



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. 1044/2023(Appeal)

Shri Sangkung Jonah
Koloriang Kurung Kumey
District A.P Pin: 791118.
(M) 9612032652

Appellant

Versus

1. Shri Tani Talom
PIO cum Joint Director
Directorate of Elementary Education
Itanagar
Arunachal Pradesh
Pin: 791111.

Respondents

2. Shri Kadhing Perme
FAA cum Director Elementary Education
Itanagar, Papumpare District
Arunachal Pradesh. Pin: 791111.

Date of hearing: 24.05.2024

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 Sankung Jonah on 22.06.2023 filed an RTI application in Form-A to the PIO, Directorate of Elementary Education, GoAP, Itanagar, 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 the Director of Elementary Education on 07.09.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 13.11.2023. The appellant has not attached any order of decision or response from the FAA against which appeal is preferred.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.1044/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 24.5.2024. Notice of hearing dated 01.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 24.05.2024 the respondents PIO Shri Tani Talom, Joint Director Elementary Education is present. The appellant Shri Sankum Jonah appeared. FAA & Director Elementary Education Shri Kadhing Perme did not appear.

Heard the parties present.

The appellant states that neither information document has been furnished to him by the PIO nor FAA has heard his appeal to dispose off the case at his / her level. So, he filed 2nd appeal to the Arunachal Pradesh Information Commission and prayed for necessary action as deemed fit.

The PIO could not substantiate any reason for not furnishing the information sought for except the statement that he is a new PIO for his department.

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.

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

Therefore, the First Appellate Authority (FAA) and the Director Elementary Education Shri Kadhing Perme, 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), the Director of Elementary Education Department, GoAP, Itanagar.

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 May 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 May' 2024.

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

Memo No.APIC-1044/2023/1628
Copy to:

Dated Itanagar the 25th May' 2024.

1. Shri Kadhing Perme FAA cum Director Elementary Education GoAP Itanagar Papumpare District Arunachal Pradesh. Pin: 791111.
2. Shri Tani Talom PIO cum Joint Director o/o the Directorate of Elementary Education GoAP Itanagar Papumpare District Arunachal Pradesh Pin: 791111.
3. Shri Sangkung Jonah Koloriang Kurung Kumey District A.P Pin: 791118 (M) 9612032652
4. Computer Programmer APIC, Itanagar to upload in APIC website and mail to all concern in their departmental email id.
5. Office copy.

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