



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. 605/2023(Appeal)

Shri Tamchi Gungte, GS (APPRF)
Near KV2 School
Chimpu Papumpare
District A.P Pin: 791113.
(M) 8257994249 / 9233567279

Appellant

Versus

1. PIO o/o the Elementary Education
Dept. GoAP Itanagar Papumpare
District Arunachal Pradesh. Pin: 791111.

Respondents

2. FAA cum Director of
Elementary Education Dept.
GoAP Itanagar Papumpare
District Arunachal Pradesh.
Pin: 791111.

Date 17.06.2024

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 Tamchi Gungte on 17.04.2023 filed an RTI application in Form-A to the PIO O/o the Elementary Education Dept. 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 Dept. GoAP Itanagar on 18.05.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 03.07.2023. 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.605/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 17.06.2024. Notice of hearing dated 22.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 17.06.2024 the respondents PIO o/o the Elementary Education Dept. GoAP Itanagar and the appellant Shri Tamchi Gungte did not appear. FAA & Director Elementary Education is found absent.

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.

Therefore, the First Appellate Authority (FAA), cum Director of Elementary Education Dept. GoAP Itanagar, 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. As such, 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. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 17th 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 17th day of June' 2024.


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

Memo No.APIC-605/2023/ 83

Dated Itanagar the 20 June' 2024.

Copy to:

1. The FAA cum Director of Elementary Education Dept. GoAP Itanagar Papumpare District AP. 791111
2. The PIO o/o the Elementary Education Dept. GoAP Itanagar Papumpare District AP. 791111
3. Shri Tamchi Gungte near KV2 School Chimpu Papumpare District A.P Pin: 791113. (M) 8257994249 / 9233567279
- ✓ 4. Computer Programmer, APIC Itanagar with request to upload in APIC website and mail it to all concern in their official email id.
5. Office copy.


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