

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

Appeal No.2008/3809/02

**Shri. Dr. Bhaskar R. Kate
71, Vidhya Vihar Kate Hospital,
Pratapnagar, Nagpur – 440 022.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
Directorate of Medical Education & Research
Govt. Dental College & Hospital Bldg,
St. George's Hospital Compound,
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 19.03.2009 had sought information relating to fixation of his pay. The Directorate of Medical Education and Research by its letter dated 19.06.1999 had fixed the revised pay of the appellant. The DMER by its letter dated 01.03.2006 cancelled the order dated 19.06.1999 on the ground that the Department of Medical Education and Research by its letter dated 30.05.2003 had disallowed the same. The appellant wanted copies of relevant correspondence.

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 07.12.2009. Appellant and respondents were present.

I have gone through the case papers and considered the arguments advanced by parties. It is seen that the Deptt of Medical Education and Research has already clarified that no govt letter was issued to the DMER ordering cancellation of the order dated 19.06.1999. The letter of the deptt dated 30.05.2003 has been quoted out of context. It is

prima facie clear that the DMER's letter dated 01.03.2006 canceling the order dated 19.06.1999 is not in order. I therefore pass the following order.

Order

The appeal is allowed. The DMER to reexamine the whole issue and communicate its finding to the appellant within 30 days. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.12.2009.

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

Appeal No.2008/3810/02

**Shri. Dr. Bhaskar R. Kate
71, Vidhya Vihar Kate Hospital,
Pratapnagar, Nagpur – 440 022.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Directorate of Medical Education & Research
Govt. Dental College & Hospital Bldg,
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 23.03.2009 had sought the following information: -

“Your letter No. LOK/1598/342/वैसेवा/dated 30 May, 2003 informed me that Finance Deptt. has rejected my proposal of granting Ten (10) increments in 16400-20900 scale from 01.01.1996 5th pay commission to Director med Edn-

Referring this letter DMER cancelled 4th commission pay fixation order issued in 4500-7300 scale from 01.01.1986 issued by DMER on 19.06.1999 as per Uplokayuktas directions to Secretary.

I want copies of correspondence by you to FD/DMER regarding this pay fixation order to cancel this Uplokayuktas order DMER's cancellations order no MMERS / विअआ/Adhiskthata/वेनि/4103 DQBR late / 9 No.99 dated 01.03.2006 Govt. letter quoted is for 16400-20900 scale & Not for 4500-7300 Basis for cancellation, references are wanted by one.”

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 07.12.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that govt. did not issue any order to the DMER to cancel their order dated 19.06.1999. The Commission was shown a copy of the communication sent to the appellant.

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: 08.12.2009.

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

Appeal No.2008/3808/02

**Shri. Dr. Bhaskar R. Kate
71, Vidhya Vihar Kate Hospital,
Pratapnagar, Nagpur – 440 022.**

... Appellant

V/s

**First Appellate Office,
Office of the Director of Account & Treasury,
Govt. Kutir 15 & 16,
Free Press General Marg, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Office of the Director of Account & Treasury,
Govt. Kutir 15 & 16,
Free Press General Marg, 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 23.03.2009 had sought the following information: -

- 1) Service Book entry on 03.03.1994 by AO other DMER fixed pay by order on 04.12.1993 as 6300 on 01.01.1986.
- 2) Service Book entry other pay fixation in 46C scale (uplokayukta order) which showed 5700 on 01.01.1986 by order on 19.06.1999 Both entries are approved by Director Try a Acts respective on 07.03.1994 and 02.08.1999 complaint lodged what action taken and papers of this are required for list petition.

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 07.12.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. It has not been explained how the Director has approved his pay on 01.01.1986 as 6300 in one document and Rs.5700/- in another document.

The respondent's contention is that they have not approved the appellant's pay at Rs.5700/- because it never came to them. They have approved his only at Rs.6300/-

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 paper shown to the commission which fixes the appellant's pay at Rs.5700/- has not been approved by the Director. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.12.2009.

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

**Appeal No.2008/3787/02
Appeal No.2008/3789/02**

**Shri.Bapusaheb Uttamrao Palve
Flat No.58, Gurukul Soc.,
Pipe Line Rd, Savedi, Ahmadnagar.**

... Appellant

V/s

**First Appellate Office,
Home Department,
Pol-2, Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Dy Secretary
Home Department,
Pol-2, 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 30.09.2008 and 10.09.2008 had sought information relating to his dismissal from service. He had sought information on 21 points – all related to enquiry and action against 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 03.12.2009. The appellant did not turn up but the respondent was present.

Respondents have submitted that the information sought was broad and pertaining to many PIO's. It has been submitted by them that the appellant was informed by the Home Deptt's letter dated 15.11.2008 that he should deposit Rs.22/- and collect information on points I to VI. Information on points VII to XI has to be obtained from Additional DGP Crime Maharashtra State Pune. Information on points XIII to XIV has been furnished Supdt. of Police, Crime, Aurangabad and information on points XV to XVIII have been furnished DGP Maharashtra State. After going through the case papers it is seen that the appellant has not wide ranging information. It is not practical to expect

the deptt of Home to collect the information and furnished to the appellant. The appellant has been property informed. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.12.2009.

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

Appeal No.2008/2785/02

**Shri. Nagnath Nandurkar
R.K.V.Y. Hospital,
Kandivali (E), Mumbai – 400 101.**

... Appellant

V/s

**First Appellate Office,
Divisional Social Welfare Officer
Divisional Caste Verification Board No.1,
Aurangabad Division, Aurangabad.**

... Respondent

**Public Information Officer,
Divisional Social Welfare Officer
Divisional Caste Verification Board No.1,
Aurangabad Division, Aurangabad.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.09.2007 had sought information relating to his case for verification of his certificate. He wanted to know what action has been taken in his case.

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 03.12.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the appellant had not enclosed his caste certificate and therefore it could not be verified. It has also been argued that the appellant case cannot be dealt with by them as the caste certificate has been issued from Udgir which falls in Latur district.

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 appellant submitted that he had enclosed a copy of his caste certificate and original was to be produced at the time of hearing. He was never called for hearing. Appellant's

application was not sent to Latur. The respondents have clearly violated section 6(3) of the RTI Act. They were able to satisfy the commission that the appellant's application was sent to Latur for necessary action. They are prima face guilty of violating the RTI Act. I therefore pass the following order.

Order

The PIO to show cause why action under section 20 of the RTI Act should not be taken against him. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.12.2009.

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

Complaint No.2009/3791/02

**Shri. L.S. Kolhe
Idirapath Kopargaon 423 601,
Dist. Ahamadnagar.**

... **Complainant**

V/s

**Public Information Officer,
Higher & Technical Education Deptt.,
Mantralay, 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 15.06.2009 passed in appeal no.2008/2722/02. The facts in brief are as follows: - The present complainant had sought information regarding his complaint against Shri B.D. Sanap, Ex Municipal Commissioner Ahmadnagar. Shri Sanap was alleged to have made a dummy candidate sit for him for the MS-CIT exam. The complainant wanted confirmation as well as action if any taken against Shri Sanap.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 15.06.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was fixed for hearing on 03.12.2009. Complainant and defendants were absent.

Case papers reveal that the commission's order has not been complied. I therefore pass the following order.

Order

The defendant to show cause why he should not be fined @ Rs.250/- per day not complying with the commission's order. His reply to come within 4 weeks.

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

Place: Mumbai
Date: 06.12.2009.

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

Appeal No.2008/3831/02

**Shri. P.R. Manjarmkar
Khivsara Nilshirish Row House,
No.E-69, Ulkanagar, Garkheda Colony,
Aurangabad.**

... **Appellant**

V/s

**First Appellate Office cum Dy Secretary
Water Conjugation Deptt,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer
Water Conjugation Deptt,
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 absorption, seniority, pay equation etc of SEO from ex Hyderabad State.

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 08.12.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished and interpretation to rules given. The respondent has submitted that relevant documents have been furnished. It was however revealed that the appellant did not receive some of the documents claimed to have been sent by the respondent. I therefore pass the following order.

Order

The PIO to send Govt. circular dated 30.09.1970 and 15.09.1992 free of cost and by registered post within 15 days from the date of receipt of this order.

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

Place: Mumbai
Date: 08.12.2009.

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

Appeal No.2008/3833/02

**Shri. Dattatraya Y. Burhade
Teli Galli, Sambhaji Rd,
Devaligaon, Nashik Rd,
Dist. Nashik.**

... Appellant

V/s

**First Appellate Office cum Special Police General Supervisor
(Administration)
Director General of Police,
Old Vidhan Bhavan, Shahid Bagat Sigh Rd,
Kulaba, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Dy Asstt Police General Supervisor
(Administration-2)
Director General of Police,
Old Vidhan Bhavan, Shahid Bagat Sigh Rd,
Kulaba, 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 action taken on his complaint made against Ashabi Sheikh Gani and 7 others. His application was sent to the Commissioner of Police, Nashik who is competent to take action. The appellant was informed accordingly.

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 08.12.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that his application has been sent to the competent authority and this is in order. It is however not known whether appellant was ever informed what happened to his complaint. He needs to be informed. I therefore pass the following order.

Order

Appellant to be informed what action has been taken by the Commissioner of Police, Nashik on his complaints. This has to be done within 30 days from the date of receipt of this order.

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

Place: Mumbai
Date: 08.12.2009.

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

**Appeal No.2008/3832/02
Appeal No.2008/3834/02**

**Shri. Dattatraya Y. Burhade
Teli Galli, Sambhaji Rd,
Devaligaon, Nashik Rd,
Dist. Nashik.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Desk Officer
Home Deptt.
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 action taken on his complaint against Ashabi Sheikh Gani, Shaukat Khan Rajia Khan, Asif Sheikh, Habiba Sheikh, Anwar Sheikh and others. Since Commissioner of Police, Nashik was competent to take action, his application sent to him under intimation 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 appeal was heard on 08.12.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that his application has been sent to the public authority competent to take action. This is in order. It is however not known whether the appellant finally got the information or not. I therefore pass the following order.

Order

Appeal is allowed. The PIO to arrange to inform the appellant what action has been taken on his complaint. This has to be done within 30 days from the date of the receipt of this order.

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

Place: Mumbai
Date: 08.12.2009.

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

Complaint No.2009/481/02

**Adv. Sachin Adkar
A-2/35, Pratisha Nagar,
Sion, Mumbai – 400 022.**

... Complainant

V/s

**Public Information Officer cum Tahsildar
Collector and District Magistrate, Mumbai.
Old Custom House,
Mumbai – 400 001.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 01.01.2009 had sought information relating to the issuance Caste Certificates by the office of the Collector and District Magistrate, Mumbai City.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed an appeal before the commission. The appeal was decided on 21.08.2009 and the commission directed that information should be furnished within 7 days. The present complainant is against alleged non compliance of the commission's order.

The complaint was heard on 14.12.2009. The complainant and defendant were present. The complainant has stated that the information has not been furnished. The defendant submitted that the complainant had wanted to know how many defective certificates were issued by the office of the Collector and district Magistrate. It was true that the software had some mistakes which were pointed out by the complainant. These were rectified and complainant's certificate was corrected. The complainant however wanted to know how many defective certificates were issued. Since the volume of this information was high, the complainant was offered inspection. The complainant has also pointed out that he wanted his address to be written in a particular way. Defendant submitted that the address has been typed in the form prescribed by the administration.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the defendant has not made any deliberate attempt to deny or delay the furnishing of information. The defendant therefore does not invite any penal action. I therefore pass the following order.

Order

The complaint is filed.

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

Place: Mumbai
Date: 14.12.2009.

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

Appeal No.2008/3780/02

**Dr. Farogh Iqbal Makhsoomi
U.T.No.49, Separate,
Ratnagiri Special Prison,
Ratnagiri – 415 612.**

... **Appellant**

V/s

**First Appellate Office,
Home Deptt.,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Home Deptt.,
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 10.01.2009 had sought information regarding Muslim Community in Maharashtra - % of population, % Urdu speaking population in Malegaon, Dhule, Thane, Bhiwandi, Aurangabad and Mumbai.

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 03.12.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that the PIO by his letter dated 06.12.2008 informed the appellant that his application has been sent to public authority concerned. It is also seen that replies from them have been sent to the appellant. It is, however, seen that information regarding districtwise population etc. does not seem to have been furnished. The PIO, Home Department should send a copy of the appellant's application to General Administration Department which deals with the subject. The GAD may inform the appellant suitably.

Order

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

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2008/3572/02

**Shri Kaustubh D. Ghokhale
Siddhivinayak Prasad,
Dr. Sham Prasad Rd,
Dombivali (E) 421 201.
Dist. Thane.**

... Appellant

V/s

**First Appellate Office,
Office of the Mumbai Suburban Dist.,
Administrative Bldg.
9th Floor, Bandra (E), Mumbai 400 051.**

... Respondent

**Public Information Officer cum Special Land Acquisition Officer No.4
Office of the Mumbai Suburban Dist.,
Administrative Bldg.
9th Floor, 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 29.04.2009 had sought information relating to grant of 10 acres and 20 gunthas of land to Smt. Yevalubai Michal Galchav Charitable Trust as compensation. The appellant sought details of this land, relevant documents and map.

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 03.12.2009. The appellant did not turn up but the respondent was present.

The respondent stated during the hearing that the latter dated 21.03.2005 issued by the Land Acquisition Officer No.4, Mumbai Suburban district was on his record. Case papers however does not reveal that this information has been furnished to the appellant. I therefore pass the following order.

Order

Appeal is allowed. Information to be furnished by PIO within 30 days from the date of receipt of this order.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2008/3761/02

**Shri. Milind Shantaram Kanade
B-13, Kohinoor Complex,
Near Sawarkar Natyagriha,
Maruti Mandir, Ratnagiri – 415 612.**

... **Appellant**

V/s

**First Appellate Office cum General Manager
Maharashtra State Electricity Transmission Co. Ltd.,
Prakashganga Flat No.C-19, “E” Block,
7th Floor, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Manager
Maharashtra State Electricity Transmission Co. Ltd.,
Prakashganga Flat No.C-19, “E” Block,
7th Floor, Bandra Kurla Complex,
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 05.12.2008 had sought information relating to recruitment of Deputy Manager (Finance & Accounts) by the Maharashtra State Electricity Transmission Company Ltd.

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 16.11.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished. The respondent submitted that whatever information was available on record 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. In the fact the

appellant wants arbitration and not information. He feels he has been unjustly excluded and had approached the Hon High Court which refused to interfere. I therefore pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/4037/02

**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.**

GROUND

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 24.12.2009 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: 31.12.2009.

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

Appeal No.2009/4005/02

**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.**

GROUND

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 relevant 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 24.12.2009 through Video Conference. Appellant was absent present but the respondent was present.

The appellant in his appeal has contended that he has not been furnished 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: 31.12.2009.

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

Appeal No.2009/4039/02

**Shri. Bhimrao Rathod
Nandgawan, Pipalkhuta,
Darvha, Dist.Yavatmal – 445 202.**

.... Appellant

V/s

**First Appellate Officer,
Medical Education & Health,
K.E.M. Hospital, Lover Parel,
Mumbai.**

.... Respondent

**Public Information Officer cum Asstt Dean
Municipal Corporation,
R.A.M. Hospital, Acharya Dhonde Marg,
Parel, Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.01.2009 had sought information relating to appointment of Medical Social Workers in Mumbai Municipal Corporation during 2008.

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 24.12.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has been given incomplete information. Information has been wrongly denied to him under section 8 of the RTI Act.

The respondent's contention is that information has been furnished on points no 1, 2, 3, 4, 6 and 8. Information on point no 5, 7 and 9 has been denied under section 8 because they are personal and not likely to serve any larger public interest.

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

Information on points no 5, 7 & 9 have been denied because it constitutes personal information not likely to serve any larger public interest. I confirm the order appealed against.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3981/02

**Shri. Kanayalal Chetandas
Jaisinghani, Plot No.55/A,
Putli Niwas, Flat No.1, Near power House,
Pimpri, Pune – 411 017.**

.... Appellant

V/s

**First Appellate Officer cum Registrar General
Hon'ble High Court, Mumbai
Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Master & Assistant Prothonotary (Adm.)
Hon'ble High Court, Mumbai
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 03.03.2009 had sought information regarding complaint dated 05.07.2005 filed against Shri K.M. Jaiswal and also reports of Principal District Judge on complaint dated 27.01.2007 and 16.04.2007. Information was also sought on his complaint against Shri R.V. Huddar., Jt.C.J.J.D, Pimpri. He had also sought information about SID, its constitution & functions.

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 18.12.2009.

The appellant has contended that he was not satisfied with the information furnished. He says that the First Appellate Authority failed to order any action / direction on the points raised by him in his application dated 21.03.2009.

The respondent's contention is that available information has been furnished. In his written submission, the PIO has contended that there was some delay in furnishing a part of the desired information but it was not deliberate. He has enclosed copies of his response to the appellant.

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 wanted answer to his queries on efficiency, speed and integrity of Judicial Officers. He has definitely chosen the wrong platform. The RTI Act ensures furnishing of available information on record. It is not mandated to go into the areas the appellant wants it to go. I therefore conclude that available information has been furnished and there was no deliberate attempt to deny or delay.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3963/02

**Shri. Dattatraya K. Bhosle
Pimpri, Ta. Baramati,
Pune – 413 102.**

.... Appellant

V/s

**First Appellate Officer cum Registrar
Office of the Lokayukta & Uplokayukta,
1st Floor, New Administrative Bldg,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Asstt Registrar
Office of the Lokayukta & Uplokayukta,
1st Floor, New Administrative Bldg,
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 05.01.2008 had sought information relating to employees working in the office of the Lokayukta & Uplokayukta. He had also wanted to know whether govt. instruction in respect of transfer of govt. servants were applicable or not.

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 18.12.2009. Appellant was present but the respondent was absent.

It is seen from case papers that the required information has not been furnished. Since the respondent was not present, it could not be verified. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3814/02

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

.... Appellant

V/s

**First Appellate Officer cum Joint Managing Director
Maharashtra Tourism Development Corporation Ltd,
Express Tower, 9th Floor,
Nariman Point, Mumbai – 400 021.**

.... Respondent

**Public Information Officer,
Maharashtra Tourism Development Corporation Ltd,
Express Tower, 9th Floor,
Nariman Point, Mumbai – 400 021.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to the project submitted by him to the Nagpur District Tourism Development Committee. The Committee had asked the appellant's firm to prepare Plans, Estimates, Drawings and Designs of certain works for formulation of detailed project proposals for seeking govt. grant.

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 07.12.2009. Appellant and respondent were present.

The appellant has contended that he has been given incomplete and misleading information.

The respondent's contention is that available information has been given and no attempt has been made to mislead the appellant. The appellant was given a chance to inspect documents and ask for copies of selected documents.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that what the appellant is seeking is not information but arbitration. He has alleged that despite the fact that he prepared all the plans and

estimates, works have been assigned to some other agency. He is obviously aggrieved. He wants his grievance to be redressed. The RTI Act ensures furnishing of available information and is not mandated to redress grievances. The order passed by the First Appellant Authority is correct and should help the appellant pursuing his objective. The commission can do nothing but to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3980/02

**Shri. Shivajirao Pawar
Gavhan, Ta.Tasgaon,
Dist. Sangli.**

.... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Zone-2, Mumbai.**

.... Respondent

**Public Information Officer cum Assitt. Police Commissioner
South Divisional Ward,
Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.05.2009 had sought information relating to his application for his pay for the month of Aug, 79 and 22 days of Aug, 1982. He was informed that old records were not available. The First Appellant Authority in his order dated 16.07.2009 directed that information should be collected from the HQ and appellant informed within 10 days.

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 18.12.2009. Appellant and respondent were present.

