport Commissioner  
Administrative Building 3<sup>rd</sup> & 4<sup>th</sup> Floor,  
Near Dr. Ambedkar Udhyan,  
Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Transport Commissioner  
Office of the Transport Commissioner  
Administrative Building 3<sup>rd</sup> & 4<sup>th</sup> Floor,  
Near Dr. Ambedkar Udhyan,  
Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.05.2009 had sought certified copies of answer papers relating to the examination conducted for appointment of clerk-typist. The PIO by his letter dated 24.06.2006 denied the information. The First Appellate Authority by his order dated 22.07.2008 confirmed the PIO's order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeals were heard on 26.05.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that answer papers do not fit into the definition of information. He has also enclosed a copy of the Chief Information Commissioner, Maharashtra's Order dated 14.06.2007 where in information has been denied in a similar case.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been rightly denied. The

Central Information Commission in its order dated 06.02.2006 in Appeal no ICPB/A-2/CIC/2006 has held that answer papers need not be given. There are court rulings to that effect also. The Supreme Court while deciding the issue has held that evaluation of the answer sheets of the candidate is not a participatory process and there has to be finality to the examination process, In view of the above discussion. I pass the following order.

**Order**

The appeal is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2605/02**

**Shri. R. B. Anasane  
Gazatted Officer (Retd), Late  
Shri Ambadekar Maharaj's Wada,  
Raja Peth, Amravati – 444 606.**

**.... Appellant**

**V/s**

**First Appellate Office cum Joint / Dy Secretary  
Office of the Chief Secretary, Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Office of the Chief Secretary, Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.05.2007 had sought information in respect of his pending bills at different levels in the Department of Education, govt. of Maharashtra. The application was submitted to the Chief Secretary, Govt. of Maharashtra. The PIO by his order dated 02.06.2007 informed the appellant that his application has been sent to the department of Higher and Technical Education. The First Appellate Authority in the Chief Secretary's office confirmed the PIO's order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeals were heard on 26.05.2009. The appellant was present. The respondent has made written submission. The appellant has contended that he has not been given the information. The respondent has submitted that since the matter pertained to the Department of Education, his application has been transferred under section 6(3) of the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The information sought pertained to the Department of Education and not the Chief Secretary.



It has been correctly transferred and appellant informed. In fact is that what the appellant wanted was not information but arbitration. He wanted his bills to be settled. The RTI Act is not expected to help people settling their disputes. I can understand the reason for appellant's dissatisfaction but I am constrained to close the case as appellant has been correctly informed. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2605/02**

**Shri. R. B. Anasane  
Gazatted Officer (Retd), Late  
Shri Ambadekar Maharaj's Wada,  
Raja Peth, Amravati – 444 606.**

**.... Appellant**

**V/s**

**First Appellate Office cum Joint / Dy Secretary  
Office of the Chief Secretary, Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Office of the Chief Secretary, Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.05.2007 had sought information in respect of his pending bills at different levels in the Department of Education, govt. of Maharashtra. The application was submitted to the Chief Secretary, Govt. of Maharashtra. The First Appellate Authority in the Chief Secretary's office confirmed the PIO's order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeals were heard on 26.05.2009. The appellant was present. The respondent has made written submission. The appellant has contended that he ha not been given the information. The respondent has submitted that since the matter pertained to the Department of Education, his application has been transferred under section 6(3) of the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The information sought pertained to the Department of Education and not the Chief Secretary. It has been currently transferred and appellant informed. In fact the fact is that what the

appellant wanted was not information but arbitration. He wanted his bills to be settled. The RTI Act is not expected to help people selecting their disputes. I can understand the reason for appellant's dissatisfaction but I am constrained to close the case as appellant has been correctly informed. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2610/02**

**Shrimati. Sadhana Tarachandra Tandekar  
B.S. Sevatkar Surbhi Vihar,  
Near Bhageshri Vidhyalaya, Pundlik Baba Nagar,  
Amravati – 444 604.**

**.... Appellant**

**V/s**

**First Appellate Office cum Dy Secretary  
Water Supply and Sanitation Department,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Water Supply and Sanitation Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 26.05.2007 had sought information relating to demotion of Shri S.T Bashire and Shri. B.B Landhe, copies of 5 GRS issued by the water supply and sanitation department, promotion and subsequent demotion of Shri. T.P Tandekar and related issues. The PIO by his letter dated 21.06.2007 informed her that information on point 3, 4, 5, 8 and 10 cannot be furnished because the information sought has to be on record. She was asked to deposit Rs.44 @ Rs.2/- per page for information on point no. 1, 2, 6, 7 & 8.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeals were heard on 26.05.2007 through Video Conference. Appellant and respondents were present.

The appellant has contended she has not been furnished the required information. The respondent has submitted that she has already been information by PIO's latter dated 21.06.2007 and the First Appellate Authority letter dated 25.07.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. The

respondent has submitted that because they did not receive money, the information could not be furnished. In view of the fact that considerable time has lapsed between the PIO's communication and hearing of the second appeal and the information has not been furnished, I order that information offered by the PIO should be sent by registered post and free of cost.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2604/02**

**Shrimati. Laxmibai Ginansing Rajput  
Satgaon Masla, Dist. Buldhana.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 16.08.2008 had sought information regarding action taken by the Chief Secretary's, Govt. of Maharashtra on letters forwarded to him by the Ministry of Home, affairs, Govt. of India New. Delhi. The Chief Secretary Office informed the appellant that these communications have been sent to the Department of Home Govt. of Maharashtra for necessary action. The First Appellate Authority also informed the appellant that it was not within the jurisdiction of the Chief Secretary to intervene in the matter and the letters have been rightly forwarded to the department of Home, Govt. of Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 26.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that she was given wrong information by the office of the Chief Secretary. She also says that no action was being taken therefore he has approached the commission. She expected the office of the Chief Secretary to intervene

The respondent's contention is that the Chief Secretary Office does not deal with the subject. They have given a list of case / letters / references which has been received

from Govt. of India and all of them have been forwarded to respective department for necessary action.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The Chief Secretary is not expected to directly intervene in subjects allotted to different departments. The First Appellate authority has rightly pointed that subjects are assigned as per rules of business and every department has been assigned the functions. It is also seen from case papers that govt. has by its order dated 17.11.2007 finally closed the case and informed the appellant under these circumstances the case deserves to be closed I pass the following order

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2555/02**

**Shri. Raman Pandurang Thavkar  
Thavkar Bhavan, Ganjipeth Rd, Bhaldarpura,  
Mahal Nagpur.**

**.... Appellant**

**V/s**

**First Appellate Office cum Directorate  
Technical Education Directorate  
3<sup>rd</sup> Mahapalika Post Box No.1967, Mumbai.**

**.... Respondent**

**Public Information Officer,  
Technical Education Directorate  
3<sup>rd</sup> Mahapalika Post Box No.1967, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 28.08.2008 had sought information relating to the caste validity certificate in respect of Shri D.M. Umredkar, Registrar, Govt. Polytechnic, Nagpur. The PIO did not furnish information within 30 days. There is nothing on record to show that the First Appellate Authority has passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 20.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that no information was furnished to him or no decision has been communicated to him. The respondent did not have any credible answer. There is however a memo on record which has been issued to Mr. Umredkar saying that if he did not submit caste validity certificate his promotion would come to an end.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The respondent did not have any credible answer. The case is therefore fit for proceeding under section 20 of the RTI Act, 2005. The PIO is therefore directed to show cause why



action under section 20 should not be taken against him. His reply to be received by the commission within 4 weeks.

**Order**

The appeal is allowed. PIO to show cause why action under section 20 of the RTI should not be taken against him. His reply to come within 4 weeks.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.**

**Appeal No.2009/2606/02**

**Shri. Dinesh Ramrao Sambhare  
Gurukrupa Colony, Behind Dental College,  
Near Mehranand Centre, Amravati – 444 602.**

**.... Appellant**

**V/s**

**First Appellate Office,  
Directorate of Medical Education & Research  
4<sup>th</sup> Floor, St. George's Hospital Compound,  
Near CST, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer,  
Directorate of Medical Education & Research  
4<sup>th</sup> Floor, St. George's Hospital Compound,  
Near CST, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified copy of the list of project affected and earthquake affected persons recommended by collectors to the appointing authority (Director of Medical Education & Research). The appellant also wanted to know where these nurses were posted.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 20.05.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information. The respondent has submitted that the file containing recommendation was not with the DMER as this was sent to govt. in connection with some enquiry. The information is now available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is however seen that there was no malafide. Case papers show references to the govt. requesting for the file to enable them to send the required information. I therefore direct

that available information / recommendations received and place of posting should be sent to the appellant by registered post and free of cost. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 15 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19 (3) of RTI Act, 2005.

Appeal No.2009/2541/02

**Shri. Nagorao Pundalikrao Dhonge**  
**Flat No.117, Rashtrasant Nagar,**  
**Zingabai Takali, Godhani Rd, Nagpur 30.**

.... Appellant

V/s

**First Appellate Office,**  
**Industries, Energy and Labour Department**  
**Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,**  
**Industries, Energy and Labour Department**  
**Mantralaya, Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.11.2006 had sought information relating to the action taken by the Principal Secretary, Industries, Energy and Labour Department for revision of wage agreement in respect of textile and soot Girani workers of Vidarbha.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeals were heard on 19.05.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he has not received the information he had sought. The respondent has stated that relevant papers were not available and therefore information could not be furnished.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has written letters to the Hon Chief Minister dated 24.11.2000, to the Principal Secretary on 29.11.2000, to Labour Secretary, Govt. of India on 28.11.2000. He has also given reference to meetings he attended in this connection. It is not very clear as to what information is sought. The Public Information Officer has rightly advised him to send the details so that it could be attended to I therefore pass the following order.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 30.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2229/02

**Shri.Ganesh Jankiram Taide**  
**Librarian Class – I,**  
**Government Divisional Library – Vishrambaugwada,**  
**Sadashivpeth, Pune – 30.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary,**  
**Higher & Technical Education,**  
**Mantralaya,**  
**Mumbai – 400 032.**

....Respondent

**Public Information Officer**  
**Higher & Technical Education,**  
**Mantralaya,**  
**Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 8.11.2007 had sought copies of his confidential report from 2004 to 2007. He alleges that his CRs have been deliberately spoilt to deny him the promotion.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 4.5.2009 through video conference.

