



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-537/2025(Appeal)

Shri Kado Mize,
Zoo Road, Agam Colony
Itanagar, Papumpare District A.P
(M) 8730998382
Pin: 791111

Appellant

Versus

PIO,
O/o Director Panchayati Raj (PR)
Govt. of AP Itanagar P/Pare District.
Pin Code: 791111

Respondent

ORDER

Date of Hearing: 13.02.2026
Date of Decision: Reserved / 26.02.2026

INFORMATION COMMISSIONER : Dani Gamboo
Relevant facts emerging from appeal-
RTI application filed on : 13.03.2025
SPIO replied on : Not on record
First appeal filed on : 08.04.2025
First Appellate Authority's Order : 20.05.2025
Second Appeal filed on : 30.06.2025

Information sought:

The appellant filed an RTI application dated 13.03.2025 seeking following information regarding list of appointment of Junior Engineer, PTA (Panchayati Technical Assistant), done from year 2015 – till now by Department of Panchayati Raj Govt. of Arunachal Pradesh.

Details of information required: -

- i) Furnish the information of all the List of appointment of Junior Engineer/Panchayati technical assistant Done from year 2015 till now, along with cony of notice for advertisement, terms and condition along with board constitute for monitoring the employment process.
- ii) Furnish the pay roll/acquaintance roll of your Establishment for last two Years.
- iii) Furnish the Nominal Roll of your establishment for the last two years.
- iv) Furnish the list of Junior engineer / panchayat technical assistant (PTAs) who have joined your establishment as new regularized appointees since 2015 onwards. Also furnish Details of their appointment order and date, place of posting, date of joining etc.

- v) Furnish, the seniority list of Panchayat technical assistant/junior engineer of Panchayati Raj department.
- vi) Furnish the Extension order of contractual PTAs under RGPSA scheme

All The Furnished should be Duly certified from Director Panchayati Raj and should be in CTC.

Relevant facts emerged during hearing:

Previous Hearing:

First : 07.08.2025
Second : 03.10.2025

Order of the 2nd hearing- *"The Commission has observed that the PIO has to ascertain as to how the seizure of the concerned files have fully makes him unable to furnish the items of particular information sought in RTI application in form A. A copy of order passed by Central Information Commission in CIC/BS/A/2012, 2013: Mr R P Srivastava Vs Department of Posts be furnished to the PIO. The PIO shall file a written submission justifying his claim under relevant section in RTI Act, 2005 for exemption of the disclosure of the information sought within two weeks from the date of issue of this order."*

The following were present.

Appellant : Present through VC. The appellant has also authorized Shri Tajong Talom (Adv) to contest on behalf of him. The representative of appellant states that merely informing about seizing of files by ACB is not acceptable.

Respondent PIO : Present. The files have been seized by the Anti-Corruption Bureau since 2024 and investigation is still on and the relevant file/ documents are not returned to the department.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records observes:

Whereas, the First Appellate Authority – Director (PR) heard the first appeal on 20th May' 2025 and disposed off the appeal with the observation -

"Whereas, in pursuance to order No.PR-RTI/534/2025/197 dated 13/05/2025, a hearing was held in the Office chamber of the First Appellate Authority (FAA) on 20/05/2025 at 1200 hrs. where both the parties appeared in person.

And whereas, after hearing Dy. Director (RE)-cum-PIO (PR), it was observed that the files related to the appointment of PTAs from 2015 is seized by the Anti-Corruption Bureau (ACB) and in support of his submission, the PIO has produced a copy receipt dated 08/07/2024 in plain paper signed by Inspector (ACB), the enquiry Officer of the SIC vigilance case no. ACB/PS ENQ.NO.1/2023.

Now the First Appellate Authority (FAA) had satisfied himself that there was no solid substances from appellant to hold the case for further course of action.

Therefore, this appeal case between Dy. Director (RE)-cum-PIO (PR) & Shri Kado Mize, Zoo Road Agam Colony, Itanagar, Papumpare District Arunachal Pradesh stand disposed off".

Whereas, the first hearing in the commission was conducted on 07.08.2025 whereby the appellant was not satisfied with the decision of the First Appellate and wished to file a decided

case law under which the information can be provided to the RTI applicant even if the matter pertaining to it is under investigation by Anti-Corruption Bureau. The PIO was absent and has filed a written submission for rescheduling the hearing.