The appellant has contended that despite the order of the First Appellate Authority to furnish necessary information within 10 days, he has not been given the desired information. Case papers show that the HQ has been approached asking relevant information. The order of the First Appellate Authority has been partly complied. The HQ needs to be reminded and matter pursued. It is not that the appellant has raised the issue after the RTI Act came into being. Record shows that he had written to the then Police Commissioner in 1986. The letter was received in the office of the Police Commissioner. I would therefore direct that effort should be made to comply the order of the First Appellate Authority.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3976/02

**Shri. Francis D. Falcon
5-A, Solapur Rd, Top Floor,
Maria Bhavan, Pune-1,
Camp Pune – 411 001.**

.... Appellant

V/s

**First Appellate Officer cum Dy Inspector of General
Office of the Director General, Maharashtra State,
Police Head Quarter, Shahid Bhagatsing Marg,
Kulaba, Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Dy Assitt. Inspector of General
Office of the Director General, Maharashtra State,
Police Head Quarter, Shahid Bhagatsing 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 03.01.2008 had sought xerox copies of his annual confidential reports from 2001-02 to 2006-07.

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 18.12.2009. Appellant and respondent were present.

The appellant has contended that he has been wrongly denied the information under section 8 of the RTI Act. Respondents have submitted that annual confidential reports being confidential, copies cannot be furnished to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information has been rightly denied. The commission has been of the view that the annual confidential reports by its very nature are confidential. There are rules regarding its contents to be made known to the person concerned. Those who get outstanding are communicated in writing. Those who get very good are communicated orally. Adverse remarks are required to be communicated.

Persons getting 'B' are required to be communicated so that they improve themselves.
There are thus enough opportunities provided by rules and there was no need to furnish
xerox copies.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3982/02

**Shri. Sanjiv V. Gadakari
No.3, Bhaktimadhav Co-Ghruhrachana,
401/402, Yashvantnagar,
Talegaon, Pune – 410 507.**

.... Appellant

V/s

**First Appellate Officer cum Director
Pay & Account Office,
Near Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Account Officer
Pay & Account Office,
Near 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 regarding action taken on his complaint against Shri Rajeev Vinayak Gadakari.

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 18.12.2009. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the information furnished to him. The respondent submitted that the appellant wanted them to take some tough action against Shri Rajeev Vinayak Gadakari. Respondents had sought report from the Railway Police, Kalyan where a case was registered against Shri Rajeev Vinayak Gadakari. The case was filed in the Court of Law but the Shri Rajeev Vinayak Gadakari was acquitted.

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 RTI Act ensures furnishing of available information and cannot be used for settling personal scores. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3898/02

**Shri. Ganesh G. Pawar
Apale Ghar Soc.,
Serve No.56, Nagar Rd,
Chandannagar, Pune – 400 014.**

.... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Elakha City Ward, PWD Division,
Vikas Division Bldg, 3rd Floor,
Old Custom House, Mumbai – 400 023.**

.... Respondent

**Public Information Officer cum Dy Engineer
Hospital Works Repairs Division,
J.J. Hospital Colony, Byculla,
Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.05.2008 had sought xerox copies of complaints received in writing against the Deputy Engineer, Public Works Deptt. He had also sought information regarding grants received works undertaken, tenders invited and whether govt. permission was obtained for properties bought.

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 14.12.2009. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the PIO. The respondent has submitted that the information sought is non specific and vague. The appellant therefore was requested to inspect relevant documents and ask for copies of the selected ones.

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. It is true that the information sought is vague and non specific and inspection is the only way out. There is no need to interfere with the order of the First Appellate Authority. The

appellant should carryout the inspection of documents and obtain copies of selected documents. The PIO has to follow the instruction of the First Appellate Authority.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/4000/02

**Shri. Panther Prakash Bansode
180, Untkhana, Medical College Rd,
Nagpur – 9.**

.... Appellant

V/s

**First Appellate Officer cum Additional Collector,
Nagpur, Dist Nagpur.**

.... Respondent

**Public Information Officer cum Dy Collector
Food Supply Officer, Nagpur,
Dist Nagpur,**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.07.2006 had sought information relating to no 61/ALEN/31/04-05 pending before the Deputy Collector and District Supply Officer. He wanted a copy of the order passed.

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 21.12.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished a copy of the order passed in the above mention revenue appeal. The respondent submitted that a copy of the order could not be furnished because the same was pending. He added that the appeal has since been decided, there should no problem in sending a copy to the appellant. Under these circumstances. I pass the following order.

Order

A copy of the order passed in the above mentioned revenue appeal should be sent to the appellant free of cost and by registered post.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3836/02

**Shri. Chetan J. Parekh
8(0) 6 (N), Mani Bhuwan, 2nd Floor,
81-83, Nanubhai Desai Rd,
1st Parsiwala Corner,
Mumbai – 400 004.**

.... Appellant

V/s

**First Appellate Officer,
Office of the Dy Labour Commissioner
Aurangabad, Dist, Aurangabad.**

.... Respondent

**Public Information Officer,
Office of the Dy Labour Commissioner
Aurangabad, Dist, Aurangabad.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of the minutes of Aurangabad meetings held on 26.05.2004 and 02.07.2004 between Dy Labour Commissioner & Mr. Chandulal Parikh.

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 09.12.2009. Appellant and respondent were present.

The appellant during the hearing was not in a position to explain as to what information is sought by him. The respondent was also not sure as to what information was sought by the appellant. Prolonged inter action gave me an impression that he wants copies of the minutes of meetings held between Dy Labour Commissioner and Shri Chandulal Parikh. He was not able to explain the purpose of the meeting or the subject. I therefore pass the following order.

Order

Information as requested should be furnished. The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3900/02

**Shri. Ganesh G. Pawar
Apale Ghar Soc.,
Serve No.56, Nagar Rd,
Chandannagar, Pune – 400 014.**

.... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Elakha City Ward, PWD Division,
Vikas Division Bldg, 3rd Floor,
Old Custom House, Mumbai – 400 023.**

.... Respondent

**Public Information Officer cum Dy Engineer
South (PW) Division, Opp. M.T.D.C. Officer,
Madam Cama Rd, 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 08.05.2008 had sought xerox copies of complaints received from non officials or through news papers. He had also sought information regarding grants received by the Sub Division and spent on which works copies of tender register and also whether efficacies have declared their assets before the govt. The information pertained to PWD, Mumbai South, Madam Cama Rd for the period April, 2008 to Feb, 2009.

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 14.12.2009. Appellant and respondent were present.

The appellant has repeated his request in his appeal which means that he was not satisfied with the replies received by him.

The respondent's contention is that the appellant has been offered inspection of documents in view of the broadness of the information sought.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellants have been property informed. It

goes without saying that the information sought by him was vague and non specific.
Under these circumstances I see nothing wrong in the approach of the PIO and the First
Appellate Authority. I confirm the order passed by the First Appellate Authority.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3901/02

**Shri. Ganesh G. Pawar
Apale Ghar Soc.,
Serve No.56, Nagar Rd,
Chandannagar, Pune – 400 014.**

.... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Elakha City Ward, PWD Division,
Vikas Division Bldg, 3rd Floor,
Old Custom House, Mumbai – 400 023.**

.... Respondent

**Public Information Officer cum Dy Executive Engineer
Elakha City Ward, PW Division,
Old Custom House, Mumbai – 400 023.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.05.2008 had sought copies of complaints received from non officials or through news papers. The appellant also wanted to know how many tenders were invited and sought copies of tender register. The appellant wanted to know whether the officer has declared his assets before the govt. The information pertained to PWD MLA Hostel Sub Division, J.J. Hospital and Malbar Hill for the period April, 2009 to Feb, 2009.

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 14.12.2009. Appellant and respondent were present.

The appellant has repeated his request in the appeal which means that he was not satisfied with replies received by him.

The respondent's contention is that the PIO by his letter dated 29.05.2008 furnished necessary information. The First Appellate Authority by his order dated 14.07.2009 informed the appellant that the information sought runs into 3600 pages and the appellant should deposit Rs.7200/- to enable the office to furnish the required

information. The First Appellate Authority ordered that the appellant should deposit Rs.7200/- within 15 days and get the desired information.

In view of the above discussion it is clear that information has been offered to the appellant. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3899/02

**Shri. Ganesh G. Pawar
Apale Ghar Soc.,
Serve No.56, Nagar Rd,
Chandannagar, Pune – 400 014.**

.... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Elakha City Ward, PWD Division,
Vikas Division Bldg, 3rd Floor,
Old Custom House, Mumbai – 400 023.**

.... Respondent

**Public Information Officer cum Superintendent
Dy Divisional Engineer,
PW Dy Division, Akashwani, Amdarniwas,
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 08.05.2008 had sought copies of complaints received from non officials and through news papers. The appellant also wanted to know what grants were received by the sub division and spent on which works. He had sought copies of tender register and also wanted to know whether personal assets have been declared before the govt. The information pertained to MLA Hostel sub division.

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 14.12.2009. Appellant and respondent were present.

The appellant has repeated his request in his appeal which means that he was not satisfied with the replies sent to him.

The respondent's contention is that the appellant has been offered inspection of documents in view of the broadness of the information sought.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. It

goes without saying that the information sought by the appellant is non specific and vague. Under these circumstances the only way out is to inspect and ask for copies of selected documents. There is nothing wrong with the orders passed by the PIO and the First Appellate Authority.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/4001/02

Shri. D.K. Deshpande
Dy Commissioner,
Divisional Commissioner Officer, Nagpur,
Civil Lines, Nagpur.

.... Appellant

V/s

First Appellate Officer cum Joint Secretary
Establishment, General Administrative Deptt., (10)
Mantralya, Mumbai – 400 032.

.... Respondent

Public Information Officer cum Under Secretary
General Administrative Deptt., (10)
Mantralya, Mumbai – 400 032.

First Appellate Officer cum Dy Secretary,
Revenue & Forest Deptt., (E-3)
Mantralya, Mumbai – 400 032.

Public Information Officer cum Under Secretary
General Administrative Deptt., (10)
Mantralya, 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 11.06.2009 had sought information relating to promotion of Deputy Collectors to Indian Administrative Service during 2004-2008. The appellant had requested for inspection of relevant files.

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 21.12.2009. The appellant did not turn up but the respondent was present.

Case papers show that the appeal has been decided by Hon Chief Information Commissioner, Maharashtra by his order dated 30.11.2009 in Appeal no 4857/02. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3959/02

**Shri.Haribhau R. Kakde
15/B-1, Sarvtra Corruptive Housing Rachana,
Pond Rd, Kothrud, Pune 411 038.**

.... Appellant

V/s

**First Appellate Officer cum Director
Technical Directorate, Maharashtra State,
3, Mahapalika Marg,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer,
Technical Directorate, Maharashtra State,
3, Mahapalika 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 02.03.2009 had sought copies of all correspondence between Director Technical Education and Deccan Education Society in respect of his demands / claims for retirement 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 appeal was heard on 17.12.2009. Appellant and respondent were present.

It was decided during the hearing that the appellant will be allowed inspection of relevant documents / correspondence on 23.12.2009 dated 12 noon. I therefore decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/492/02

**Shri. A. Dharmaraj
F-510, Jay Ganesh CHS,
60 Feet Rd, M.L. Camp,
Mumbai – 400 019.**

.... Appellant

V/s

**First Appellate Officer,
Municipal Corporation,
G/North Ward,
Off Woolen Mills Lane,
Cement Godown, Dadar,
Mumbai – 400 028.**

.... Respondent

**Public Information Officer,
Municipal Corporation,
G/North Ward,
Off Woolen Mills Lane,
Cement Godown, Dadar,
Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.06.2009 had sought information alleged illegal construction on CS no 344 part by Matrikrupa Developers.

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 23.12.2009. Appellant and respondent were absent.

It is not clear from the application what information has been sought. The appellant & respondents absence have compounded the issues. I therefore pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3566/02

**Shri. Dinesh P. Shurkar
Ground Floor,
Vijay Apt., Opp. Nandadeep Soc.,
Lalbahadur Shastri Marg,
Kulgaon, Badlapur, Thane.**

.... Appellant

V/s

**First Appellate Officer cum Secretary
Maharashtra Electricity Regulatory Commission,
13th Floor, Centre No.1, World Trade Centre,
Cuffe Parade, Colaba, Mumbai – 400 005.**

.... Respondent

**Public Information Officer,
Maharashtra Electricity Regulatory Commission,
13th Floor, Centre No.1, World Trade Centre,
Cuffe Parade, Colaba, Mumbai – 400 005.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.01.2008 had sought information regarding his complaint against BEST and action taken by the Maharashtra Electricity Regulatory Commission.

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 03.11.2009. Appellant and respondent were absent.

Case papers show that MERC by its letter dated 10.02.2009 has informed the appellant. It has been pointed out by the MERC that clarifications are not expected under the RTI Act. The appellant however is not satisfied. The First Appellate Authority by his order dated 06.04.2009 has furnished copies of relevant documents.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that relevant information has been furnished. The RTI Act ensures furnishing of available information and is not mandated to address / redress grievances. I therefore close the case.

Order

The appeal is dismissed.

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

Place: Mumbai

Date: 31.12.2009.

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

Appeal No.2009/3823/02

**Shri. Rasik Sheth
18 Leela Madir, Pestorn Sagar,
Rd. No.4, Chembur, Mumbai – 400 089.**

.... Appellant

V/s

**First Appellate Officer,
Jalana Nagar Parishad, Jalna,
Ta.Dist. Jalna.**

.... Respondent

**Public Information Officer,
Jalana Nagar Parishad, Jalna,
Ta.Dist. Jalna.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.11.2007 had sought information regarding action taken on his letter for refund of octroi paid by him. He also wanted to know Rules and Regulation of Jalna Nagar Parishad in respect of disposal of any letter / complaint received from citizens.