Appellant was present but the respondent was absent.

The appellant has contended that he has not been given copies of his confidential report. He has been denied promotion because he belongs to backward class.

The respondent was not present. It is however seen that he has been denied information under section 8(1) of the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been rightly denied. The Commission has been of the view that confidential report by its very nature are supposed to be confidential. There are circumstances when the report is communicated. Again there are set procedures if some one feels aggrieved by the report. The procedure is well known to any govt. officers under these circumstances I confirm the order passed by the Public Information Officer and the First Appellate Authority.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 04.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2228/02**

**Shri.Ganesh Jankiram Taide  
Librarian Class – I,  
Government Divisional Library – Vishrambaugwada,  
Sadashivpeth, Pune – 30.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
Higher & Technical Education,  
Mantralaya,  
Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
Higher & Technical Education,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 7.11.2007 had sought information regarding enquiry against him. The appellant wanted to know the outcome of the enquiry. The contents and the finding of the report have not been revealed to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 4.5.2007 through the video conference.

Appellant was present but the respondent was absent. The appellant has contended that although the enquiry report was submitted about two years back, he has not been given a copy of it. This has been done to deny him the promotion. Since the respondent was not present, it could not be verified.

After going through the case papers it is revealed that the information has been denied on the ground that no decision has been taken and since the action is not complete, information cannot be given. The appellant sought information by his application dated 7.11.2007. The First Appellate Authority communicated his decision by his letter dated 31.1.2008. The second appeal was fixed for hearing on 4.5.2009. The respondents chose to remain absent. This shows total carelessness and callousness. The Department should show some sensitivity more so when someone is denied promotion on the ground of enquiry which has been completed but action is not yet over. The Public Information Officer is directed to arrange to give a copy of the report to the appellant. This should be done within 30 days.

**Order**

The appeal is allowed. Information to be given within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 04.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2228/02**

**Shri.Ganesh Jankiram Taide  
Librarian Class – I,  
Government Divisional Library – Vishrambaugwada,  
Sadashivpeth, Pune – 30.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
Higher & Technical Education,  
Mantralaya,  
Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
Higher & Technical Education,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 7.11.2007 had sought against him. The appellant wanted to know the outcome of the enquiry. The contents and the finding of the report has not been revealed to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 4.5.2007 through the video conference.

Appellant was present but the respondent was absent. The appellant has contended that although the enquiry report was submitted about two years back, he has not been given a copy of it. This has been done to deny him the promotion. Since the respondent was not present, it could not be verified.

After going through the case papers it is revealed that the information has been denied on the ground that no decision has been taken and since the action is not complete, information cannot be given. The appellant sought information by his application dated 7.11.2007. The First Appellate Authority communicated his decision by his letter dated 31.1.2008. The second appeal was fixed for hearing on 4.5.2009. The respondents chose to remain absent. This shows total carelessness and callousness. The Department should show some sensitivity more so when someone is denied promotion on the ground of enquiry which has been completed but action is not yet over. The Public Information Officer and the First Appellate Authority to should show cause why action under section 20 of the RTI should not be initiated against them. Their reply to reach the Commission

within 3 weeks. They are also directed to give a copy of the report to the appellant. This should be done within 30 days.

**Order**

The appeal is allowed. Information to be given within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 04.05.2009.



**Shri.Chandrakant Vishnu Sable  
Purandar Society, Plot No.78,  
Survey No. 585, Gultekdi,  
Pune – 411 037.**

**.... Appellant**

V/s

**First Appellate Officer  
Public Trust Registration Office,  
Brihanmumbai Division,  
Dharmaday Commissioner Bhavan,  
2<sup>nd</sup> floor, 83, Dr, Annie Besant Road,  
Worli, Mumbai – 400 018.**

**....Respondent**

**Public Information Officer  
Public Trust Registration Office,  
Brihanmumbai Division,  
Dharmaday Commissioner Bhavan,  
2<sup>nd</sup> floor, 83, Dr, Annie Besant Road,  
Worli, Mumbai – 400 018.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 5.5.2007 had sought information in respect of Shahir Sawale Pratishtan. The appellant wanted to know what action has been taken against the Pratishtan for its irregularities etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 4.5.2009 through video conference.

Appellant was present but the respondent was absent. The appellant has contended that the Pratishtan has committed serious irregularities and the grant given has not been used for the purpose for which it was given. Since the respondent was not present, it could not be verified. It appears from the case papers that the appellant has been advised to take up the matter through a separate complaint because the information sought does not fit into the definition of information.

After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that information needs to be furnished. The appellant has made specific issue and instead of waiting for a separate complaint, the

Public Information Officer should get it inquired and inform the appellant. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be given within 60 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 04.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2224/02**

**Shri.Tukaram Vishnu Kawde  
17/A, C/3 Bldg., Suryanagari,  
Vaidwadi, Hadapsar,  
Pune – 411 013.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary  
Revenue Department,  
Desk L-4, 4<sup>th</sup> Floor,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Desk Officer  
Revenue Department,  
Desk L-4, 4<sup>th</sup> Floor,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. This appeal by his application dated 12.9.2009 had sought information on 14 points. His main grievance seems to be that tahsildar is not showing necessary papers to the court and has also not been appearing despite District Collectors direction to do so.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 4.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has not been given information on 14 points contained in his application dated 12.9.2007.

The respondent's contention is that the issue is personal and it has no content of public interest. He has filed a case against govt. which was earlier dismissed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has raised many questions which he wants to be answered. He has sought clarification on Hindu Succession Act 1956 and also on articles 14 and 16 of the Indian Constitutions. These queries are not supposed to be answered under the RTI Act. I am however of the view that if the collector has

directed the tahsildar to appear before the district court with relevant papers, the same should be complied. The Public Information Officer should inform the appellant how many times has the tahsildar appeared and the reason for his non appearance.

**Order**

The appeal is allowed. Information to be given within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 04.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2364/02**

**Dr. Shri. Madhav Deshpande  
C/o. Shri. Tushar Mahesh Joshi  
'Parijat' 148 Jyotinagar, New Ismanpura,  
Aurangabad, Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy.Secretary,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Desk Officer,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding his service matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 7.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has not been given the required information. The respondent has submitted that the issue is complicated and he would like to discuss with the appellant and sort it out. The appellant agreed. I therefore, pass the following order.

**Order**

The appeal is allowed. Shri. Suryakant Nikam would organise a meeting with the appellant and sort out his problems within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2363/02**

**Shri. Rajendra Gururaj Bahire  
27/525, Manik Chawk, Maniknagar,  
Usmanabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Controller  
Office Controller, Rationing,  
Royal Insurance Bldg., 5<sup>th</sup> floor,  
14 J.H. Marg, Churgate,  
Mumbai – 400 020.**

**....Respondent**

**Public Information Officer cum Dy. Controller  
Office Controller, Rationing,  
Royal Insurance Bldg., 5<sup>th</sup> floor,  
14 J.H. Marg, Churgate,  
Mumbai – 400 020.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 5.7.2006 had sought information relating to no. of ration shops in Mumbai and Thane, no persons holding one celendar and no of persons holding two celenders, no of persons who get gas supplies from Mahanagar Gas. He had also wanted to know the quota of kerosene allotted to wholesalers, retailers and hawkers.

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority passed his order on 15.12.2006. The appellant was not satisfied.

Hence this appeal before the Commission. The appeal was heard on 7.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended the information was not given in time. The information given was also incomplete.

The respondent's contention is that the information sought was very broad and extensive. He had therefore asked for one month's time after which the information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The information asked was very detailed and comprehensive. It had to take time. The information has finally been furnished. I therefore, pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2268/02**

**Shri.Digambar Shankar Girme  
C.T.S.422, Kasba Peth,  
Pune – 411 011.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Law & Judiciary Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary  
Law & Judiciary Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information:-

- A. Certified True Copy of the statutory law executed by the legislature duly approved by the Poslimend / Relevant statutory Govt. Body etc. & name of the Law Bank Circular, Notification with no due etc. whereby Asstt. Police Commissioner acting as Judicial Magistrate empowered to use Arrest Warrant under form no. I6(CRPC J973) “Commitment on failure to final security for good behavior etc.” to detain a person lawfully other than habitual Robber, true sreaken and subject hrs release against execution of bond of good behavior
- B. Extraced (CTC) of the Construction, Govt. Order, Circulator etc. whereby directed mandate Govt. Deptts. To take due cognizance of grievances submitted for redressals and thereby protects the intnest / rights of the bonafide citizens of the country.
- C. Extracts (CTC) pf the constitution Govt. orders, circular etc. wherein statutory laws exacted by the legislature duly approved by the Govt. Statutory Govt. Body etc. & name of the law book. Circular No. & Notification with No. & Date whereby direct to all lower authority including Police Department etc. to follow & implement verdicts / order / legal opinions expressed by the apex judicial Authorities including Hon’ble High Courts & Session Courts etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 2.5.2009 through video conference.



Appellant was present but the respondent was absent.

The appellant has contended he has not been given the required information. The First Appellate Authority did not respond. Since the respondent was absent it could not be verified. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days failing which action under section 20 will be initiated against the Public Information Officer.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2271/02**

**Shri.Digambar Shankar Girme  
C.T.S.422, Kasba Peth,  
Pune – 411 011.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Home Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary  
Home Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought to know exact reasons for which various applications / reminders as per Appendix 'A' & 'B' attached are pending. He has sought information for the period 1995-2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 2.5.2009 through video conference.

Appellant and respondent were present.

I have gone through the case papers. It appears that although the appellant has sought information as per appendix 'A' & 'B' but the same has not been attached to his application for information. It is therefore not possible to make out what information is required. I therefore, close the case.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2317/02**

**Shri.Anilkumar Vipinchand Ajmera  
Near Shri.Tuljabhavani District Stadium,  
Usmanabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary,  
General Administration Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary,  
(10 – A)  
General Administration Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his request seeking govt. permission to prosecute Shri. R.B.Kanade the then Chief Executive Officer Zilla Parishad Osmanabad.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 8.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has been informed regarding rejection of his request. Copies of relevant documents notes have also been sent to him.

