



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR

BEFORE THE HON'BLE COURT OF SHRI GUMJUM HAIDER, STATE INFORMATION
COMMISSIONER

No.APIC- 577/2022

Dated, Itanagar the 29th Jan,2024.

Under Section 19(3) of RTI Act, 2005

Appellant

Shri Tasi Chader
Papu Nallah, Naharlagun
Arunachal Pradesh

Vs

Respondent

PIO –cum- BDO Limeking-Taksing
CD Block, Upper Subansiri District,
Arunachal Pradesh.

JUDGEMENT ORDER

This is an appeal under section 19(3) of RTI Act, 2005 was received from Shri **Tasi Chader, Papu Nallah, Naharlagun, Arunachal Pradesh**, for non-furnishing of information, by **PIO –cum- BDO Limeking-Taksing CD Block, Upper Subansiri District, Arunachal Pradesh**, as sought for by the appellant under section 6(1) of RTI Act, 2005.

Brief fact of the case being that the appellant on 03.06.2022 filed an RTI application under 'Form-A' before the PIO, whereby, seeking various information regarding:

"Information regarding materials procured and supplied of MGNREGA at Lemiking-Taksing CD Block, Upper Subansiri District for the period of 2021-2022."

The above subject has been mentioned in detail under 'Form – A'.

The 1st hearing of this case was held on 27.09.2022. The appellant was present. But the PIO was absent. Therefore, the case couldn't be heard. The Commission seriously viewed the absention of the PIO from performing the Statuary duty. Hence, the PIO was served with Show Cause Notice as to why a Penalty under Section 20(1) should not be imposed against the PIO. So, the PIO was once again directed to appear in person vide order no.APIC/577/2022/358 dtd 17th Oct,2022 in the next date of hearing of this case fixed on 16th Nov,2023 at 1030 hrs along with the replies of the information sought by the appellant and also the reason(s) of his absence of 27th Sept,2022 hearing failing which arrest warrant shall be issued under Section 18(3) (a) of the RTI Act,2005.

The 2nd hearing of this case was held on 16.11.2022. The appellant was present, but the PIO was absent. Penalty should be imposed against the PIO for his consecutive 02(two) time absence without any intimation nor he has deputed any representative to be present on his behalf. But, on 18th Nov,22 the PIO approached the State Information Commissioner personally in the Office Chamber and apprised about the facts of his absence and submitted letter vide No.LKG/CD/ESTT/2022-23 dtd 16th Nov,2022 (copy enclosed for ready references). Hence, the Commission considering the genuineness of the plea of the PIO has re-considered the judgement pronounced in the hearing of this case which was held on 16.11.2022 and given a chance to the PIO to appear in person in the next date of hearing of this case fixed on 7th Dec,22 with all the information sought by the appellant.

The 3rd hearing of this case was re-scheduled on 23.12.2022. Both the parties were present. Heard both the parties. Information sought by the appellant has been furnished by the PIO to the appellant during the hearing of this case. The appellant has been directed to go through the same and he should inform his satisfaction/dissatisfaction on or before the next date of hearing of this case fixed on 15.02.2023.

The 4th hearing of this case was held on 15.02.2023. Both the parties were present. The appellant informed the Court/Commission that the information furnished by the PIO in its previous hearing is incomplete and he is unsatisfied with the information on this the Commission instructed the PIO to swear-in an Affidavit of the information which are not under his custody, and both should sit together in an internet facility center/system to settle the issue. The next date of hearing of this case is fixed on 01.03.2023.

The 5th hearing of this case was held on 01.03.2023. The appellant was present. But the PIO was absent. However, the new PIO has submitted an application pleading the Court/Commission to extend the today's hearing due to some unavoidable circumstances for at least a week time and he would submit the swear in Affidavit in the next date of hearing of this case. Therefore, the Court has fixed the next date of hearing on 26.04.2023.

