



**STATE INFORMATION COMMISSION, KERALA
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Proceedings of the State Information Commission, Kerala in Appeal petition
No. AP 214/2007/SIC (No.1965/SIC-Gen2/2007)

E.V. Parameswarn,
Sales Supervisor,
Kerala State Handloom Development
Corporation Ltd.,
Regional Office,
Ernakulam.



Appellant

Vs

The Managing Director,
Kerala State Handloom Development
Corporation Ltd.,
Corporate Office, Kannur - 1



Respondent

ORDER

This appeal dated 22.3.2007 filed under section 19 (3) of RTI Act 2005, was received by the Commission on 26.3.2007 and was admitted as AP 214/07/SIC.

2. The gist of the case is as follows:-

The appellant had made a request dated 20.9.06, seeking certain information from the Kerala State Handloom Development Corporation Ltd., Kannur, under the RTI Act 2005. The information requested was -

1. Minutes of Board meeting deciding to select Sales Assistants leading to the selection and appointments of Mr. V.R. Prathapan, G. Bahuleyan, P. Hafza Beevi and B. Kalarani.
2. Copy of minutes of interview selecting Mr. V.R. Prathapan, G. Bahuleyan, P. Hafza Beevi and B. Kalarani.
3. Copy of select list showing the selection of Mr. V.R. Prathapan, G. Bahuleyan, P. Hafza Beevi and B. Kalarani as Sales Assistants.

4. Copy of the order issued by the Government approving the appointment of Mr. V.R. Prathapan, G. Bahuleyan, P. Hafza Beevi and B. Kalarani as Sales Assistants.

The appellant was provided with copies of documents against serial numbers 1 & 3 of the request. The documents sought for under serial numbers 2 & 4 were not given to the appellant on the ground that they were not available with the Corporation. Thereafter, the appellant submitted the first appeal to the appellate authority of the Corporation. The appellant was personally heard by the appellate authority. The appellant was also given an opportunity to verify the records of the Corporation.

3. Copy of the second appeal was forwarded to the respondent with instructions to submit a detailed report to the Commission. Accordingly, the respondent has filed a detailed report dated 1.6.07. The respondent has reported that the documents, copies of which were sought under serial number 2 & 4 of the request, were not available with the Corporation. According to the respondent, the appellant was given an opportunity to verify the records of the Corporation. The appellant was also informed that if he could give any specific reference number/location of the documents, the same could be traced out.

4. After considering the report of the respondent, the Commission directed the respondent to file an affidavit before the Commission detailing the efforts made by him to locate the documents and if the documents were not found out, an affidavit that the documents were irretrievably lost. Accordingly, the respondent has filed a detailed affidavit dated 4.8.07, before the Commission. The respondent has affirmed that except for item 1 & 3 of the request, no other document sought by the appellant was available with the Corporation.

5. The Commission examined in detail, the appeal petition, the report of the respondent and the affidavit filed by the respondent. The Commission decided to accept the affidavit filed by the respondent that the documents sought as serial No.2 & 4 were not available with the Corporation. The RTI Act gives the citizen, the right to obtain the information which is held by or under the control of the Public Authority. Here, the information sought as item No.2 & 4 of the request are information not presently held by the respondent. The information sought for is more than 25 years old and the appellant has no case that the information was knowingly destroyed by the respondent.

In view of the above observation, the Commission hereby decide that the information sought under SI.Nos. 2 & 4 of the request are information not possessed by the respondent and hence can not be provided by the respondent.

The Appeal dismissed.

Dated this the 24th day of September 2007.