After going through the case papers and considering the arguments advanced by parties I have come to the Commission that information has been furnished. The appellant himself has enclosed a copy of the notes / govt. decision communicated to him. If the appellant finds the information flawed, he cannot seek remedy under the RTI Act. The Act ensures furnishing available information on record. The same has been done in this case. I therefore pass the following order.

### **Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 08.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2314/02

**Shri.Balkrishna Dattatray Joshi**  
**Plot No. 27, Gopal Nagar,**  
**Near S.R.P. Camp,**  
**Sakri Road,**  
**Dhule – 424001.**

.... Appellant

V/s

**First Appellate Officer**  
**Maharashtra Housing And Area Development Authority,**  
**Grihnirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

....Respondent

**Public Information Officer**  
**Maharashtra Housing And Area Development Authority,**  
**Grihnirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding MHADA's criterion for promoting a Class I Officer to Sr. Class I Officer. He wanted a copy of the guidelines in existence.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 8.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent has submitted that the required information has been furnished. He has submitted copies of information furnished to the appellant. The respondent has made written submission which has been kept on record.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. I therefore, pass the following order.

### **Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 08.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2311/02**

**Shri. Gunjal Baban Jagannathrao  
12, Priyanka Towers, Ganesh Colony,  
Pipeline Road, Sawedi,  
Ahmednagar.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director  
Technical Education,  
Maharashtra State,  
3 Mahapalika Marg, Mumbai.**

**....Respondent**

**Public Information Officer  
Technical Education,  
Maharashtra State,  
3 Mahapalika Marg, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding approval by the Director of Technical Education to admissions in all colleges of Singarh Institute in Pune and Lonawala. He had also sought refund of Rs. 55,600 from the Institute.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 8.5.2009 through video conference.

Appellant and respondent were present. The appellant has contended that the information was not furnished in time. The information no longer relevant to him. He however wanted the fee paid by him to be refunded.

The respondent agreed to look into his papers and try to help him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has to be informed about refund of fees. The Public Information Officer shall get it inquired and communicate the outcome to the appellant.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 08.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2257/02**

**Shri. Rambhau Vyankatesh Ganacharya  
A – 8, Sindgi Complex, 162/8 Railway Line,  
Employment Chawk,  
Solapur – 413001.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
Housing Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary,  
Housing Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had requested for penal action against the Public Information Officer for furnishing the required information late by 22 days, deletion of certain portion of the Public Information Officer's order and furnishing the remaining information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 6.5.2009 through video conference.

The appellant did not turn up but the respondent was present. I have gone through the case papers and come to the conclusion that the First Appellate Authority has already accepted major portion of appellant's request. He has ordered deletion certain paras from the Public Information Officer's order, warned staff who handled this case and also ordered the refund of Rs.88 because the information was not furnished in time. He has however, concluded that since malafide was not proved it would not be desirable to punish the Public Information Officer. In view of the fact that the appellant remained absent and his demands have been met and the First Appellate Authority did not find Public Information Officer guilty under section 20 and I agree with him, the following order is passed.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 06.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2267/02**

**Shri. Rambhau Vyankatesh Ganacharya  
A – 8, Sindgi Complex, 162/8 Railway Line,  
Employment Chawk,  
Solapur – 413001.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
Housing Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary,  
Housing Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information as to why the Bill No. 73(2005) to further amend the Maharashtra Ownership of Flats Act 1963 was pending and was not passed.

Not satisfied with the response from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 6.5.2009 through video conference.

The appellant did not turn up but the respondent was present. I have gone through the case papers. It revealed that the Public Information Officer by his letter dated 1.3.2006 informed the appellant that the bill was passed by the Vidhan Sabha but was pending in the Vidhan Parishad. It was also explained that after both houses have passed the bill the same will be sent to Hon. Governor and would be published in Govt. Gazette after that. The appellant has raised many doubts regarding the bills pending. Since RTI does not allow clarification and is mandated to furnish only available information on record, I conclude that the required information has been furnished I therefore, pass that the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 06.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2361/02**

**Shri.Anil Bajirao Badgujar  
Gandhipura Main Road,  
Erdol, District – Jalgaon.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
General Administration Department,  
16 – A, Mantralaya,  
Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
General Administration Department,  
16 – A, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information as to why he was not given appointment despite his name having been recommended by the employment exchange.

Not satisfied with responses from the Public Information Officer and the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 7.5.2009.

The appellant did not turn up but the respondent was present. The appellant wanted the appeal to be adjourned because of his illness. The request is however rejected because the matter being simple appellant's presence is not likely to make any difference. Why the application was not given a job cannot be strictly a matter of seeking information. The respondent has submitted that information on 13 points has already been furnished. In view of the fact that the matter is purely personal having no element of any broad public interest, I decide to close the case.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 07.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2362/02

**Shri.Satish Laxman Kulkarni  
Plot No. 13, Opp. St. Fransis High School,  
Behind Hotel Yashodeep,  
Jalna Road,  
Aurangabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Inspector of Police,  
Establishment,  
Office of Director of Police,  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai – 400 001.**

....Respondent

**Public Information Officer Dy. Asstt. of Police,  
Establishment,  
Office of Director of Police,  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding names of police inspectors working in districts of Maharashtra, their district of residence and districts where they worked earlier, the Public Information Officer by his letter dated 17.5.2009 informed the appellant that his application has been sent to all district police chiefs directing them to furnish the required information. The First Appellate Authority confirmed the Public Information Officer's order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has already started getting information from some districts. It would not be proper to expect the DGP's Office to collect the information and furnish to the appellant. It may attract section 7(9) of the RTI Act. I therefore close the case.

### **Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 07.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2260/02**

**Advocate Shri. Sunil Shah  
Kothadia Mansion, 3<sup>rd</sup> Floor,  
Vasudhara Apartment, Samrat Chawk,  
Solapur – 413 002.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Director, Health Service,  
St. George Hospital Campus Health Bhavan,  
Opp. V.T.Station,  
Mumbai – 400 001.**

**....Respondent**

**Public Information Officer  
St. George Hospital Campus Health Bhavan,  
Opp. V.T.Station,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to purchase of medicines / products from the following companies between 1<sup>st</sup> April, 2001 to 31<sup>st</sup> March 2007:-

1. Perfect Laboratories
2. Neo Lab
3. SRV Industries
4. Jeet Pharmaceuticals
5. Herbomene Research
6. Laxmi Ayurvedic

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 6.5.2009 through video conference. Appellant and respondents were absent.

I have gone through the case papers and come to the conclusion that information has not been furnished. I therefore order that available information should be furnished. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished in 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 07.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2254/02

**Smt. Smita Chaganlal Tanna  
C/o. Mrs.Sonal D. Khinvasara,  
23, Mangalwar Peth, Pune – 411 011.**

.... Appellant

V/s

**First Appellate Officer cum Registrar General  
High Court, Bombay.**

....Respondent

**Public Information Officer  
High Court, Bombay.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of confidential reports during July 2001 to March 2006 in respect of Judges (names contained in the application for information) whose probation was extended along with the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 6.5.2009 through video conferences.

The respondent was present.

The respondent has made written submission. Since the appellant was absent.

I pass the following order.

### **Order**

The appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 06.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2373/02**

**Shri. Vasant Anantsagar Manorkar  
Shri. Digambar Jain Seva Samiti, Aurangabad,  
By – Gomtesh Electronics, Sarafa Road,  
Opp. Khadi Bhandar, Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding govt's instruction on sale of mutton, eggs and fish in public places. The appellant wanted to know what happened to the representation made by 1740 citizens and followed by Shri. Digambar Jain Seva Samiti.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.5.2009 through the video conference.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information and Public Information Officer should be penalised.

The respondent's contention is that the appellant was informed on 14.5.2008 by the Public Information Officer that no decision has been taken and therefore information cannot be furnished. It has also been stated that the final decision has been taken and the same has been communicated to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion information has been furnished. I see no malafide and therefore the request to impose fine is not accepted.

**Order**

The appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2376/02**

**Shri.Rajendra Gautamrao Gosavi  
Rajarani Dresses, Shop No.3 Gajanan Apartment,  
Opp. Jijai Hospital, Pundliknagar Road,  
Garkheda, Aurangabad – 431005.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
Agriculture, Animal Husbandry, Dairy Development  
& Fisheries Department,  
Mantralya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
Agriculture, Animal Husbandry, Dairy Development  
& Fisheries Department,  
Mantralya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of notes, correspondence on the recommendation of the Commissioner Animal Husbandry submitted to Govt. on the petition filed with him by Shri. Digambar Jain Seva Samiti.

Not satisfied with the response form the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.5.2009 through video conference.

The appellant has contended that he has not been furnished the information. The respondent's contention is that it is the social justice department which is handling the matter. The respondent has made his submission in writing.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant needs to be informed properly. The representation was submitted to the Commissioner, Animal Husbandry who sent his recommendation / remarks to govt. The file must have been processed and some decision taken. The appellant needs to be informed what happened. He wanted copy of

the notes by people who might have handled the subject. I am of the view that the appellant is entitled to know. I therefore pass the following order.

**Order**

The appeal is allowed. Information copies of notes etc. to be furnished by Public information Officer within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2381/02

Smt. Jeenat Rajmohammed Shaikh  
House No.B – 13, Zilla Parishad Quarter Panchakki Road,  
Opp. Ghati Dispensary Gate,  
Aurangabad.

.... Appellant

V/s

First Appellate Officer cum Joint Transport Commissioner,  
Office of the Transport Commissioner,  
3<sup>rd</sup> / 4<sup>th</sup> Floor, Govt, Quarters,  
Bandra (E), Mumbai – 400 051.

....Respondent

Public Information Officer  
Office of the Transport Commissioner,  
3<sup>rd</sup> / 4<sup>th</sup> Floor, Govt, Quarters,  
Bandra (E), Mumbai – 400 051.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Motor Vehicle Inspectors. The appellant had sought information on 11 points relating to the sanctioned posts, their placements inquiries against them and other related matters.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has received information except on point no.1, 2, 5 and 11.

The respondent's contention is that since information has been sought from 1986 it is likely to take a lot of time and energy.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. It is true that collection and compilation of information is not expected under the Act. The Act also provides that if the furnishing of information was likely to divert disproportionately the resources of the public authority the same may be denied. It was therefore decided that information on the points mentioned above should be of the last five years. The respondent agreed to it. I therefore, pass the following order.

### Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai.

Place: Mumbai  
Date: 11.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2379/02**

**Shri. Sharad Kulkarni  
4, Arya Tower, Near ADCC Stadium,  
N- 2, Cidco,  
Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Director,  
Industrial Security & Directorate of Health,  
Commerce Centre, 5,  
Tardeo, Mumbai – 400 034.**

**....Respondent**

**Public Information Officer cum Dy. Director  
Industrial Security & Directorate of Health,  
Commerce Centre, 5,  
Tardeo, Mumbai – 400 034.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his application submitted to Hon. Minister Shri. Ganesh Naik and copy endorsed to Public Information Officer.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.5.2009.

Appellant and respondents were present. The appellant has contended that he has not been given information in time and action should be taken against the Public Information Officer.

The respondent's contention is that the appellant's application was received in their office on 18.12.2007 and they informed him by their letter dated 16.1.2008 that he should deposit the required amount so that information can be sent to him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this is not a fit case for penalty. No malafide has been proved. The delay if at all is negligible. I therefore order that information should be supplied to the appellant free of cost and sent by registered post. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2386/02

**Shri. Salim Wategaonkar**  
**President, Minority Jagruti Parishad,**  
**Maharashtra, Malik Nagar, (Kiradpura).**

.... Appellant

V/s

**First Appellate Officer cum Managing Director**  
**Vasanrao Naik Vimukta Jati, Bhatkya Jamati**  
**Vikas Mahamandal (Maryadit)**  
**Juhu Supreme Shopping Centre, 1<sup>st</sup> Floor,**  
**Gulmohar Cross Road No.9, JVPD Scheme,**  
**Vile Parle (W), Mumbai – 400 009.**

....Respondent

**Public Information Officer**  
**Vasanrao Naik Vimukta Jati, Bhatkya Jamati**  
**Vikas Mahamandal (Maryadit)**  
**Juhu Supreme Shopping Centre, 1<sup>st</sup> Floor,**  
**Gulmohar Cross Road No.9, JVPD Scheme,**  
**Vile Parle (W), Mumbai – 400 009.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allocation of funds by the Central and the State Govt. to Vasantrao Naik Vimukta Jati and Bhatkya Jamati Mahamandal for sanctioning loans under different schemes.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.5.2009 through video conference.

Appellant and respondent were absent.

After going through the case papers, it is revealed that no information has been furnished. The appellant's first appeal has been rejected on the ground that it was not according to the rules. No reason has been specified. I therefore set aside the order of the First Appellate Authority and pass the following order.

### **Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days, failing which action under section 20 of the RTI will be initiated against the Public Information Officer.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2382/02

**Shri.Satish Kulkarni**  
**Plot No.13, Opp. St.Francis High School,**  
**Behind Hotel Yashodeep Marg, Jalna Road,**  
**Aurangabad – 431001.**

.... Appellant

V/s

**First Appellate Officer cum Special Inspector of Police**  
**Establishment,**  
**Director General of Police (Maharashtra), Mumbai.**  
**Shahid Bhagatsingh Marg,**  
**Colaba, Mumbai – 400 001.**

....Respondent

**Public Information Officer Dy. Asstt. Inspector of Police**  
**Establishment,**  
**Director General of Police (Maharashtra), Mumbai.**  
**Shahid Bhagatsingh Marg,**  
**Colaba, Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of the list of Police Inspector due for transfer in April / May 2007. According to the appellant it is required to prepare such a list in January of every year. He wants a copy of the list prepared in January 2008.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.8.2009 through video conference.

Appellant and respondent were absent.

After going through the case papers it is seen that the Public Information Officer by his order dated 18.3.2008 rejected the request under section 8(i) (e) (j). There is nothing on record to show that the First Appellate Authority has passed any order. I am of the view that section 8 does not apply in this case. The law requires that such, list of govt. servants is prepared in January. This is to bring objectivity and transparency. Now office notings are available under the RTI. The list has to be made available to the appellant. I therefore pass the following order.

### Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 11.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2494/02

**Shri.Puranchand Ramsharan Tank**  
**Plot No.C-24, MIDC Walunj,**  
**Aurangabad – 431 136.**

**.... Appellant**

V/s

**First Appellate Officer cum General / First**  
**Appellate Authority, High Court,**  
**Bombay.**

**....Respondent**

**Public Information Officer cum Officer / Principal District**  
**Judge, Pune**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to his complaint dated 24.6.2004 regarding forgery of documents by court staff in collusion with complainant in 6 criminal complaints.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.5.2009 through video conference.

Appellant and respondent were present. The appellant has contended that he has not been given the required information.

The respondent's contention is that the appellant has not filed the first appeal as required under RTI Act and has directly come to the Commission.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has preferred appeal before the Hon. High Court which is not according to the provisions of the RTI Act. The appellant therefore has been advised to prefer the first appeal before the First Appellate Authority and District Judge 3, Pune with required papers. I am closing the case at this end.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2501/02

**Shri.P.G.Kodarkar  
C/o. Shri. Akolkar,  
33 (A) "Renuka",  
Chatrapati Nagar, Garkheda Parisar,  
Aurangabad.**

**.... Appellant**

V/s

**First Appellate Officer cum Chief Accounts Auditor,  
Local Funds Accounts,  
Kokan Bhavan, 6<sup>th</sup> Floor,  
New Mumbai – 400 614.**

**....Respondent**

**Public Information Officer  
Local Funds Accounts,  
Kokan Bhavan, 6<sup>th</sup> Floor,  
New Mumbai – 400 614.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding application of her ward for appointment in the Directorate of Local Fund Accounts.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 13.5.2009 through video conferencing.

The appellant did not turn up but the respondent was present.

The respondent has stated that the appellant's ward did not turn up for the written exam and he was therefore not considered for appointment.

The appellant has accordingly been informed. The respondent has made his submission in writing.

After going through the case papers it is clear that information has been furnished. I therefore close the case.

### **Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2492/02

**Shri.Hirasingh Gulabsingh Chandel**  
**“Nishant” Vaibhav, Jitur Road,**  
**Parbhani,**  
**At post Taluka District – Parbhani.**

... Appellant

V/s

**First Appellate Officer cum Dy. Secretary**  
**Revenue & Forest Department,**  
**Mantralaya,**  
**Mumbai.**

...Respondent

**Public Information Officer cum Desk Officer**  
**Revenue & Forest Department,**  
**Mantralaya,**  
**Mumbai.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to the final payment of GIS on retirement (May 1995)

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 13.5.2009 through video conference.

Appellant and respondent were absent.

After going through the case papers it appears that the appellant has been making representations for payment of pensionery and other terminal benefits. In earlier cases the department has clarified that all payments including interest wherever permissible have been made. Since the appellant has remained absent. I decide to close the case. I therefore pass the following order.

### Order

Appeal is dismissed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 14.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2430/02

**Shri.Tukaram Vakaramji Vaidya**  
Senior Clerk,  
Rakaviyojana Dispensary No.1,  
Kaluj, Aurangabad.

... Appellant

V/s

**First Appellate Officer**  
**Public Health Officer,**  
Mantaralaya, Mumbai – 400 032.

...Respondent

**Public Information Officer**  
**Public Health Officer,**  
Mantaralaya, Mumbai – 400 032.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 22.6.2007 had sought information relating to the enquiry instituted against him.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.5.2009 through video conference.

The appellant did not turn up but the respondents were present.

The respondent submits that the required information has been furnished and acknowledge obtained. I therefore, pass the following order.

### Order

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 14.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2369/02**

**Shri.Anilkumar Vipinchand Ajmera  
Near Shri. Tuljabhavani District Stadium,  
Osmandabad,  
Phone No.222291, 324297.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
Rural Development & Water Conservation Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
Rural Development & Water Conservation Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his application for payment of transport charges at an enhanced rate. The appellant had entered into an agreement with Zilla Parishad Osmanabad during 1984-85 for transporting 900 MT of cement from Andhra Parishad at the rate of Rs. 00.39 per MT. He subsequently asked for payment @ 00.77 per MT which was not accepted. The appellant wanted copies of all correspondence, notes and other relevant documents.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 7.5.2009 through video conferencing.

Appellant did not turn up but respondent was present.

The appellant has contended in his appeal that he has not been given the information he required. The respondents have made written submission. They have stated that all available information has been sent to the appellant. They have submitted copies of documents sent to the appellant for Commission's perusal and record. They are exhaustive and detailed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The appellant's absence has deprived the Commission of his valuable input if any. I therefore, pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 14.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2377/02**

**Shri. Captain (Retd.)Surendra J. Surve  
'Sailee'  
Plot No.202, N-1, Sector 'B', Cidco,  
Aurangabad (Dn.)431 003.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary/ Jt.M.D., MTDC Ltd.  
Department of Trourism and Culture,  
Government of Maharashtra.**

**....Respondent**

**Public Information Officer cum Under Secretary  
Dy. Secretary/ Jt.M.D., MTDC Ltd.  
Department of Trourism and Culture,  
Government of Maharashtra.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 26.3.2008 had sought information relating to the delay caused in finalising his case. The appellant had made an application to the Managing Director, MTDC requesting him to get, his pay fixed after taking into account the earlier service rendered in the Indian Army. The appellant has stated that it took 14 years and wanted to have information regarding movement of the file and who was responsible for the delay.

Not satisfied with responses from the Public Information Officer and the First Appellant Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended his case has been abnormally delayed. The govt. took fourteen years to settle an issue which involved only 3 secretaries, Finance, GAD and Tourism. He also states that his application for information has also not been taken seriously. Even a copy of the submission dated 5.5.2009 made to the Commission has not been given to him.

