



Before The State Information Commission, Kerala
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AP.No.141/2007/SIC
File No.1905/SIC-Gen1/2007

Shri.E.T.Varghese,
Erathu House,
Villoonni.P.O.
Arppookara
Pin-686 006.

Appellant

Vs

Shri.K.G.Vijayan,
Public Information Officer, and
Additional Dist.Magistrate
Collectorate,
Kottayam.

Respondent

ORDER

The appellant in this case is Shri.E.T.Varghese. He had preferred the appeal with the following averments.

He was a motor transport worker. Certain amounts were due to him from the Kerala Motor Workers Welfare Board. For the last 12 years he was after the Motor Workers Welfare Board to get back the money. He had preferred 14 petitions one after the other before the Revenue Minister during the Public Contact Programme; and, several other authorities. It dates back to 2002 to 2007. In order to ascertain the actions taken on each petition, he had preferred request under section 6 of the RTI Act, before the PIO of the

Collectorate, Kottayam. He had not received the required information from the PIO and Appellate Authority in time and, hence the second appeal.

The question that arises for consideration is whether the information requested was furnished to the appellant?

The appellant Mr.E.T.Varghese was summoned for a personal hearing on 9.8.2007. The PIO and ADM, Mr.K.G.Vijayan was also summoned. The appellant had submitted that the case was actually between himself and the Commissioner of Motor Vehicles Department by extension to the Executive Officer of the Kerala Motor Workers Welfare Fund Board, Kottayam. He had obtained a favourable order from the Hon.High Court directing the Executive Officer of the Kerala Motor Workers Welfare Fund Board to refund funds due to him as recovered by way of revenue recovery from the owner of the transporting firm, which had employed him. The appellant had also submitted that he had not been provided with the funds so far. Because the Revenue Department had effected the revenue recovery, may be under the assumption that the official/s in the Revenue Department who had initiated the RR Proceedings would be effecting the payment to him, he was preferring all the petitions before the Revenue Minister in his adalath and many petitions were thus forwarded to the Collectorate, Kottayam. Now the appellant was seeking the information or actions taken on each petition.

The PIO had already reported that prompt actions were taken on each petitions and the Commissioner of the Motor Workers Welfare Fund was asked to settle the dues of Mr.E.T.Varghese. Furthermore, all records that were available were furnished to him. On 22.3.2006, a letter was sent to the appellant for remitting fees for obtaining the information. It was also intimated to him that for getting the amount from the Welfare Board, he should contact the District Office of the Motor Welfare Fund Board at Kottayam. Further developments in this case was that communications sent to him were returned unserved since he had shifted his residence.

The statement preferred by the PIO would show that in four matters submitted by the appellant, intimation was given to the Labour Commissioner to furnish the copies directly to the appellant. On 22.3.2006, the appellant was given a notice to remit required fee for furnishing the required information. On 17.8.2006 also information were furnished to the appellant against his requests dated 24.2.2006 and 20.7.2006 . The request under RTI Act was actually preferred only on 5.5.2006 and on 11.5.2006 a letter was sent to him to remit the fee. The letter was returned unserved. Ever so many replies were also furnished.

It was undertaken by the ADM, that any number of information could be furnished to him on proper application at any time. But the appellant was asked to prefer his petition before the Executive Officer of Kerala Motor Workers Welfare Board Kottayam, because the actual information that had to be furnished was from that office and not from the Collectorate, Kottayam.

The PIO is hereby instructed to provide him an opportunity to peruse the records and provide all information that can be provided to him within one week from today after getting necessary fee as per the Kerala Cost and Fee Rules.

Dated this, the 10th day of August, 2007.