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 08.12.2009. Appellant and respondents were present.

The appellant has contended that his letter has not been replied and no information has been furnished. The respondent narrated the whole story before the commission. Facts are known to both the parties. The appellant wants his money back which he thinks he is entitled to.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant does not need information but arbitration. As it appeared during the hearing that file has been moved but no decision has been taken. I would therefore order that the Chief Officer, Jalna should give the

latest information about appellant's request for refund of octroi. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3828/02

**Shri. Soma Kadu Jadhav
Mandve, Post Mandve Khurd,
Ta. Jamner, Dist. Jalgaon.**

.... Appellant

V/s

**First Appellate Officer,
Tribal Deptt.,
MAntralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Tribal Deptt.,
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 10.03.2008 had sought information relating to govt. recommendation for inclusion / exclusion of “Koli” community as a tribe.

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 08.12.2009. Appellant and respondents were present.

The appellant has contended that the first appeal has been decided without hearing him. The respondent has submitted that the appellant was notified but did not turn up. The letter sent to him did not come back to the govt. Under these circumstance it was presumed that the appellant was in agreement with the PIO’s order and the first appeal was disposed off.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the PIO has furnished the available information. The PIO by her letter dated 06.02.2009 very frankly informed the appellant that Govt. of Maharashtra had recommended that “Koli” should be included on the list of scheduled tribe but withdrew by its letter dated 06.11.1981 in view of the Govt. of India’s letter dated 26.02.1981. The appellant wanted copies of these communications. The

same should be furnished although the appellant has been appropriately informed. I pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3975/02

**Shri. Shivaji Wadekar
Omkar, 31 Anjali Colony,
Gendamal, Shahupuri,
Satara – 415 002.**

.... Appellant

V/s

**First Appellate Officer cum Dy Commissioner
(Administration),
Administrative Bldg,
Abdul Gafar Khan Marg,
Worli, Mumbai – 400 018.**

.... Respondent

**Public Information Officer cum Asstt. Commissioner
(Administration),
Administrative Bldg,
Abdul Gafar Khan Marg,
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 17.08.2006 had sought information relating to Recruitment Rules in respect of Inward Clerk, Outward Clerk, total no, no of milk dispatchers and recruitment rules of all non gazetted employees their responsibilities and functions.

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 18.12.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information. He has not been given Recruitment Rules in respect of non gazetted employees, dispatcher supervisor, bottle examiners etc. The respondent has submitted that information has been furnished on other points and the First Appellate Authority directed that information should be furnished on points No. E.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that full information has not been furnished. If

there are no recruitment rules for certain categories the appellant should be informed clearly. It is also not clear whether information on point no E has been furnished. I therefore order that balance information should be furnished forthwith.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/4002/02

**Shri. Gurudatta J. Meshram
Shri Bhushan Gajbhiye,
155, Nazul-Lay-Out,
Bezanbaug, Nagpur.**

.... Appellant

V/s

**First Appellate Officer cum Commissioner
Office of the Fisheries Commissioner,
Tara Porwala Matsalaya,
Netaji Subhash Marg, Charni Rd,
Mumbai – 400 002.**

.... Respondent

**Public Information Officer cum Dy Registrar
Cooperative Board,
Office of the Fisheries Commissioner,
Tara Porwala Matsalaya,
Netaji Subhash Marg, Charni Rd,
Mumbai – 400 002.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.03.2009 had sought information relating to the Vidarbha Regional Fishermen's Cooperative Society. He had sought information on 8 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 21.12.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information. He has pointed out that property details of elected office bearers have not been furnished. The respondents have brought to the notice of the commission that the PIO of the Sangh as well as Asstt Registrar Cooperative Societies, Nagpur have been asked to furnish the information.

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 appellants demand for information includes many personal information about the functionaries which is not permissible. I therefore order that information on point no V & VII should be furnished to the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Complaint No.2009/481/02

**Shri. Sunil Shitap
Room No.102, Rekha Apt.,
Amrut Nagar, Ghatkopar (W),
Mumbai – 400 086.**

... **Complainant**

V/s

**Public Information Officer,
Divisional Cast Verification Board,
Kokan Bhavan, CBD Belapur,
Navi Mumbai – 400 614.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The appellant by his application dated 23.09.2009 had sought information regarding action taken on his applications dated 08.07.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.12.2009. The appellant did not turn up but the respondent was present.

The PIO to inform the complainant what action has been taken on his application dated 08.07.2008.

Order

The complaint is allowed. Information to be furnished in 15 days.

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

Place: Mumbai
Date: 31.12.2009.

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

Complaint No.2009/466/02

**Shri.Pradeep Kumar Mishr
Pooja Clinic, Powder Bandar,
Dargah Lane, Darukhana,
Mazgaon, Mumbai – 400 010.**

... **Complainant**

V/s

**Public Information Officer cum DMC (Special)
G.M.M.C., Bhabha Hospital Bldg.,
1st Floor, Bandra (W),
Mumbai – 400 050.**

... **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 31.08.2009. The complainant by his application dated 12.03.2009 wanted to know the action taken on his complaint. The PIO was directed by the commission's order dated 31.08.2009 to furnish necessary information within 30 days.

The present complaint is against alleged non compliance of the commission's order dated 31.08.2009.

The case was fixed for hearing on 19.11.2009. Neither the complainant nor the defendant turned up. There is nothing on records to show that the commission order has been complied. I therefore pass the following order.

Order

The complaint is allowed. The defendant to show cause why he should not be fined @ Rs.250- per day as per section 20 of the RTI Act, 2005. His reply to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3770/02

**Shri. Munjajee Reshmajee Gunde
Shivrayrao, Taroda,
Bhavsagar Chowk,
Ta. Dist. Nanded – 431 605.**

.... Appellant

V/s

**First Appellate Officer,
Executive Manger Project,
Lokshahir annabhau Sathe Vikas Mahamandal Ltd, Mumbai
22-B, Kalyani Centre, Ashokvan,
Hanuman Tekadi, Opp. Aradhana Bldg,
Mumbai – 400 066.**

.... Respondent

**Public Information Officer,
Executive Manger Project,
Lokshahir annabhau Sathe Vikas Mahamandal Ltd, Mumbai
22-B, Kalyani Centre, Ashokvan,
Hanuman Tekadi, Opp. Aradhana Bldg,
Mumbai – 400 066.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.05.2009 had sought information relating to his application for assistance under Lok Shahir Annabhau Sathe Vikas Mahamandal Ltd. He had sought information in regard to applications which were received after he had applied but were sanctioned assistance. He has sought copies of documents submitted by those applicants.

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 02.12.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. The respondent submitted that information available on record has been furnished. He admitted that applications were not processed according to the date of their seniority and applications received after the appellant's applications have also

been considered. Since the no of applications already sanctioned is huge, they are busy clearing the backlog depending on the fund they receive.

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, however, seen that some irregularities have been committed. Normally the principle of 'first come first served' should have been followed. The same has not happened. Now the corporation is busy clearing the backlog. This will lead to a new backlog and some deserving applicants may get assistance. I would therefore request the Secretary, Department of Social Justice to get the whole issue examined and also see whether some ratio between the old cases and the new ones can be fixed so that assistance is not denied to deserving applicants who were superceded because they did not lobby with sanctioning authorities. With these observations. I close the case.

Order

The appeal disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3765/02

**Shri. Subhash G. Nimbalkar
Swatantray Sainik Nagar,
Krupasadan Rd, Latur.**

.... Appellant

V/s

**First Appellate Officer cum Dy Divisional Agriculture Officer
Latur (Nilanga, AUSA, Renapur)
Dist. Latur.**

.... Respondent

**Public Information Officer cum Agriculture Officer
Nilanga. Ta.Nilanga, Dist. Latur.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application had sought information relating to Employment Guarantee Scheme works in Nilanga taluka from March, 2006 to Aug, 2006. He had sought copies of muster, measurement book and passing register.

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 02.12.2009. Appellant and respondents were present.

It transpired during the hearing that the State Information Commissioner Aurangabad has already disposed off the appeal on 01.04.2009. There is no point in hearing the same appeal.

Order

The appeal disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3989/02

**Shri. Sunil R. Gorle
Avinash Choudhry
Kamruddin Lay Out,
Gorewada Rd, Borgaon Gittikhdan Rd,
Nagpur – 440 013.**

.... Appellant

V/s

**First Appellate Officer,
Industries, Energy and Labour Department,
Mantralya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Industries, Energy and Labour Department,
Mantralya, Mumbai – 400 032.**

**First Appellate Officer,
Office of the Labour Commissioner,
Commerce Centre, Taddeo, Mumbai – 400 034.**

**Public Information Officer,
Office of the Labour Commissioner,
Commerce Centre, Taddeo, 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 13.04.2009 had sought information relating to facilities like social security, provident fund etc. available to workers who are engaged on daily wages.

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 21.12.2009. Appellant and respondents were present.

The appellant has contended that he was not given information and his application was sent to the General Administrative Department and the First Appellate Authority decided the appeal without hearing him.

The respondent's contention is that although the issues relate to workers, they are not dealing with the subject. Working conditions are decided by GAD.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. The fact that issues pertain to labour in general does not necessarily mean that the Labour Department should have all the information. The appellant should pursue the matter as advised.

Order

The appeal disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2008/3550/02

Shri. Nimish R. Shah

6, Gunbow Street (Rustom Sidhwa Marg),

7, Mangrol Mansion, Fort,

Mumbai – 400 001.

... Appellant

V/s

First Appellate Office cum Dy Police Commissioner

Zone-2, Mumbai.

... Respondent

Public Information Officer cum Asstt Police Commissioner

South Divisional Ward, Mumbai.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.06.2009 had sought copies of the original letters with remarks and leaf notes on letters dated 13.06.2002 (in Marathi) and 14.10.2002 (In English) to Commissioner of Police, Mumbai.

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 05.11.2009. Appellant and respondents were present.

The appellant has contended that he has not received the required information. The appellant stated that these documents were likely to through light on the directions given by the highest authority to the sub ordinates which have not been obeyed not executed. The respondent has submitted that the Public Information Officer had furnished the information. The First Appellate Authority his order dated 26.08.2009 modified the order and directed to cheqk the outward register in the office of the Police Commissioner and inward register of the Police Station and inform the appellant accordingly. This order was carried out and it was concluded that the letters were not on record. The appellant has been kept informed.

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: 31.12.2009.

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

Appeal No.2008/3626/02

**Shri. Ramkrushan N. Dhale
Ambedkar Chowk,
Ward No.18, Patipura,
Yavatmal – 445 001.**

... Appellant

V/s

**First Appellate Office cum Dy Secretary
Cooperation and Textile Department,
Mantralya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Under Secretary
Cooperation and Textile 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 information regarding his application for “no dues certificate”.

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 07.11.2009. The appellant did not turn up but the respondent was present.

It transpired during the hearing that the appeal has already been disposed off by the Chief Information Commissioners order dated 19.01.2009. There is therefore no point in deciding the case. I therefore close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2008/3984/02

**Shri. Prabhu Mate
Takia Ward, Hanuman Nagar,
Near Ganga Metal,
Ta.Dist. Bhandara.**

... **Appellant**

V/s

**First Appellate Office cum Dy Secretary
Rural & Water Conservation Department,
Mantralya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary
Rural & Water Conservation Department,
Mantralya, 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 06.09.2008 had sought information relating to the decision taken on revision application of Shri S.P. Kamble against the order of the Divisional Commissioner, Nagpur.

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 21.12.2009. Appellant and respondents were present.

It was agreed during the hearing that file notings in respect of Shri S.P Kamble's case should be shown to the appellant on 11.01.2010. The case is therefore closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2008/3995/02

**Shri. Manohar M. Dhakate
Anchleshwer Ward,
Gondpura, Chandrapur – 442 402.**

... Appellant

V/s

**First Appellate Office cum Dy Secretary
Tribal Development Deptt,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Under Secretary
Tribal Development Deptt,
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 25.11.2008 had sought clarification in respect of discrepancy between entry no 18 of the scheduled castes and scheduled Tribes orders (Amendment) Act 1976 and the scheduled castes and scheduled Tribes orders (Amendment) Act 1976 published by Govt. of Maharashtra in 1991 on behalf of the Govt. of India. The appellant has pointed out that the Govt. of India publication has shown 'Gond Rajgond' as one word where as the Govt. of Maharashtra publication has shown Gond or Rajgond.

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 21.12.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the reply given to him. The PIO and the First Appellate Authority have held that clarifications are not expected to be furnished under the RTI Act, 2005.