Whereas, the second hearing in the commission was conducted on 03.10.2025. The counsel for appellant attended through VC and produced a decided judgement copy in Central Information Commission's Case: CIC/BS/A/2012,2013 Mr R P Srivastava Vs Department of Posts which states –

"The Hon'ble High Court of Delhi vide its decision dated 03/12/2007 (WP)(C) no. 3114/2007 Bhagat Singh Vs CIC and Ors has held as under:

"13. Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information.

The mere pendency of investigation/inquiry is not sufficient justification by itself for withholding the information. It must be shown that the disclosure of the information would impede' or even on a lesser threshold 'hamper' or 'interfere' with the inquiry/investigation. This burden the respondent has failed to discharge besides the appellant has vehemently argued that the matter relates to corruption a contention which the respondent has not been able to dispute. In view of the foregoing, we are of the opinion that the information is disclosable in larger public interest. The CPIO is accordingly directed to disclose the relevant file notings to the appellant within 03 weeks from the date of receipt of this order after redacting the names of the officers who wrote the notes or made the entries in the concerned file ".

Whereas, the PIO produced a copy of receipt dated 08.07.2024 the seizure of file pertaining to appointment of PTAs from 2015 signed by the Inspector (ACB), the Inquiry Officer of the SIC Vigilance Case No. ACB / PS ENQ. No. 1/2023. The PIO was directed to justify for withholding the information during mere pendency of investigation / inquiry.

Whereas, the third hearing was conducted on 13.2.2026.

Whereas, the appellant has urged with written statement as –

"The Appellant most humbly submits this supplementary note to highlight the legal fallacies in the Respondent's vague and evasive defense presented during the hearing

1. The Doctrine of "Proportionality" & Section 8(1)(h)

The Respondent's reliance on the ACB seizure is legally flawed.

Precedent: In Bhagat Singh v. CIC (2008), the Delhi High Court held: "The PIO must show satisfactory reasons as to why the release of such information would hamper the investigation. Mere existence of an investigation is not a ground for refusal."

Application: Since the ACB has not filed a Chargesheet in almost 2 years, the "investigation" has become an indefinite tool for suppression. There is no "nexus" between a list of names and the hampering of a stagnant case.

2. Mandatory Duty under Section 5(4) and 5(5)

The PIO cannot claim "non-availability" without exhausting their statutory powers.

Legal Point: Under Section 5(4), the PIO is mandated to seek assistance from any officer holding the records.

The "Deemed PIO" Rule: In J.P. Agrawal v. Union of India, the Court ruled that a PIO cannot act as a mere "post-office." They must show active effort to retrieve data

Fact: The PIO failed to seek assistance from the Drawing and Disbursing Officer (DDO) or District Planning Officers, who hold secondary records required for salary disbursement.

3. The "Public Records" & "Salary" Logic

The Conflict: The Respondent claims a total absence of records, yet the Department continues the "Public Activity" of paying salaries to 164 PTA3.

Legal Conclusion: This implies either (a) the records exist in secondary form (Service Books/PBR) and are being suppressed, or (b) the Department is disbursing public funds without documentation a violation of the Public Records Act, 1993.

Section 2(1): "Information" includes data in any electronic form. Even if physical files are seized, the Digital Payroll Data is available and must be disclosed.

4. Demand for "Severability" (Section 10)

Argument: Even if certain investigation notes are sensitive, the Names, Designations, and Dates of Appointment of public servants are purely administrative and cannot be exempt. The PIO has failed to apply the "Doctrine of Severability as required by Section 10 of the RTI Act.

5. Demand for a "Speaking Order" (Reasoned Decision)

: The Appellant humbly requests the Hon'ble Commission to pass a Speaking Order. As per the principles of Natural Justice and the mandate of the Hon'ble Supreme Court in S.N. Mukherjee v. Union of India, any quasi-Judicial decision must be supported by clear, logical reasons.

Application: A non-reasoned or "vague" order would deprive the Appellant of the right to understand the grounds of denial and would hinder the right to further judicial review in the High Court.

PRAYER

The Appellant prays that the Hon'ble Commission:

Summon the Records: Direct the PIO to produce the "Seizure Memo" to identify exactly which files were seized and which remain in the custody of the Public Authority.

Order Disclosure: Direct the PIO to compile the information from Secondary Records (Service Books/Bank Advices/Digital PFMS data) within 15 days.

Issue a Speaking Order: Pass a reasoned, written judgment addressing each legal point raised herein.

Initiate Penalty: Grant a penalty under Section 20(1) for the PIO's malafide attempt to use a 2-year-old seizure to defeat the object of the RTI Act ".