The respondent was not in a position to convince the appellant. It is indeed very difficult to point out at this stage how it happened. The fact remains that the appellant had to wait for fourteen years. The only way out is to sensitize our people who deal with such files. If a govt. servant's case has taken so long, it is difficult to imagine what must be happened to common man. After discussion it was agreed that the respondent will

provide a copy of the submission dated 05.05.2009 free of cost and by registered post.

The matter in closed.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 15.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2506/02

**Shri. Surendranath Ravindranath Malshetwar  
Samarth Nagar, House No.32,  
Swapna Vihar Colony,  
Osmanabad.**

.... Appellant

V/s

**First Appellate Officer cum Secretary  
Public Health Department,  
Office, Mantralaya, Mumbai.**

....Respondent

**Public Information Officer cum Secretary  
Public Health Department,  
Office, Mantralaya, Mumbai.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 18.1.2008 had sought information relating to Dr. Mahindrakar's application for voluntary refinement. The appellant wanted to know whether his request has been accepted if not accepted whether there are any problems.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.5.2009.

The appellant did not turn up but the respondent was present. He informs that the application for voluntary retirement has been accepted. The Public Information Officer to inform the appellant that Dr. Mahindrakar's application has been accepted.

### **Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 15.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2508/02**

**Shri. Yangad Jaipal Kisanrao  
Reshmai, Pahadsingpura,  
Leni Marg, Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Under Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 24.2.2006 had sought information relating to fixation of his pay with effect from 1.3.1980. The department of Medical Education had informed him that the file has been sent to the Finance Department and necessary action would be taken on receipt of the file from finance department. The appellant approached the finance department who wrote on 22.3.2006 that the file was under their consideration and would be return to the administrative department soon. The appellant wanted to know from the finance department as what had happened to his file.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.5.2009 through video conference.

The appellant did not turn up but the respondent was present. He has given his submission in writing informing the Commission that the issue has been finalised and pay fixed. A copy of the order dated 5.9.2006 fixing the pay has also been enclosed. The appellant has been informed. In view of this I decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 16.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2433/02**

**Shri. Sharad Kulkarni  
Flat No.4, Arya Towers,  
Near ADCCC Stadium,  
Opp. Cidco Community Centre,  
N-2, Cidco,  
Aurangabad.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
Water Resources Department,  
Maharashtra State, Mantralaya,  
Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary  
Water Resources Department,  
Maharashtra State, Mantralaya,  
Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 26.10.2007 had sought the following information in respect of Shri.G.S.Shedre, retired, Executive Engineer:-

- 1) Details of inquiries / report / decision in respect of Shri. Shendre at the time of retirement.
- 2) Information regarding any administrative complaints
- 3) Details of pensionary benefits given to Shri.Shendre
- 4) Enquiry report / recommendations by the Superintendent's Engineer Vigilance

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 14.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has been given incomplete and misleading information. He has also requested action against the Public Information Officer the First Appellate Authority.

The respondent's contention is that available information has been furnished. He has made his submission in writing. He has given pointwise information as furnished to the appellant. He has also given information relating to latest development.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The respondent has made detailed submission. I see no deliberate attempt to conceal the information and therefore it does not warrant any punishment. I would direct the Public Information Officer to send a copy of the submission made to the Commission at the time of hearing. I would like to clarify that RTI Act ensures furnishing of available information. It is not mandated under the RTI to give any clarification or any explanation. Why a particular decision has been taken cannot be answered under the RTI. The process of decision making and decision arrived at is accessible. In view of the above I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 15.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/217/02**

**Smt. Rupali Anandrao Jawalkar  
Gurunanak Nagar,  
Behind Samajmandir Hall,  
90 Feet Road, Pantnagar,  
Ghatkopar,  
Mumbai – 400 075.**

**.... Complainant**

**V/s**

**Public Information Officer cum Asstt. Commissioner of Police  
East Regional Zone,  
Chembur, Mumbai – 400 071.**

**....Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in this context of the Commission's order dated 31.5.2008 passed in appeal no.2008/123/02. The facts in brief are as follows:-

The complainant had sought information regarding action taken by the Pantnagar Police Station on a complaint filed by Shri. Raut, Entertainment Inspector in the office of the Tahsildar Kurla against Mrs. Vimal Balbhim Nagar who was alleged to be telecasting cable services unauthorisedly. The Commission had directed that information should be furnished within 30 days. This complaint has been filed because of alleged non compliance of the order.

The complainant has stated that she has not been given the correct information. The information furnished was in the context of the complaint filed by the tahsildar. She has alleged that copies of documents relating to the complaint filed by Shri. Raut have not been given to her.

The defendant's contention was that the information furnished is correct. They also stated that based on the letter written by Shri. Raut and the complaint filed by the tahsildar an offence have been registered and case filed in the court of the Metropolitan Magistrate Court No.49. The same is subjudice.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that Commission's order has been complied. It is revealed that Shri. Raut wrote to the entertainment inspector to visit the police station personally and lodge the complaint. In his communicated dated 16.8.2008 the Public Information Officer informs the complainant that based on the letter of the entertainment inspector and

complaint lodged by the tahsildar the offence was registered and case filed in the court of law. This means that the letter of the entertainment inspector was not immediately acted upon until the tahsildar intervened. I see no denial or concealment of the information. Whether the entertainment inspector was required to visit the police station to file complaint is something the Commission would not like to comment upon. The fact remains that the Entertainment Inspector wrote on 20.7.2007. The Police Station wrote back on 8.8.2007 and finally the offence was registered on 23.11.2007. Since all this has been made known to the complainant. I decide to close the file.

**Order**

The complaint is filed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 15.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2243/02

**Shri. Vyankatesh Balaji Kulkarni**  
**10, Mayur Co-op. Hsg. Society,**  
**Behind Arawade Park,**  
**East of Railway Station,**  
**Sangli – 416416.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary**  
**Revenue and Forest Department,**  
**E – 6, Mantralaya,**  
**Mumbai – 400 032.**

....Respondent

**Public Information Officer cum Desk Officer**  
**Revenue and Forest Department,**  
**E – 6, Mantralaya,**  
**Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his application for grant of deemed date for fixation of pays.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this appeal before the Commission. The appeal was heard on 5.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent has submitted that information asked for has been provided. They have also pointed out the order regarding deemed date has already been issued 29.6.2007. It has been pointed out that the appellant had filed appeal before the Chief Information Commissioner on the same point and the Chief Information Commissioner was pleased to dismiss the appeal after concluding that information has been furnished. Respondents have submitted copies all these documents to the Commission during the hearing.

In the light of the above I come to the conclusion that information has been furnished. I decide to close the case.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 16.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2385/02**

**Shri. Sundar Rangnathrao Panse  
1, Vivek Nagar, Mukund Colony,  
N-2, Cidco, Aurangabad – 431 006.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Finance Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum  
Directorate of Accounts & Treasuries,  
Mantralaya, Mumabi – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Maharashtra Finance and Audit service class II on 11 points. The information sought included no. of sanctioned posts, no of vacancies, no. of posts for which requisition was sent to Maharashtra Public Service Commission no. of persons recommended, order issued, joined and quit after joining. The period for which information sought was 1965-1992.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has field this second appeal before the Commission. The appeal was heard on 11.5.2009 through video conference.

The appellant did not turn up but he respondent was present. The respondent has submitted that required information has been furnished by the Public Information Officer. The First Appellate Authority has also disposed off his appeal. The respondent has made written submission. A copy of this should send to appellant free of cost. The case is closed.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 16.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2528/02**

**Shri.Anand G.Pande  
'Saty Giri' Gudoli,  
Shaheed Chowk,  
Itwari, Nagpur – 440002.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
Home Department,  
Government of Maharashtra, Mumbai.**

**....Respondent**

**Public Information Officer cum Desk Officer  
(Special) Home Department,  
Government of Maharashtra, Mumbai.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his pension - whether his letter dated 18.11.2006 was received, whether a decision has been taken, if not why and by what time decision was likely to be taken etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has been denied information under section 2(1) (F) of the RTI Act. The respondent has made detailed written submission. He has stated that the appellant has asked questions which do not constitute information under the RTI Act. It has also been stated by them that the appellant was dismissed from service after a departmental enquiry. His appeal before the govt. has been disposed off and he has been informed. His case is also pending before the Lokaayukta.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that what the appellant has asked for is not

information but adjudication. Pension is not sanctioned to dismiss employees. He feels he is entitled to that. Some of his applications have been disposed off while some may be pending. The fact remains that remedies are not available under the RTI Act. The RTI Act ensures only available information. The same has been done in this case. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 15.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2523/02

**Shri. Devrao Vyankatesh Shobhane**  
**Retired, District Dairy Development Officer,**  
**178, N.I.T. Layout Trimurti,**  
**Ring Road, Nagpur – 22.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary,**  
**Agriculture & Animal Husbandry,**  
**Mantralya, Mumbai – 400 032.**

....Respondent

**Public Information Officer cum Under Secretary,**  
**Agriculture & Animal Husbandry,**  
**Mantralya, Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 8.10.2007 had sought information relating to the promotions given to Mohammad Sayyad from Class II to Class I and then to Sr. Class I. He had sought information on 3 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he had sought information on 3 points. He has been given information on only one point. Information on remaining 2 points is yet to be received.

The respondent's agreed to provide the required information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. I therefore direct that information on remaining 2 points should be furnished within the time stipulated in this order failing which action may have to be initiated against the Public Information Officer. I therefore pass the following order.

### Order

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai

Date: 15.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2568/02

**Shri.Ramesh Ramchandra Nandane.  
& P.L.Khamkar  
Office of the Asstt. Director,  
C/o District Civil Court,  
Station Road, Akola – 444 001.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Director  
Abhiyog Sanchnalaya Maharashtra State, Mumbai,  
Barrack No. 6, Behind Yashodhan Bldg.,  
Dinshaw Vachha Marg,  
Mumbai – 400 020.**

....Respondent

**Public Information Officer cum Asstt. Director  
Abhiyog Sanchnalaya Maharashtra State, Mumbai,  
Barrack No. 6, Behind Yashodhan Bldg.,  
Dinshaw Vachha Marg,  
Mumbai – 400 020.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding the action taken on his application for 'no objection'. The appellant is working in the Directorate of Prosecution. He applied for 'no objection certificate'. He was asked to elaborate as under what rule / law a general no objection has been sought. He has come in appeal against this order.

The appeal was heard on 22.5.2009 through video conference. The appellant did not turn up but the respondent was present.

The respondent has stated that giving no objection is an administrative matter. If someone applies for a job in another organisation, he may seek no objection & the same can be considered. A general no objection cannot be sought. It was because of this reason that the appellant was asked to elaborate under what rule/ law he had sought a general no objection.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The RTI Act ensures that available information should be given to a citizen. The issue in this case does not constitute information. In any case the respondent had replied to the appellant. In view of the fact that appellant remained absent and the respondent has replied. I decide to close the case.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai

Date: 26.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2512/02**

**Shri. Ashok Sarjerao Deshmukh  
15, Swanand Nagar,  
New Shreya Nagar,  
Aurangabad – 431 005.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner of Police,  
Zone – 9, Bandra (W), Mumbai.**

**....Respondent**

**Public Information Officer cum Asstt. Commissioner of Police  
West Control Room,  
Bandra (W), Mumbai.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of the salary certificate (July 2008) and nomination made for provident fund in respect of Police Sub Inspector Shri. Vitthal Dhanaji Suryavanshi.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 14.5.2009 through video conference.

Appellant was present but the respondent was absent. The appellant has contended that he has been given part information. A copy of the salary certificate for July 2008 has been given but a copy of the GPF nomination form has not been provided. He has disputed the claim of the Public Information Officer that the document has not been received from Desk – 3. The appellant also stated that the salary slip has shown deduction under GPF and therefore related documents have to be there.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that a copy of the nomination form submitted by Shri. Suryavanshi should be given to the appellant. If it is not with him he shall arrange to get it and furnish to the appellant. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 26.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/198/02**

**Shri. Sunil Madhukar Wakharkar  
E – 5/ B – 007,  
High Way Park, Thakur Complex,  
Kandivali (East), Mumbai – 400 101.**

**.... Complainant**

**V/s**

**Public Information Officer cum Superintendent  
Mumbai University,  
Mumbai – 400 032.**

**....Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 19.6.2008 passed in appeal no.2008/312/02. The facts in brief are as follows: The complainant had sought information whether the principal of a senior college holding charge of another college can sign mark sheets / school leaving certificates and take policy decision. He was denied information by the Public Information and the First Appellate Authority. He approached the Commission in the second appeal. The Commission directed that information be furnished. The complaint is against alleged non-compliance of the Commission's order.

The complaint was heard on 15.5.2009. The complainant was present but the defendant was absent. The complainant has stated that he was given a reply mentioning that according to circular no CONCOL/ VCD / 35 of 1990 dated 14.2.1990 it is expected that the college will make arrangement for an in charge principal. The appellant has pointed out that although the letter said that copy of the circular was enclosed, it was not enclosed. The information furnished is thus incomplete.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that complete information has not been furnished. I therefore pass the following order.

**Order**

Complaint is allowed. A show cause notice should be issued why action under section 20 of the RTI Act should not be taken against the Public Information Officer for furnishing incomplete information. His reply to be received within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 25.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2599/02

**Shri. Waman Nilkanth Deshpande**  
**M.I.G.24/4, Bhamri Parsoi Housing Board Colony,**  
**Trimurti Nagar,**  
**Nagpur – 22.**

.... Appellant

V/s

**First Appellate Officer cum Dy.Secretary**  
**Housing Department,**  
**Mantralaya, Mumbai – 400 032.**

....Respondent

**Public Information Officer cum Desk Officer**  
**Housing Department,**  
**Mantralaya, Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 12.12.2008 had sought information in respect of his application dated 11.11.2008. He had sought information on working of the MHADA's regional office at Nagpur, conveyance deed and lease deed and matters relating to stamp duty and service charges.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.5.2009 through video conference.

The appellant has contended that he has not been given the information. He had to approach the Department of Housing because he did not get response from MHADA, Nagpur respondents have submitted that they have called the information from MHADA. Since the information was not received, the same could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is true that the relevant information may not be available with the Department of Housing but the matter has been handled in a routine manner. It needs to be remembered that furnishing information in time is an obligation cast on public authority. The Act also provides for penal action in case the information is not furnished in time. My conclusion is that the issue has not been handled with the seriousness it deserved. I therefore direct that the vice chairman MHADA will kindly ensure that the required information is furnished to the appellant. I therefore pass the following order.

### Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2596/02

**Dr.Shri. Bhimrao Eknath Gote**  
**503, N.I.T. Complex, Raghujji Nagar,**  
**Nagpur – 440024.**

.... Appellant

V/s

**First Appellate Officer cum Joint Director**  
**Higher Education, Mumbai Division,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg, Dhobi Talao,**  
**Mumbai – 400 001.**

....Respondent

**Public Information Officer cum Joint Director**  
**Higher Education, Mumbai Division,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg, Dhobi Talao,**  
**Mumbai – 400 001.**

#### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 30.9.2008 had sought information relating to his provident fund. The appellant was working in a college in Ulhasnagar but shifted to Nagpur. He wanted his GPF account to be transferred. He sought information regarding transfer of interest on his GPF account.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.5.2008 through video conference.

Appellant was absent but the respondent was present. The respondents have submitted that the appellant was working in a college in Ulhasnagar. He subsequently joined a college in Nagpur. The respondent wrote to the college in Ulhasnagar. They also required some information from Nagpur. They have stated that the delay was caused because of lack of information and also huge efforts made in coordinating the activities required to settle the issue. The respondents informed the Commission that the issue has been settled and his account transferred. In view of this submission and absence of the appellant I have come to the conclusion that the information stands furnished I therefore pass the following order.

#### Order

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/243/02**

**Shri. Suresh Vasudevrao Patil  
House No.12, Old Thaware Colony,  
Jaripatka, Nagpur – 440014.**

**.... Complainant**

**V/s**

**Public Information Officer cum Aasthapana Adhikari (Ma. S.)  
Mahanirmiti, Prakashgad,  
2<sup>nd</sup> Floor,  
Bandra (E), Mumbai – 400 051.**

**....Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 5.12.2007 passed in appeal no.nil. The facts in brief are as follows: The complainant had sought a copy of the report in respect of a pending enquiry. The Commissioner ordered that copy of the available report should be furnished and inquiry should be completed within 6 months and a copy of the report given to the complainant.

The complaint was heard on 25.5.2009. The complainant was present but the defendant was absent. This complaint is against alleged non compliance of the Commission's order. The complainant has stated the order has not yet been complied and information has not been furnished.

After considering the arguments advanced by the complainant and going through the file I have come to the conclusion that the Public Information Officer needs to explain why action under section 20 of the RTI Act should not be taken against him. I therefore direct that the Public Information Officer should submit his explanation for non compliance of the Commission's order and also why action under section should not be taken against him. His explanation should reach the Commission within 3 weeks.

**Order**

Complaint is allowed. A show cause notice should be issued why action under section 20 of the RTI Act should not be taken against the Public Information Officer for furnishing incomplete information. His reply to be received within 3 weeks.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2594/02**

**Shri.Nimai Anil Das.  
Birsi Camp, Post – Paraswada (Kamtha)  
Tal. District - Gondia,  
Maharashtra.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Revenue & Forest Department,  
(R-6), Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer  
Revenue & Forest Department,  
(R-6), Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of the Govt. Resolution of 1970 which provided for grant land, agricultural equipment etc. to refugees from Bangladesh.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 15.5.2009 through video conference.

Appellant and respondent were absent. I have gone through the case papers. The appellant's request for information is very simple. The respondents in another case on the same issue have stated that relevant papers were not available and therefore information could not be furnished. This is not enough. This document is too vital and important to be lost or misplaced. It is not enough to say that it is not traceable. The department will have to search diligently and ensure that the information is furnished to the appellant I therefore pass the following order.

**Order**

The appeal is allowed. Public Information Officer to make diligent search to ensure that the document is traced and copy furnished to the appellant. This should be done within 60 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2586/02**

**Shri.Tarachand Antaram Mulmule  
Samata Colony, Nagbhid, Post & Tal. Nagbhid,  
District – Chandrapur.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**Public Information Officer cum Under Secretary  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information on 19 points in respect of functioning of the Settlement Commissioner & Director Land Records.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent's contention is that the appellant has not sought any specific information but asked questions. This is not admissible under the RTI Act. His application was therefore sent to the settlement commissioner for necessary action.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the case deserves to be closed. I am in agreement with the Public Information Officer's statement that no specific information has been sought. The RTI Act insures furnishing of available information on record. Questions are not expected to be replied. I therefore pass the following order.

### **Order**

The appeal is allowed. Public Information Officer to make diligent search to ensure that the document is traced and copy furnished to the appellant. This should be done within 60 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai

Date: 27.05.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2517/02

**Shri. Santaram Kashinath Mane – Patil**  
**‘Kaheshka’ 24, New S.B.H.Colony,**  
**Jyoti Nagar,**  
**Aurangabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Inspector of Police**  
**(Administration)**  
**Maharashtra State Police Head Quarter,**  
**Shahid Bhagatsingh Marg, Colaba,**  
**Mumbai – 400 001.**

.....Respondent

**Public Information Officer cum Dy. Assistant**  
**Maharashtra State Police Head Quarter,**  
**Shahid Bhagatsingh Marg, Colaba,**  
**Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 7.7.2008 had sought information relating to departmental enquiry against Shri.A.J.Inamdar, Police Inspector. He has asked for a copy of the report and action taken on that report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has been denied the information under section 8 of the RTI Act which is not correct.

The respondent's contention is that the information sought does not serve any public interest and hence it has been denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The appellant has filed a writ petition and he requires the information in that context. The RTI Act is basically to bring transparency and accountability. It is however admitted that if the final action has not been taken and the file is under process, the same cannot be given. I therefore direct that information should be furnished as soon as the processing is over and action has been ordered.

### Order

The appeal is allowed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/238/02**

**Shri.Rajaram Shankarao Durugkar  
Near Swami Samarth Mandir,  
Ward No.9, Juni Vasti,  
Munirjapur, Dist- Akola.**

**.... Complainant**

**V/s**

**Public Information Officer cum Desk Officer  
Urban Development Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 27.3.2008 passed in appeal no.1318/2007 (State Information Commissioner, Vidarbha Region Nagpur). The complainant had filed an appeal under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding his revision application dated 31.10.1994 filed under section 318 of the Maharashtra Municipalities, Nagar Panchayats and Industrial Township Act, 1965. He had wanted to know what happened to his application. The Commission directed that information should be furnished within 10 days.

The Public Information Officer was asked to explain why he should not be fined Rs.25,000/-. The First Appellate Authority was also asked to explain his conduct. The present complaint is against alleged non-compliance of the Commission's directions.

The complaint was heard on 29.5.2009. The complainant was present but the defendant was absent. The defendant has made detailed submission. It has been stated by them that the complainant did not file any revision petition dated 31.10.1994. It is the chief officer, Murfuzapur who filed the revision petition dated 31.10.1994 where in the complainant is one of the opponents. This petition was decided by the Hon.Minister of State Urban Development on 24.3.2000. The Hon. Minister confirmed the order dated 13.9.1994 passed by the Regional Director Municipal Administration and Divisional Commissioner, Amaravati. A copy of the order has been received by the complainant and the acknowledgement is on record. It has been stated by them that explanation has already been sent to State Information Commissioner, Vidarbha Region. There was no attempt to deny or conceal the information.

In view of this submission it is clear that there is no revision application dated 31.10.1994 filed by the complainant, information relating to it cannot be furnished. Since

the complainant was absent nothing could be verified. In his complaint also, I do not find a copy of his revision application dated 31.10.1994. In view this discussion I come to the conclusion that complaint deserves to be filed. I therefore, pass the following order.

**Order**

Complaint is filed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2679/02

**Shri.Kesharsingh Ginansingh Rajput**  
Post – Satgaon Mhasala,  
Tal. & Dist. – Buldhana.

.... Appellant

V/s

**First Appellate Officer**  
Home Department, (Pole – 6 A),  
Mantralaya, Mumbai – 400 032.

.....Respondent

**Public Information Officer**  
Home Department, (Pole – 6 A),  
Mantralaya, Mumbai – 400 032.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 31.10.2008 had sought information relating to his application against his dismissal from service. The appellant had addressed letters to the Hon. President of India and the same was sent to the Chief Secretary of Maharashtra who in turn sent it to the Department of Home. The appellant wanted to know what happened to his application / representation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.5.2009 through video conference.

The respondent has submitted that the appellant has been informed that Govt. has already decided his case and he has been accordingly informed. He also submitted that appellant has been writing to different agencies on the same issue. The Govt. has finally closed his case. He has also submitted a copy of the Govt. order dated 22.10.2001.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. In view of the appellant's absence and respondent's submission I decide to close the case. I pass the following order.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/239/02**

**Shri. Govind K.Rawale  
22 / Indrayani Colony,  
Badnera Road,  
Amaravati.**

**.... Complainant**

**V/s**

**Public Information Officer cum Desk Officer  
Public Health Department, (Ra. Ka. Vi – 1),  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The facts in brief are as follows:- The complainant by his application dated 6.2.2007 had sought information but he was informed that since his application was not in the prescribed form, information could not be furnished. The Commission ordered that information be furnished within 7 days. The information was furnished accordingly. The information, however, did not satisfy him because it said that govt. was going in appeal against the order passed by the Pension Adalat in his favour. He is aggrieved by this decision because the order was passed on 17.6.2006 and govt. was going in appeal in 2008.

The complaint was heard on 29.5.2009. The complainant has requested that the hearing be postponed. He has also requested that it should be held at Nagpur. It seems that commission's intimation letter to him at his Amaravati address because his application bears Amaravati address. I am not inclined to adjourn because the issues involved are simple. As defendant has submitted the issue is whether to give benefit of Non practicing allowances from 1.1.1996. The Pension Adalat has decided so but the Govt. in consultation with law and judiciary has decided to go in appeal. It is the govt's prerogative to decide. The Commission has no power to ask the govt. not to go in appeal. The Commission can help people getting information but cannot indulge in

arbitration. On the basis of the submission made by the defendant, I am convinced that there has been no attempt to deny or conceal the information. It is basically a policy decision applicable to a very large no. of persons. There does not seem to be any reason to deny benefits to the complainant only. I therefore decide that complaint deserves to be filed. I pass the following order.

**Order**

Complaint is filed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2678/02**

**Shri.Kesharsingh Ginansingh Rajput  
Post – Satgaon Mhasala,  
Tal. & Dist. – Buldhana.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Home Department, (Pole – 6 A),  
Mantralaya, Mumbai – 400 032.**

**.....Respondent**

**Public Information Officer  
Home Department, (Pole – 6 A),  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 31.10.2008 had sought information relating to his application against his dismissal from service. The appellant had addressed letters to the Hon. President of India and the same was sent to the Chief Secretary of Maharashtra who in turn sent it to the Department of Home. The appellant wanted to know what happened to his application / representation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.5.2009 through video conference.

The respondent has submitted that the appellant has been informed that Govt. has already decided his case and he has been accordingly informed. He also submitted that appellant has been writing to different agencies on the same issue. The Govt. has finally closed his case. He has also submitted a copy of the Govt. order dated 22.10.2001.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. In view of the appellant's absence and respondent's submission I decide to close the case. I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 27.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2678/02**

**Shri. Atmaram Uttamrao Kaware  
Sudhir Colony, Sita Gita Apartment,  
Jawahar Road,  
Akola.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Managing Director  
Maharashtra Krishi Udyog Vikas Mahamandal Maryadit,  
Rajan House, 3<sup>rd</sup> Floor, Prabhadevi,  
Mumbai – 400 025.**

**.....Respondent**

**Public Information Officer  
Maharashtra Krishi Udyog Vikas Mahamandal Maryadit,  
Rajan House, 3<sup>rd</sup> Floor, Prabhadevi,  
Mumbai – 400 025.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 9.10.2008 had sought information in respect of Officers who are in receipt of transport allowances but still use office transport. He has sought information office wise, factory wise and at the Headquarters. The Public Information Officer informed him that he should deposit Rs. 4547 so that required information could be furnished. There is nothing on record to show that the First Appellate Authority passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent has contended that since the appellant did not deposit money, the information could not be furnished. He has also stated that the letter was written to him 10.11.2008 where as his application was received on 9.10.2008.

After going through the case papers and considering the arguments advanced by the respondent it is seen that the appellant feels that he has been asked to pay more than required. He claims that it should not cost more than Rs.150-160 (being 70-80 pages) It is therefore clear that he has reservation about the volume of information. It is therefore directed that the appellant should be allowed inspection of documents and he can select whatever he needs. He will have to pay only for that much I therefore pass the following order.

## **Order**

The appeal is allowed. The appellant should be allowed inspection of documents and copies of selected documents should be provided. The Public Information Officer should take the initiative.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2635/02**

**Shri.Kesharsingh Ginansingh Rajput  
Post – Satgaon Mhasala,  
Tal. & Dist. – Buldhana.**

**..... Appellant**

**V/s**

**First Appellate Officer  
Office of the Director General of Police,  
Colaba, Mumbai – 400 001.**

**.....Respondent**

**Public Information Officer cum Dy. Asstt. Inspector Gen. of Police  
(Establishment),  
Office of the Director General of Police,  
Colaba, Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 10.9.2008 had sought information relating to his application dated 13.2.1997 and action taken on that. The Public Information Officer by his order dated 21.10.2008 informed him that his application for information cannot be considered under section 8(1) (J) of the RTI Act. The First Appellate Authority by his order dated 17.12.2007 denied his request on the ground that it does not serve any public purpose and there was no information on record.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 28.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that the information has been denied because it is personal in nature. The appellant has been representing against his dismissal and those representations have been disposed off. It has also been stated that appellant is in the habit of writing multiple applications on the same issue. He prayed that the appeal should be filed.

After going through the case papers and considering the arguments advanced by the respondent it is seen that the appellant is in the habit of presenting multiple applications on the same issue. In this case also the right approach would have been to appeal before the channels prescribed under service rules. Representations to various agencies against the order of dismissal is not likely to lead to any result. The RTI Act

ensures furnishing of available information. It is not expected to provide relief against dismissal. I therefore decide to close the case as available information has been furnished.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai.  
Date: 29.05.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2769/02**

**Shri.Mahadev Govindrao Tangade  
Chitalkar Layout,  
Behind Shrikrishna Mandir,  
Yawatmal.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Special Inspector Gen. of Police  
(Establishment),  
Office of the Director General of Police,  
Maharashtra State, Mumbai,  
Shahid Bhagatsing Marg,  
Colaba, Mumbai – 400 001.**

**.....Respondent**

**Public Information Officer cum Dy.Asstt. Inspector Gen. of Police  
(Establishment -2),  
Office of the Director General of Police,  
Maharashtra State, Mumbai,  
Shahid Bhagatsing Marg,  
Colaba, Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 5.9.2009 had sought information relating to his request for promotion as Sub Inspector of Police. The Public Information Officer by his letter dated 10.10.2008 informed him that he was found unfit for promotion as Sub Inspector of Police and therefore he was not promoted. No order seems to have been passed by the First Appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 29.5.2009 through video conference.

Appellant and respondent were absent.

