



ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR

**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE
INFORMATION COMMISSIONER**

Under Section 19(3) RTI Act, 2005
Appeal No. APIC-643/2023

Shri Teli Naga, Vice President (Pro)
Arunachal Law Students Union (ALSU)
PO/PS-Banderdewa Papum Pare District, (A.P). : Appellant

PIO O/o the Chief Engineer PMGSY, ARRDA,
RWD Itanagar, (A.P). : Respondent

This is an appeal under Section 19 (3) of RTI Act,2005 received from Shri Teli Naga, Vice President (Pro) Arunachal Law Students Union (ALSU) PO/PS- Banderdewa District, Arunachal Pradesh for non-furnishing of information(s) by the PIO- O/o the Chief Engineer PMGSY ARRDA, RWD ITANAGAR (A.P). Pin: 791123 as sought for by the Appellant under Section 6 (1) (Form-A) of RTI Act,2005.

Date of filling of RTI application	21.04.2023
PIO's response	-
Date of filing of First Appeal	01.06.2023
First Appellate Authority's response	-
Date of diarized receipt of Second Appeal by the Commission	13.07.2023
Date (s) of Hearing in the Commission	19.06.2024
Date of order/decision	19.06.2024

ORDER

The hearing of this appeal was held today on 19.06.2024 as scheduled wherein the Appellant Shri Teli Naga attended through V.C but neither the PIO nor its representative attended the hearing despite summon notice.

Facts of the case:

The brief facts of the case as reveal from the record are that the Appellants, Shri Teli Naga, vide his application dt.21.04.2023 filed before the PIO, o/o Chief Engineer, PMGSY, ARRDA, RWD, Itanagar had sought for the following information:

- Particulars of information:** Additional fund released for Road and Maintenance for Mazgaon to Gandhi gram (Part-V of Miao to Vijayanagar) 31KM to 141 KM pt.

2. **Details of information required:**

- a) Certified true copy of sanction order
- b) Payment allotment /authorized copies
- c) Segregate copies of bills submitted by concerned Division
- d) Copy of U.C (Utilization Certificate)

3. **Other details:** True copies of all the documents under section 2(1) and (2)

4. **Period for which information asked for:** 2018 to till date

The PIO, o/o the Chief Engineer, PMGSY, ARRDA, RWD, Itanagar, vide his letter dt 26.04.2023 addressed to the Executive Engineers /DPIU-I, RWD of all the Divisions in the State, while forwarding the copy of application dt.21.04.2023 filed by the appellant, requested them to furnish the information falling within their jurisdiction.

The information, it is seen, however, remained unfurnished and hence, the Appellant filed 1st appeal vide Memo of Appeal dt.11.09.2023 before the First Appellate Authority (FAA), the Chief Engineer (PMGSY) RWD, Itanagar.

The appellant, having failed yet again to obtain the sought for information even on 1st appeal, preferred this second appeal before the Commission vide his memo of appeal dt.12.07.2024 under section 19(3) of the RTI Act 2005.

Hearing and decision:

The Appellant, during the course of hearing, reiterated the contents of his RTI application and requested the Commission for passing an appropriate order. The Commission, however, observes that the First Appellate Authority did not take any action on the appeal as mandated under section 19(1) of the RTI Act, 2005.

As laid down in the guidelines issued by the Govt. of India and the State Govt., the adjudication on the appeal under the RTI Act is 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 that, the order passed by the Appellate Authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority, following the principle of natural justice, should conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass a reasoned and speaking order on merit.

In the instant case, the First Appellate Authority, having not discharged its mandated duty under section 19(1) of the RTI Act, 2005, the Commission deems it appropriate to remand the appeal to the First Appellate Authority for adjudication at its level first.

The appeal is, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate order who, being the officer senior in 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 the appellant in his application, whether the same was and could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act or whether the information pertains to matters covered under section 11 of the RTI Act etc. and then pass a speaking order giving justification for his decision within 4(four) weeks from the date of receipt of this order.

This appeal is, thus, disposed of with the direction as above with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no cost need be paid.


Sd/-
(S.Tsering Bappu)
State Information Commissioner,
APIC, Itanagar.

Memo.No. APIC- 643/2023/ 126

Dated, Itanagar, the 27 June 2024

Copy to:

1. The Chief Engineer PMGSY, ARRDA RWD Itanagar-cum-FAA P/o-Itanagar PIN:791111.
2. The PIO O/o the Chief Engineer PMGSY, ARRDA, RWD ITANAGAR (PIN:791111) Govt. of Arunachal Pradesh, for information & necessary action please.
3. Shri Teli Naga, Vice President (Pro) Arunachal Law Students Union (ALSU) PO/PS-Banderdewa Papum Pare District, (A.P). PH-6909447020, Pin-(791123) Arunachal Pradesh for information & necessary action please.
- ✓ 4. The Computer Programmer for uploading on the Website of APIC, please.
5. Office copy.


Registrar/Dy. Registrar,
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar