सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION, APIC
ITANAGAR

An appeal case U/S 19(3) of RTI Act, 2005
Vide Case No. Appeal-331/A/2025.

BEFORE THE COURT OF SHRI KHOPEY THALEY, STATE INFORMATION COMMISSIONER

Shri Pem Dondup Thongkhar, Dorjee Thinley Jamkhar
& Khandu Thaogkhar ..... Appellant

Versus

PIO-cum-EE(PWD), Dirang Sub-Division,
West Kameng District Respondent

Date of hearing : 03/09/2025
Date of decision/Judgment : 03/09/2025

INFORMATION COMMISSIONER : Shri Khopey Thaley
Relevant facts emerging from Appeal:

RTI application file on	:	27/11/2024
PIO replied on	:	
First appeal file on	:	26/02/2025
First Appellate Authority's order	:	
2nd Appeal dated	:	17/04/2025

Information sought :

The appellant file an RTI Application dated 27/11/2024 seeking Details regarding Scheme C/o Road from Chug to Laching under Dirang Circle.

As per the case record, PIO has never conducted hearing under his jurisdiction.

Being dissatisfied, the appellant filed First Appeal dated 26/02/2025. No hearing has been conducted by the First Appellate in this regard. Feeling aggrieved and dissatisfied, appellant approached the Commission with instant Second Appeal.

The following were present.

Appellant : Shri Pen Dondup Thongkhar attended through VC

Respondent : PIO-cum-EE (PWD), Dirang Sub- Division absent.

JUDGMENT/ORDER

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellants Pem Dondup Thongkhar, Dorjee Thinley Jamkhar & Khandu Thaogkhar on **27.11.2024** filed an RTI application under Form-'A' before the PIO-Cum- Executive Engineer (PWD), Dirang Sub- Division, West Kameng District, Govt. of Arunachal Pradesh whereby, seeking various information, as quoted in Form-A application. The Appellant, being not satisfied with the information received from the PIO, filed the First Appeal before the First Appellate Authority on **26.02.2025**, Appellant, again having not received the required information from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on **17.04.2025** and the Registry of the Commission (APIC), having receipt of the appeal, registered it as **APIC No. 331/A/2025** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission for first time i.e on 03/09/2025. In this hearing of the appeal on 3rd day of September, 2025, PIO-cum-EE (PWD), Dirang Sub-Division found absent and the appellant Pem Dondup Thongkhar attended the hearing through VC. The appellant is directed to file before the F.A.A for the information under Section 6 of RTI Act which he is seeking. The FAA-cum-Superintendent Engineer (PWD), Rupa, West Kameng District and PIO-cum-Executive Engineer (PWD), Dirang Sub-Division, West Kameng District, is directed to take up case and dispose as per Section-7 of RTI Act, 2005 within 30 days on receipt of the request.

Under Section 19(1) of the Act, the First Appellate Authority (FAA), the intermediate level, has to adjudicate on the Appeal, if any, filed by the information seekers against the decision of the PIO.

As laid down at para-38 of the Guidelines for the FAA issued by the GOI and the State Govt., adjudication on the appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority (FAA), following the principle of natural justice, should conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter must pass reasoned and speaking order on merit within 30 days from the date of receipt of the appeal or else the action of the FAA would be considered as procedural lapse on the part of the FAA.

Further, it is noticed that the Appellant in most case do not wait for the orders of the First Appellate Authority (FAA) and directly prefer appeals before the 2nd Appellate Authority without attaching a copy of order passed by the First Appellate Authority (FAA) unintelligently. Here, it is germane to note that for availing 2nd appeal before the 2nd Appellate Authority, the Appellant has been given 90 days' time from the date of order passed by the First Appellate Authority (FAA). The 2nd appeal, if he/she is dissatisfied with the decision of the First Appellate

Authority (FAA), must be accompanied by the orders passed by the First Appellate Authority (FAA).

The appeal is accordingly remand back to the First Appellate Authority for adjudication and passing an appropriate order who, being the officer senior I n rank to the PIO and well versed with the knowledge of the functioning of the department, shall apply his mind and go into the aspects like what kind of information was sought by appellant in his application, whether the same and could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act or whether the information relates to matter covered by Section 11 of the RTI Act etc. and then pass a speaking order giving justification for his decision within 3 (three) weeks from the date of receipt of this order.

Therefore, perusing the case records, the Commission deemed fit to remand back he appeal case APIC No. 331/A/2025 to First Appellate Authority for proper hearing. The case is disposed off with liberty to appellant to prefer second appeal if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no fees need be paid.

The Commission found that the hearing case has not been done through proper procedure, I find this appeal fit to be disposed of and closed. And, accordingly, this appeal stands disposed off and remand back to FAA for proper hearing.

Judgment/Order pronounced in the open Court of this Commission today on this 3rd day of September, 2025. Each copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this **3rd day of September, 2025.**

Sd/-
(Khopey Thaley)
State Information Commissioner
APIC, Itanagar.

Memo.No.APIC-331/A/2025 /751 Dated Itanagar, the ..5..... Sept' 2025.

Copy to:

1. The FAA-cum-Superintendent Engineer (PWD), Rupa, West Kameng District, Govt. of Arunachal Pradesh for information and necessary action please.
2. The PIO-cum-Executive Engineer (PWD), Dirang Sub-Division, West Kameng District, Arunachal Pradesh for information and necessary action please.
3. Shri Pem Dondup Thongkhar, Dorjee Thinley Jamkhar & Khandu Thaogkhar. **Contact No. 8414992277**
4. The Computer Programmer for upload on the Website of APIC, please.
5. Office Copy.

Registrar/Dy. Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar