

GOA STATE INFORMATION COMMISSION

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

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Penalty No. 54/2023

In

Complaint No. 12/2023/SCIC

Smt. Ashwini Fernandes alias

Ashwini A. Fernandes,

427/1, 4th Ward Colva,

Colva, Salcete, Goa

....Complainant

V/s

The Public Information Officer (PIO),

Shri. Yogesh B. Faterpekar,

Village Panchayat of Sernabatim,

Vanelim, Colva Gandaulim,

Colva-Goa, 403708

...Respondent

Shri. Vishwas Satarkar, State Chief Information Commissioner

Decided on: 15/02/2024

ORDER

1. While disposing the Complaint bearing No. 12/2023/SCIC, the Commission vide its order dated 19/10/2023 directed the Public Information Officer (PIO) to provide inspection of the records as per the RTI application of the Complainant dated 21/03/2023 within the period of fifteen days from the date of receipt of the order.
2. The Commission also issued show cause notice to the said PIO as to why penalty should not be imposed on him in terms of section 20(1) of the Act.

3. Pursuant to the showcause notice. The PIO Shri. Yogesh Faterpekar appeared alongwith Adv. J. Mendes and filed his reply dated 11/01/2024. The Complainant duly served opted not to appear in the matter.

4. The PIO through his reply dated 11/01/2024 submitted that, a notice of Complaint No. 12/2003/SCIC was served upon him, however, he was unable to appear for the hearing on 03/07/2023 as his age-old mother was suffering from urological issue and needed serious medical attention and on the date of hearing his mother was required to take in Goa Medical College, Bambolim for medical check-up and thereafter due to the tension of medical condition of his mother he forgot to collect the next date of hearing.

Further, he submitted that being he is the only son in the family he had to accompany his mother to the doctor and hospital whenever it was necessary.

He further submitted that he complied with order of the FAA and the Commission and submitted that the delay caused in furnishing the information is not intentional or malafide and prayed to drop the penalty proceeding against him. In support of his claim he produced on record the Medical papers of his mother and copy or order of his Earned leave. He also expressed his remorse for causing the delay in furnishing the information.

5. In the backdrop of the above fact, I am of the view that the delay caused in furnishing the information was not intentional and deliberate and same is reasonably explained by the PIO.

6. In the light of above facts and circumstances the show cause notice dated 03/11/2023 issued in the present penalty proceeding against the PIO is dropped.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner