

## **GOA INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Penalty Case No. 11/2007-08  
In  
Appeal No. 48/2007-08/GMC.

Shri. Deepak B. Naik,  
Dandos wado, Mandrem,  
Pernem - Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
The Medical Superintendent,  
Goa Medical College,  
Bambolim - Goa.
2. First Appellate Authority,  
The Dean,  
Goa Medical College,  
Bambolim - Goa.
3. The Director of Administration,  
Goa Medical College,  
Bambolim - Goa.

..... Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

Dated: 25/01/2008.

### **ORDER**

This disposes off the show cause notice issued to Shri. Meghnath Porob, the deemed Public Information Officer when he was working in the Goa Medical College as the Director of Administration. By this Commission's notice-cum-order dated 20<sup>th</sup> December, 2007, he was directed to explain why a penalty of Rs.250/- per day from 25/04/2007 should not be imposed on him till the information is given to the Appellant as directed by this Commission. The information was finally given on 4<sup>th</sup> January, 2008. Thus, the delay was 251 days and the penalty works out to Rs.62,750/- restricted to the maximum of Rs.25,000/-.

...2/-

2. While claiming that the delay in the supply of information was unintentional, he did not show any cause for the delay by him. On the other hand, he has blamed the Appellant for the delay and further stated that "the applicant has to make the application and he cannot ask other person to file on his behalf. Similarly he has to receive the information in person and cannot ask other person to receive the same on his behalf". This is a personal opinion of Shri. Meghnath Porob, and it is not the position of law. Right now it is irrelevant for showing cause by the deemed Public Information Officer why the penalty should not be imposed on him. Further, he has, himself treated the matter as closed. The Commission did not ask him to close the matter, but to explain why the penalty should not be imposed on him. It is, therefore, clear that not only the delay is attributable to him but also that he did not take diligent steps to comply with the provisions of the law. This has been a considerable long delay in providing the information. Shri. Porob also did not take steps inspite of the Commission's direction to provide the information. The delay is also not explained. Hence, there is every reason to believe that the delay on the part of Shri. Porob is deliberate. The inaction of Shri. Meghnath Porob is not bonafide and he is, therefore, liable for the penalty. However, this being his first case, we take lenient view and impose a nominal penalty of Rs.1000/- recoverable by the Director of Accounts from the salary of Shri. Meghnath Porob for the month of February, 2008.

Pronounced in the open court on this 25<sup>th</sup> day of January, 2008.

Sd/-

(A. Venkataratnam)

State Chief Information Commissioner, GOA.

Sd/-

(G. G. Kambli)

State Information Commissioner, GOA.