



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC-837/2025.

(Summon to appear in person)

(Or.5, R.3 of CPC)

APPELLANT :Shri Ashok Sangbia, Prem Nagar, Nlg.
RESPONDENT :The PIO, o/o the Executive Engineer (PWD), Naharlagun
Division, Papum Pare District (A.P)

ORDER/SUMMON

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Ashok Sangbia for non-furnishing of 14(fourteen) point information on recruitment and appointment of Work Charge Staff by the PIO, o/o the Executive Engineer (PWD), Naharlagun Division, Papum Pare District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 03.09.2025:

This appeal was, accordingly, heard on 20.03.2026, wherein the appellant, Shri Ashok Sangbia was present in person while the PIO was represented by Shri Tech Paka, UDC, o/o the EE (PWD) Naharlagun Division with replies to some of the queries/requested documents. This Commission, after hearing the parties, had passed, in the interim, the following direction:

{*"This Commission, after hearing the parties and perusing the PIO's letter dt.20.03.2026 by which the replies were furnished to the appellant, notice that the replies to most of the queries have, in deed, been found as, "to be obtained from the higher authority". Such replies are not in consonance with the requirement of the RTI Act. In this regard, the attention of the PIO is drawn towards the provisions of section 5(4) and (5) of the RTI Act, 2005 which provides as under:*

"5(1)....

(2).....

(3).....

(4) The Central Public Information or State Public Information Officer, as the case may be, may seek the assistance of any officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be."

The sub-sections (4) and (5) of section 5 of the RTI Act provide that a Public Information Officer (PIO) may seek the assistance of other officer for proper discharge of his/her duties. The officer, whose assistance is sought, shall render all assistance to the PIO and shall be treated as a PIO for the purpose of contravention of the provisions of the Act.

The implication of the provisions of the above sub-sections is that on being requested by the PIO for the assistance of an officer for providing the documents requested by an RTI applicant, the said officer is bound to provide the requested documents/information and in the event of failure to provide the documents/information, such officer can be proceeded against as a PIO.

In view of the provisions of law as above, the PIO, o/o the EE (PWD), Naharlagun Division is directed to collect the requested documents from the o/o the SE (PWD), Capital Circle, Itanagar and provide to the appellant within 1(one) month from the date of receipt of this order. It is, however, made clear that if the o/o the PIO does not hold any of the requested information/documents, then as mandated under section - 7(8)(i) of the RTI Act the reason for denial of the information has to be communicated to the applicant to his satisfaction. And as mandated by section-18(3)(c) of the RTI Act, 2005 and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared/supported by way of an affidavit. The appellant may also visit the o/o the PIO and inspect the documents as entitle to under section2((j)(i) of the RTI Act, 2005 and intimate this Commission within 1(one) week of the receipt of the documents from the PIO failing which this appeal shall stand closed without further notice.”}

The appellant, as directed has now, vide letter dt. 06.04.26 as reproduced hereunder, Complained that the PIO did not furnish the left out information or the affidavit despite this Commission's direction.

“Respect Sir,

With reference cited subject above, O/O Executive Engineer Public Works Department (PWD) Naharlagun Division under Papum Pare District Naharlagun (A.P) is yet not prepare to furnished on Affidavit Court Paper as per your Hon'ble APIC Court was directed to EE PWD Naharlagun Division the following SL. No (4) (5) (7) (9) (11) (12) (10) whereas first hearing was conducted your Hon'ble court on 20th March, 2026, as per form-A under section 6(1) RTI Act 2005, that I have not satisfied all furnished sought information documents by EE PWD Naharlagun Division.

Therefore sir, I humble request you and your good Hon'ble APIC court to fix the next the day of hearing of me (Appellant) and PIO cum EE PWD Naharlagun Division (Responding) in your court.

Thanking you

*Yours Faithfully
(Ashok Sangbia)*

In the premises as above, the PIO is directed to furnish the left out information and/or the required affidavit to the appellant in right earnest and report compliance therewith on the next date of hearing which is fixed on 13.05.2026 failing which this Commission shall be constrained to invoke the provisions of section 20 of the RTI Act, 2005.

Given under my hand seal of this Commission on this 9th April, 2026.

NOW THEREFORE, you are hereby summoned to appear in person or online in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC on 13th May, 2026 (Wednesday) at 10.30 am** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

Take notice that, in default of your appearance, on the day above- mentioned, the matter will be heard and determined in your absence.

To avail online hearing please at least notify or get in touch one day prior to the hearing, download "**WEBEX MEETING APP**" from Google Play store. For further technical assistance Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957) maybe contacted

Sd/-
(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar

Memo No. APIC- 837/2025 / 763 Dated Itanagar, the 09 April, 2026

Copy to:

- 1) The Chief Engineer (PWD), Govt. of A.P, Western Zone Itanagar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
- 2) The PIO, o/o the Executive Engineer (PWD), Naharlagun Division, Papum Pare District (A.P) PIN : 791110 for information and compliance.
- 3) The Superintending Engineer (PWD), Capital Circle, Itanagar for information and compliance.
- 4) Shri Ashok Sangbia, Prem Nagar Naharlagun Papum Pare District (A.P) PIN: 791110 Mobile No. 8119994490 for information.
- 5) The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
- 6) Office copy.
- 7) S/Copy.

Prajyoti/09/26
Registrar/ Deputy Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar