



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE FULL BENCH COURT OF STATE INFORMATION COMMISSIONERS

No.APIC-658/2023

Dated, Itanagar 26th March, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Tamchi Gungte, Near, KV2 School, Chimpu, Itanagar, Arunachal Pradesh, PIN-791113, (M) 9233567279/8257994249.

Vs

Respondent: Er. C.J. Manow, the SPIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh, PIN-792103.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Tamchi Gungte, Near, KV2 School, Chimpu, Itanagar, Arunachal Pradesh for non-furnishing of information by the SPIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 28/04/2023 regarding Construction of double storey RCC Hostel building with brick walling & CGI roofing for 100 girls at Govt. Hr. Sec. School, Namsai in Namsai Block of Namsai District, A.P.

The 3rd hearing is held today on 26th March, 2024 as scheduled. Er. C.J. Manow, the PIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh and the Appellant Shri Tamchi Gungte are absent.

Despite warning order passed on the 1st hearing held on 17th October, 2023 and Show Cause Notice issued on 2nd hearing held on 12th December, 2023 the PIO remained absent willfully and did not comply with the directions of Commission. Continuous willful absence and negligence of the public authority in performing statutory duty is disrespect to the law made by the Parliament. It is unbecoming and gross violation of the provisions of the RTI Act 2005, it is viewed very seriously as the PIO has been avoiding his appearance before the commission. He has also totally failed to furnish information against the request of appellant in Form-A dated 01/05/2023. The PIO has also failed to reply to the Show Cause notice served to him by the Commission on 2th December, 2023. In view of the facts and circumstance as above the Commission hereby impose penalty of Rs. 25, 000/- (Rupees twenty five thousand) only against Er. C.J. Manow, the SPIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh for the gross violation of the provisions of the RTI Act 2005. The PIO is directed to deposit the said penalty amount in favour of the Registrar, Arunachal Pradesh Information Commission, Itanagar through Treasury Challan in the Head of Account "0070-Other Administrative Charge". The penalty amount has to be deposited before 30th April, 2024 and has to produce the proof of depositing the amount through treasury challan along with all the information as sought for by the Appellant, on the next date of hearing failing which additional action shall be initiated under Section 20(2) of the Act i.e. recommendation for disciplinary action and arrest warrant under 18(3)(a) of the RTI Act to compel the attendance in the court hearing.

Both the parties are directed to appear before the Commission's court in persons on the next date of hearing. In case the PIO fails to appear the Commission shall be compelled to invoke recommendation of disciplinary action against the PIO under section 20(2) of the RTI Act, 2005 and *arrest warrant under 18(3)(a) of the RTI Act to compel the attendance in the court hearing*. In case appellant remains absent the Commission shall dispose of the case without any further notice, presuming that the Appellant is no more interested in the information.

The next date of hearing is fixed on 11th June, 2024 (Tuesday) at 1030 hrs.

Therefore, Er. C.J. Manow, the SPIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No.APIC-658/2023/948
Copy to:

Dated, Itanagar the 28th March, 2024

1. The Chief Engineer(WRD)-cum-FAA, Govt. of A.P. Eastern Zone, Itanagar, PIN-791111, to ensure attendance of Er. C.J. Manow, the SPIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh, before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
2. The Deputy Commissioner, Govt. of A.P. Namsai, Namsai District, Arunachal Pradesh, PIN-792103, to ensure attendance of Er. C.J. Manow, the SPIO-cum-EE (WRD), Govt. of A.P. Deptt. Water Resource Department, Namsai Division, Namsai District, Arunachal Pradesh, before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
4. Case file.



Registrar /Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar

Arunachal Pradesh Information Commission
Itanagar