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.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2008/3998/02

**Shri. Prakash Taksande
Camp Aria – 7, Gadchiroli,
Dist. Gadchiroli.**

... Appellant

V/s

**First Appellate Office cum Director
Information & Public Relation Directorate
Nagpur Amravati Division,
Old Sachivalaya Bldg,
1st Floor, Nagpur.**

... Respondent

**Public Information Officer,
Information & Public Relation Directorate
Nagpur Amravati Division,
Old Sachivalaya Bldg,
1st Floor, Nagpur.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding award of the first prize at Divisional Level to Shri Nandu Kathawate, District correspondent, Tarun Bharat. The appellant wanted copies of the proposal, papers cuttings and 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 21.12.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has been given incomplete information. The respondent submitted that copies of available documents have been given. Since it was a Divisional level award, all papers were not available and some papers were at Govt. level.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information available on record has been

furnished. In view of the appellant's absence at respondent's submission, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3999/02

**Shri. Panther Prakash Bansode
180, Untkhana, Medical College Rd,
Nagpur – 9.**

.... Appellant

V/s

**First Appellate Officer cum Additional Collector,
Mahanagarpalika, Nagpur,
Dist Nagpur.**

.... Respondent

**Public Information Officer cum Assitt Director,
Nagarrachna, Mahanagarpalika, Nagpur,
Dist Nagpur.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.05.2006 had sought information regarding action taken on Municipal Commission's order dated 07.04.2006 21314/2006, copy of notice issued and correspondence if any.

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 21.12.2009. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the information furnished to him. The respondent submitted that information available on record 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 order passed by the First Appellate Authority is very clear. The appellant may not be satisfied because things did not happen the way he wanted or the way it should have happened. But the RTI Act stops there. It ensures furnishing of available information. The information furnished or not furnished because it was not available can be used as an instrument to set things right. I therefore close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3985/02

**Shri. Ramsagar Pillewan
83, Hindustan Colony, Vardha Rd,
Nagpur – 440 015.**

.... Appellant

V/s

**First Appellate Officer cum Police Superintendent
Bandara, Dist. Bhandara.**

.... Respondent

**Public Information Officer cum Dy Divisional Police Officer
Rahi Colony Pavati, Dist. Bhandara.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.08.2006 had sought information regarding action taken on his complaints dated 15.10.2000, 24.04.2002, 29.06.2003, 01.02.2004, 26.09.2004, 09.10.2004 and 30.06.2005 against Shri Bhaurao Bhevaji Gajbhiye, Dinesh Bhaurao Gajbhiye, Dipakbhai Bhailal Patel.

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 21.12.2009. Appellant and respondent were present.

It transpired during the hearing that the appeal has already been decided by the Hon State Information Commission, Nagpur. There can be no appeal on the same issue once it has been decided. I therefore close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3991/02

**Shri. Charandas N. Nagrale
Shivaji Nagar Rajura,
Dist. Chandrapur.**

.... Appellant

V/s

**First Appellate Officer cum Dy Secretary
Secretary (2), Urban Development Deptt.,
(N-4), Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer
Secretary (2), Urban Development Deptt.,
(N-4), 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 03.03.2009 had sought information relating to the allotment of shops constructed under Dalit Vasti Sudhar Yojana. The appellant felt that the govt. guidelines in this regard were not clear resulting into non allotment of galas to dalits.

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 21.12.2009. Appellant and respondent were present.

It was revealed during the hearing that shops are allotted according to section 92 (A) of the Maharashtra Nagar Panchayats, Nagar Palika and Industrial Township Act 1965 by auction. The appellate authority has gone beyond the scope of the RTI Act and with a view to help the cause which the appellant is championing, directed the Chief Officer to ensure that dalits get a share in the allotment of galas. He informed the commission that he has initiated a file in this respect. The First Appellate Authority has done a commendable job. I therefore close the case as nothing remains to be done.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3986/02

**Shri. R.N. Dwivedi
B-26, Koyala Vihar,
W C L Colony,
Civil Lines, Nagpur – 440 001.**

.... Appellant

V/s

**First Appellate Officer cum Superintendent Engineer
Nagpur Sudhar Pranyas Nagpur,
Station Rs, Nagpur.**

.... Respondent

**Public Information Officer cum Executive Engineer
Nagpur Sudhar Pranyas Nagpur,
Station Rs, Nagpur.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 14.11.2008 had sought information relating to the demand notice sent to him in connection with regularization of plot no 140. The appellant says that he never received the demand notice and wanted a copy of the dispatch register showing that the notice was sent.

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 21.12.2009. Appellant and respondent were present.

The appellant has contended that he has not received the information he had sought. The respondent submitted that the required information has been furnished. The appellant has been offered inspection of relevant documents.

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 enclosed copies of documents which prima facie show that the notice was sent to him. This need not be stretched too far and decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.12.2009.

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

Appeal No.2009/3987/02

**Shrimati. Manda Vilasrao Lohote
B-3/112, Bajrang Complex, Siras Peth,
Nagpur – 440 009.**

.... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner/Police Superintendent
Anti Corruption Burro, Nagpur,
Dist. Nagpur.**

.... Respondent

**Public Information Officer cum Dy Police Superintendent
Anti Corruption Burro, Nagpur,
Dist. Nagpur.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.06.2009 had sought information relating to implementation of the Hon Supreme Court's order dated 21.11.1990 passed in State of Harayana & others Vs Bhajan Lal and others and copies of notings etc made by different officers of the Anti Corruption Burean and others. The appellant wanted action under section 6(3) 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 appeal was heard on 21.12.2009. Appellant and respondent were present.

The appellant has contended that she was not satisfied with the information and the First Appellate Authority's decision is not correct and as per law.

The respondent's contention is that the appellant had requested for action under section 6(3) the same has been done by the PIO's letter dated 26.06.2009.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been correctly informed. The Range of information is too broad and it is not possible for the ACB to collect information and furnish to the appellant. The action taken by the PIO is in order. In fact

the latest instruction by Govt. of Maharashtra says that the PIO need not send copies of the application but ask the applicant to apply to different Public Information Officers in case the no of PIO concerned happens to be more than two. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.12.2009.

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

Complaint No.2009/484/02

**Shri.Manik Damodar Gaitonde
D/1, Adijanta Society,
Rd No.27, Sion (E), Mumbai – 400 022.**

.... Complainant

V/s

**Public Information Officer,
Mumbai Bldg. Repair & Reconstruction Board.
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The appellant had sought the information regarding transfer of flat no 201, Rajgir Sadan, Sion, Mumbai. The complainant had sought copies of documents which formed the basis of allotment. The Commission by its order dated 30.08.2009 directed that relevant information should be furnished within 15 days.

The present complaint is against alleged non compliance of the commission's order. The complaint was heard on 23.12.2009. Complainant and defendant were present. The complainant has alleged that he has not been given copies of the documents which formed the basis of allotment. He says that there are no documents and allotment has been made to Shri Dattanand Gaitonde arbitrarily. This is the crux of the whole case. The complainant wants PIO to be punished for not furnishing copies of non existent documents. He has drawn inference and rightly so that allotment has been done without valid documents. What he does not seem to be appreciating is that the RTI Act is not mandated to rectify irregularities committed. He can draw adverse inference and approach the competent authority to get the matter sorted out. The RTI Act ensures furnishing of existing information. If the documents did not exist, the question of furnishing to the complainant does not arise.

Order

The complaint is filed.

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

Place: Mumbai
Date: 31.12.2009.