Whereas, the respondent urged with written statement as –

"Regarding hampering the ongoing investigation under Anti-Corruption Bureau Department, it is to state that so long the matter related to the appointment of PTA/ JEs w.e.f 2015 has been under active investigation from investigating Agency. Till outcome of the final report the matter is highly controversial

and the leakage of any information at public domain may invite sabotage & interference of smooth conduct of investigation.

Now, if we go through the RTI Act 2005, Section 6 (1) the Appellant has to specify the particulars of the information and again on Section 7 (9) it is mentioned that an information shall ordinarily be provided in the form in which it is sought.

As per our earlier forwarding letter No. PR/534/2025 dated 22nd October 2025, 3 (three) Nos. of file related to appointment of Panchayat Technical Assistant/ JEs has out rightly been seized by the Enquiry Officer, Insp. Inya Ete and there are 164 (One hundred Sixty-Four) PTAs/JEs who are actively working in the districts, without any list or seniority list.

So, in view of the above facts, point wise answer to the queries are furnished below: -

Sl. No.	Queries	Departmental reply
1.	<i>Furnish the information of all the List of appointment of Junior Engineer/ Panchayati technical assistant Done from year 2015 till now, along with copy of notice for advertisement, terms and condition along with board constitute for monitoring the employment process.</i>	<i>This department is unable to supply the information because the files related to the Appointment of PTAs from 2015 is seized by the Anti-Corruption Bureau vide ACB/PS ENQ, NO. 1/2009, which are still with ACB.</i>
2.	<i>Furnish the pay roll/ acquaintance roll of your establishment for last two years.</i>	<i>This department is unable to supply the information because most of the PTAs were appointed in 2014 and due to non-existence of seniority list it is not possible to segregate few PTAs who were appointed after 2015.</i>
3.	<i>Furnish Nominal Roll of your establishment for the last two years</i>	<i>This department is unable to supply the information because most of the PTAs were appointed in 2014 and due to non-existence of seniority list it is not possible to segregate few PTAs who were appointed after 2015.</i>
4.	<i>Furnish the list of Junior engineer/ panchayat technical assistant (PTAs) who have joined your establishment as new regularized appointees since 2015 onwards. Also furnish Details of their appointment order and date, place of posting, update of joining etc.</i>	<i>This department is unable to supply the information because none of the PTAs are regularized till date from their initial appointment.</i>
5.	<i>Furnish the seniority list of Panchayat technical assistant/ junior engineer of Panchayati raj department.</i>	<i>This department is unable to supply the information due to non-existence of seniority list.</i>
6.	<i>Furnish the extension order of contractual PTAs under RGPSA scheme.</i>	<i>This department is unable to supply the information because there is no extension order under RGPSA.</i>

As such, it is to apprise your honour that so long all the relevant files on appointment matter of PTAs/ JEs were seized and the matter is still under investigation of Anti-Corruption Bureau Department, we are not in a position to furnish any of your information unless those files are released by ACB and handed over to us".

Whereas, the respondent PIO has categorically replied the appellant's RTI query from serial number 1 to 6 in RTI application in form-A as it exists. The information to the applicant should ordinarily be provided in the form in which it is sought. Only such information is required to be supplied under the Act which already exists and is held under the public authority. It is beyond the scope of the Act to create information; or to interpret information; or solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

Whereas, the respondent PIO has produced the list of files seized by the Inquiry Officer as:

"Three (3) nos. of files to PTA appointment vide file No. PR-RGPSA (TA) 670/2014 (PT) PR-RG PSA (TA)/670/2014/PT-II & File No. PR-RGPSA/TA/670/2014/(Pt-II) have been received today on 8/7/2024 for study/scrutiny in c/w PE No.1/2023 (SIC Vig)".

Whereas, the Clause (h) of Sub-Section (1) of Section (8) of RTI Act, 2005 mandates exemption from disclosure of information which would impede the process of investigation or apprehension or prosecution of offenders.

Now, this commission is satisfied that disclosure of the information sought at this stage would impede the process of investigation of apprehension and prosecution of offender and there are no solid substances from the appellant to hold on the case for further course of action. Therefore, decision / judgement of the first appellate authority is hereby upheld.

The appeal case is disposed off and closed at commission accordingly.

**Sd/- (Dani Gamboo)
Information Commissioner**

Authenticated true copy

Pear...
Registrar / Dy. Registrar, APIC

Memo No. APIC-537/2025/ 1113 Dated Itanagar the 9 March' 2026.

Copy to:

1. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
2. Office copy.

Pear...
Deputy Registrar

Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar

Arunachal Pradesh Information Commission

Itanagar