The 6th hearing of this case was held on 26.04.2023. The appellant was present, but the PIO was absent. The Commission seriously viewed the absence of the PIO and to Show Cause as to why he should not be imposed a reasonable penalty as provided in Section 20(1) of the RTI Act,2005 failing which he shall be invoked with the Section 20(2) of the RTI Act,2005. The next date of hearing of this case was re-fixed on 17.05.2023.

The 7th hearing of this case was held on 17.05.2023. Both the parties were present. The Court directed the PIO to furnish all the information sought by the appellant and both of them should sit together in an internet system and take out the sought information and also the Court has directed the PIO to swear in an Affidavit of the information which are not under the custody of the PIO. The next date of hearing of this case is fixed on 31.05.2023.

The 8th hearing of this case was held on 31.05.2023. Both the parties were present. Heard both the parties. The swear-in Affidavit has been furnished by the PIO and handed over to the appellant during the hearing of this case. Appellant has expressed his satisfaction on receiving the sworn in Affidavit and pleaded for disposal of the case.

Considering all the above aspects into account, I find this appeal fit to be disposed of as infructuous. And, accordingly, this appeal stands disposed of and closed for once and for all. Each copy of this order disposing the appeal is furnished to the parties.

Given under my hand and seal of this Commission's Court on this 29th Jan,2024.

**Sd/-
(GUMJUM HAIDER)
State Information Commissioner,
APIC, Itanagar.**

Memo.No.APIC- 577/2022/1278

Dated, Itanagar, the 30 Jan,2024

Copy to: -

1. The PIO –cum- BDO Limeking-Tasking, CD Block, Upper Subansiri District, Arunachal Pradesh, for information & necessary action please. Pin-791122.
2. Shri Tasi Chader, Papu Nallah, Naharlagun, Arunachal Pradesh, contact no.- 7085733384, 9402747750, Arunachal Pradesh, for information & necessary action please. Pin-791110.
3. The Computer Programmer/ Computer Operator for uploading on the Website of APIC, please.
4. Office copy.


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

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE BLOCK DEVELOPMENT OFFICER :: LIMEKING TAKSING
UPPER SUBANSIRI DISTRICT

No.LKG/CD/ESTT/2022-23

Dated Limeking the 16th November 2022

To,

The State Information Commissioner
APIC, Itanagar.

Sub:- **Clarification on non-compliance to your summon letter Case No.APIC-577/2022 for hearing under RTI Act 2005.**

Sir,

With reference to your Order No APIC-577/2022/358 Dated 17th October 2022, Vide Case No.APIC -577/2022 regarding furnishing of information sought under RTI Act 2005, for materials procured and supply of MGNREGA at Limeking/Taksing CD Block, Upper Subansiri District, I was summoned to appear in the Hon'ble Court of Shri Gumjum Haider, SIC in person on the 16th November at 10:30am. However I couldn't attend the said hearing.

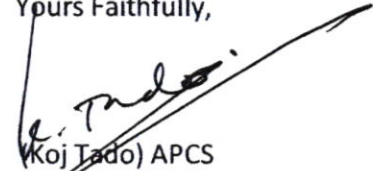
Sir, It is to inform you that, I had received your Order lately on 16th Nov 2022, a copy of the Dak from the post Office received is enclosed for your perusal.

Also it is to bring to your notice that, the Post Dak no EE506130020IN was delivered to the Limeking B.O on 10th of November and thereafter it was delivered to the undersigned, in person, on 16th of November on the hearing date itself, a copy of the receipt of the same by the staff of the undersigned in the register of the Limeking Branch Post Master is enclosed for perusal. Thus, under those circumstances, I could not attend the hearing scheduled on 16th Nov 2022.

This is for your information and kind consideration to the above matter.

Enclosed: As Stated above.

Yours Faithfully,



(Koj Tado) APCS

PIO- Cum- Block Development Officer
Limeking/Taksing, CD Block
Upper Subansiri District