After going through the case papers it is seen that what the appellant wants is not information but arbitration. He has already been given the information. The Commission is not mandated to provide remedies. These are established channels for

seeking redressal of grievances. As far as RTI Act is concerned the responsibilities cast on the Public Information Officer stands discharged. I therefore, decide to close the case.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2592/02**

**Shri. Suresh Parasram Nanhe  
Gujari Wadi, Ambedkar Chowk,  
Tal- Bramhapuri, Dist- Chandrapur,  
Pin Code – 441206.**

**..... Appellant**

**V/s**

**First Appellate Officer  
Abhiyog Sanchanalaya,  
Maharashtra State, Mumbai,  
Barrack No.6,  
Behind Yashodhan Bldg.,  
Dinshaw Vachha Marg,  
Mumbai – 400 020.**

**.....Respondent**

**Public Information Officer cum Asstt. Director & Govt. Abhiyokta  
Room No.110, District Court, Gadchiroli,  
Dist. – Gadchiroli.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 14.8.2008 had sought information relating to the written examination conducted by the Asstt. Director of Prosecution and Govt. Pleader for appointment as Clerk / Steno-typist and peons. The appellant had sought copies of merit and select list, name of the officer who was made custodian of question paper, certified copy of the order appointing question setter, honorarium paid to the examiner, name of supervisor, where was the question paper printed and related issue. The appellant wanted information within 48 hours but the same was denied but it was furnished within the stipulated time of 30 days. The appellant went in appeal. The First Appellate Authority by his order dated 8.1.2009 partially allowed the appeal and disposed it off.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 25.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he was not furnished information within 48 hours, the information furnished was not complete and he has not received the information he had wanted.

The respondent's contention is that the conditions for information within 48 hours were not fulfilled and therefore information was not furnished within 48 hours. Again

information like where was the question papers printed, name of the examiner etc. were not furnished. Remaining information have been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant is one of the unsuccessful candidates. If all candidates start asking names of examiner place of printing of the question papers and who set the question papers that would mean collapse of the whole system. It will be totally unfair to disclose names of examiner, question setter and place of printing of the question paper. The Public Information Officer and the First Appellate Authority have correctly dealt with the issue. There is no need to intervene. The information sought has been furnished in the light of the provision of the RTI Act. I therefore, pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2622/02**

**Shri.Prithviraj Vasram Chavan  
Mu. Bhuli, Post – Mahuli,  
Tal – Manora,  
Dist.- Washim.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
General Administration Department,  
Desk – 14,  
Mantralaya, Mumbai.**

**.....Respondent**

**Public Information Officer cum Under Secretary  
General Administration Department,  
Desk – 14,  
Mantralaya, Mumbai.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 3.11.2007 had sought information relating to inter departmental transfer of Officers and employees, govt's guidelines, norms, action taken against those who did not join, copies of relevant files / notings etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 27.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent has submitted that since the appellant claimed to belong to BPL it took sometime to verify and finally he was asked to pay postal charge. Information has been sent on receipt of postal charges. They have however not got the acknowledgement for which they have already written to the Post Master, Mantralaya.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion information has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2579/02**

**Shri.Dilip Shankar Karle  
PSI, Police Control Room,  
Chandrapur, Dist. – Chandrapur,  
Pin Code – 442401.**

**..... Appellant**

**V/s**

**First Appellate Officer  
Office of the Director General of Police,  
Shahid Bhagatsingh Marg,  
Mumbai – 400 001.**

**.....Respondent**

**Public Information Officer  
Office of the Director General of Police,  
Shahid Bhagatsingh Marg,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to cases registered against police sub inspectors since 1999. He has also sought information regarding promotions and pending departmental enquiries etc. The Public Information Officer denied the information because it concerned the 3<sup>rd</sup> party. The First Appellate Authority by his letter dated 5.8.2007 furnished the information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.5.2009 through video conference.

The appellant did not turn up but the respondent was present.

The respondent has made submission in writing. He has also enclosed copies of the information furnished by the Public Information Officer and the First Appellate Authority.

In view of the submission on made by the respondent and absence of the appellant I have come to the conclusion that information has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.

Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.

Complaint No.2009/236/02

**Shri.Manoj Pralhadrao Khandare**  
**'Maui Krupa' Room No.16,**  
**Samarth Colony,**  
**Rukmini, Amaravati – 444 606.**

.... Complainant

V/s

**Public Information Officer cum Secretary**  
**Maharashtra State Board of Technical Education,**  
**Government Technical Education Bldg.,**  
**4<sup>th</sup> Floor, 49, Kherwadi,**  
**Aliawar Jang Marg,**  
**Bandra (E), Mumbai – 400 051.**

....Respondent

### **GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 19.12.2007 had sought information from the Public Information Officer, Maharashtra State Board of Technical Education, Mumbai regarding his earlier application requesting for correction of his name in his MS CIT certificate. There does not seem to be any first appeal filed by the complainant. He however approached the State Information Commission against non receipt of information.

The complaint was heard on 29.5.2009. The complainant remained absent. The respondent was present. He has stated that the certificate has been corrected and sent to the complainant. In view of the complainant's absence and respondent's submission I decide to close the case.

### **Order**

The complaint is filed.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/241/02**

**Shri. P.P.Ingole  
Bhim Nagar, Old City,  
Akola,  
Taluka & Dist. Akola 444001.**

**.... Complainant**

**V/s**

**Public Information Officer cum Dy. Commissioner  
Office of the Sales Tax Commissioner,  
Maharashtra State, 8<sup>th</sup> Floor,  
Sales Tax Office,  
Mumbai – 400 010.**

**....Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had by his application dated 31.3.2007 sought information regarding exemption from the payment of VAT on single super phosphate. His complaint is that he did not receive the information in time.

The complaint was heard on 29.5.2009. The complainant was present but the defendant was absent. The defendant has made written submission that the information was sent by post on 26.4.2007. The defendant therefore claims that information was sent in time. He has submitted a copy of documents for Commission's record. Since the complainant was absent, the contention of the defendant has to be upheld. I therefore pass the following order.

### **Order**

The complaint is rejected.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.



**Before the State Information Commission, Maharashtra-Complaint under Section 19(3) of RTI Act, 2005.**

**Complaint No.2009/242/02**

**Shri.Anil Raghunath Gujar  
Near Rani Jhashi chowk,  
Chapmanwadi,  
Yevatmal – 445001.**

**.... Complainant**

**V/s**

**Public Information Officer cum Under Secretary  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

**....Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 30.1.2008 passed in appeal no. 2007/1720/02. The facts in brief are as follows: The complainant had sent a petition to the Hon.Prime Minister of India regarding measurement of his land. The petition was sent to chief secretary who forwarded it to the Revenue & Forest Department. The complainant finally came before the commission in second appeal. The commission directed that the superintendent of land records, Yevatmal should guide the complainant regarding action to be taken for getting his land remeasured. The complaint is against the alleged non compliance of commission's direction.

The complaint was heard on 29.5.2009. Complainant and defendants were present. The complainant has stated that he went to deposit the required fee as advised by the Superintendent of Land Records but the same was refused by the taluka Land Record Officer. His work is still not done because non deposit of fee. The opponents had nothing to say as the matter pertained to the district level.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complaint is genuine and needs intervention at the highest level. Citizens cannot be held at ransom by some insensitive and recalcitrant officers. I therefore direct that Secretary, Revenue & Forest should issue instructions to

District Superintendent of Land Records to get the complainants work done. A copy of the action taken report should be sent to the Commission for record.

**Order**

The case is closed at our end.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 29.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2429/02**

**Shri. Jaganrao Baburao Chorge  
Plot No. C -99, MIDC, Waluj,  
Aurangabad.**

**..... Appellant**

**V/s**

**First Appellate Officer  
Maharashtra Industrial Development Board,  
Udyog Sarthi, Mahakali Caves Road,  
Andheri (East),  
Mumbai – 400 093.**

**.....Respondent**

**Public Information Officer  
Maharashtra Industrial Development Board,  
Udyog Sarthi, Mahakali Caves Road,  
Andheri (East),  
Mumbai – 400 093.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 2.6.2007 had sought information relating to the absence of Shri.Uday Jadhav, the First Appellate Authority, Maharashtra Industrial Development Corporation, Mumbai on 23.05.2007. The appellant was invited for hearing of his first appeal on 23.5.2007; the First Appellate Authority was not present in his room. The appellant was not heard personally and the first appeal was disposed off on the basis of his written submission. The appellant has sought information on 13 points regarding his absence.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the commission. The appeal was heard on 12.5.2009 through video conference.

The appellant did not turn up but the respondent was present. The appellant has contended that he was not informed in advance about the First Appellate Authority's absence. He says that he suffered loss of time and money. He has requested for action against the First Appellate Authority.

The respondent's contention is that he was called for a meeting at the headquarters. He decided the appeal on the basis of appellant's written submission. He has prayed that the case be closed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant's contention deserves serious

considerations. Hearing of appeal under the RTI Act is quasi judicial function and cannot be taken lightly. It is not clear from the submission made by the respondent whether the meeting was fixed all of a sudden or was prearranged. In any case appellant needed to be informed about the likely absence of the First Appellate Authority. I would therefore direct that the Chief Executive Officer, MIDC to examine the whole issue and inform the appellant suitably. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 30.05.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/2642/02**

**Shri.Rajendra Mishra  
Editor, New Varhad Times,  
Rani Zansi Chowk, Chapanwadi,  
Yevatmal.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Director (Information)  
Directorate of Information & Public Relations,  
Mantralya, Mumbai.**

**.....Respondent**

**Public Information Officer cum Adhiparikshak  
Books Publications Department,  
Old Custom House,  
Fort, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to circulation of ABCD categories of news papers in the approved list of Yevatmal district, rates approved by govt. and circulations shown by each new paper. The information has been denied by the Public Information Officer as well as the First Appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.5.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has been denied information wrongly. The information sought by him is published by news papers to show their strength in the market. He has also alleged that the same information relating to his papers has been disclosed where as when he wanted the same information section 8 of the RTI Act has been invoked. The respondent reiterated that disclosure would put rival papers to competitive disadvantages hence it would not be in public interest to furnish the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. I do not think that section 8 is applicable in this case. The spirit of the RTI Act is to furnish as much information is practicable. More so when the same information about the appellant's paper has been made available to his rivals. I therefore, sit aside the order of the Public Information Officer and the First Appellate Authority and pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai.**

Place: Mumbai  
Date: 30.05.2009.