



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR

BEFORE THE FULL BENCH COURT OF STATE INFORMATION COMMISSIONERS

No.APIC-543/2023

Dated, Itanagar the 26th March, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Tania June, c/o of Post Office Naharlagun Arunachal Pradesh, PIN-791111, (M) 8131848230.

Vs

Respondent: Shri S.T. Tara, the Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar. PIN-791111.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Tania June, c/o of Post Office Naharlagun Arunachal Pradesh for non-furnishing of information by the State Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 13/03/2023 regarding appointment of under Junior Engineer (JE) Civil, Sports Quota / Handicapped/General of advertisement Date on 26th, 27th, 28th 29th September 2016.

The 4th hearing is held on 26th March, 2024 as scheduled. Shri S.T. Tara, the Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar and the Appellant Shri Tania June are absent.

It is observed that neither the PIO has intimated the commission of the action taken report as per the directions passed in the 1st hearing held on 29th August, 2023 nor has replied to the Show Cause notice served on the 2nd hearing held on 7th October, 2023 and also did not appear before the Commission as given chance on the 3rd hearing held on 12th December, 2023. The Commission hereby decides to impose penalty on the PIO under section 20(1) of the RTI Act 2005 for willful absence and non-compliance 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 uncalled for and gross violation of the provisions of the RTI Act 2005, which is viewed very seriously.

The PIO has been given maximum opportunities to furnish information to the appellant against the application filed for certain information in Form-A dated 23rd March, 2023.

Having observed the gross violation of the provisions of the Act in the matter and non-compliance with the directions of the commission, the Commission hereby impose penalty of Rs. 25, 000/- (Rupees twenty five thousand) only against Shri S.T. Tara, the Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar 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, Shri S.T. Tara, the State Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagaris 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

Dated, Itanagar the 28 March, 2024

Memo No. APIC-543/2023/944

Copy to:

1. The Commissioner / Secretary (PWD), Govt. of A.P. Public Works Department, A.P. Civil Secretariat, Itanagar Arunachal Pradesh, PIN-791111, to ensure attendance of Shri S.T. Tara, the Public Information Officer (PIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
2. The Chief Engineer-cum-FAA, Govt. of A.P. O/o Public Works Department, Itanagar Arunachal Pradesh, PIN-791111, to ensure attendance of Shri S.T. Tara, the State Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
3. The Deputy Commissioner, Govt. of A.P., Capital Complex, Itanagar, Arunachal Pradesh, PIN-791111, to ensure attendance of Shri S.T. Tara, the State Public Information Officer (SPIO), Govt. of A.P. Department of PWD Capital Circle-cum-Coordination Training & Vigilance, Itanagar before the Court of State Chief Information Commissioner, APIC, Itanagar.
4. Computer Programmer, APIC, Itanagar, to upload in APIC Website.
5. Case file.

Registrar /Dy. Registrar
Arunachal Pradesh Information Commission

Itanagar

Arunachal Pradesh Information Commission
Itanagar