



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. 808/2023(Appeal)

Shri Nyami Yarpen
Vill- Yoji Yora
PO/PS: Aalo
West Siang District A.P
Pin: 791001
(M) 7627903897

Appellant

Versus

1. Shri Dagli Kato
PIO cum EE, PWD Basar Division
Leparada District A.P.
Pin: 791101

Respondents

2. The FAA cum SE, PWD Basar Circle
Leparada District A.P.
Pin: 791101

Date 21.06.2024

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 Nyami Yarpen on 24.05.2023 filed an RTI application in Form-A to the PIO Shri Dagli Kato, EE PWD Basar Division Leparada District A.P, 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 SE PWD Basar Circle Leparada District A.P. on 17.07.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 23.08.2023. 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.808/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 21.06.2024. Notice of hearing dated 22.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 21.06.2024 the respondent PIO Shri Dagli Kato, EE PWD Basar Division Leparada District A.P is present. The appellant Shri Nyami Yarpen did not appear. FAA & SE, PWD Basar Circle Leparada District A.P did not appear himself but represented by Shri Dagli Kato, EE PWD Basar Division Leparada.

Heard the parties present.

PIO Shri Dagli Kato EE PWD Basar has come with information but appellant did not present to receive the information/documents before the court. The PIO states that the FAA cum SE PWD Bassar Circle has not heard the appeal.

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 SE PWD Basar Circle Leparada District A.P, 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), the SE PWD Bassar Circle.

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 21st 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 21st day of June' 2024.

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

Memo No.APIC-808/2023/ 101
Copy to:

Dated Itanagar the 21st June' 2024.

1. The FAA cum SE, PWD Basar Circle Leparada District A.P. Pin: 791101
2. Shri Dagli Kato PIO cum EE, PWD Basar Division Leparada District A.P.Pin: 791101.
3. Shri Nyami Yarpen Vill- Yoji Yora PO/PS: Aalo West Siang District A.P Pin: 791001 (M) 7627903897
4. Computer Programmer, Itanagar, APIC to upload in APIC website and mailed to concerned department email.
5. Office copy

Registrar / Dy. Registrar
APIC, Itanagar