



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

.....
(Before the Hon'ble Information Commissioner Mr Dani Gamboo)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No.713/2023(Appeal)

Shri Takam Sakap
C/o Hotel 3D Chandranagar
Itanagar Papumpare District
A.P Pin: 791111.
(M) 9774171288/9366385390

Appellant

Versus

1. PIO cum EE
PHE & WS Mechuka Division
Shi-Yomi District AP
Pin: 791003.

Respondents

2. The FAA cum CE
PHE & WS E/Z GoAP Papumpare
District Itanagar AP.
Pin: 7911111.

Date 24.06.2024

JUDGEMENT / ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act. 2005. Brief fact of the case is that the appellant Shri Takam Sakap on 24.05.2023 filed an RTI application in Form-A to the PIO cum EE PHE & WS Mechuka Division Shi-Yomi District AP, whereby, seeking various information as quoted in Form-A application.

Appellant being not received information from the PIO, filed the First Appeal before the First Appellate Authority cum CE PHE & WS E/Z Namsai / Itanagar AP on 27.06.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 31.07.2023. The appellant has not attached any order of decision or response from the FAA.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.713/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 24.06.2024. Notice of hearing dated 28.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 21.06.2024 the respondents PIO Shri Marter Riba EE PHE & WS Mechuka Division Shi-Yomi District appeared. The appellant Shri Takam Sakap did not appear. The FAA cum CE PHE & WS E/Z Namsai / Itanagar did not appear but submitted a written submission that he has directed PIO to provide the information and sought exemption from his personal appearance.

Heard the PIO.

The PIO states that the information is ready and he has written to the appellant to collect the information on 13.7.2023 but the applicant did not come forward.

On perusal of the case file, it is observed that there is no action on record taken by the FAA on the first appeal filed by the appellant

As laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21st August, 2008,.. adjudication on the appeals under RTI Act is a 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 so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

The commission observes that under section 19(1) of the RTI Act, 2005, for the principle of natural justice, it is mandatory for the FAA to summon the appellant and PIO, give fair opportunity of being heard and pass speaking order on merit. Since, it is not done, the case is pre-mature to be considered as an appeal under section 19(3) of the RTI Act, 2005.

Therefore, the First Appellate Authority (FAA) and CE PHE & WS EZ Namsai / Itanagar AP, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order. Hence, this appeal is remanded to the First Appellate Authority (FAA).

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with liberty to the appellant to file appeal

afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 24th day of June 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 24th day of June' 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner
APIC, Itanagar

Memo No.APIC-713/2023/ 110
Copy to:

Dated Itanagar the 25th June' 2024.

1. The FAA cum CE PHE & WS E/Z GoAP Namsai / Itanagar AP. 791111
2. The PIO cum EE PHE & WS Mechuka Division GoAP Shi-Yomi District AP. 791003
3. Shri Takam Sakap C/o Hotel 3D Chandranagar Itanagar Papumpare District A.P Pin: 791111. (M) 9774171288/9366385390
4. Computer Programmer APIC, APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.

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