



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. 801/2023(Appeal)

Shri Nechang Kamke  
Village-Rakap Sanglum  
near Pachin Colony  
Naharlagun Papumpare  
District A.P Pin: 791110.  
(M) 9383183453 / 9436872228

Appellant

Versus

1. Shri Sang Rakpa Kochey  
PIO o/o Directorate of Science  
& Technology GoAP Itanagar  
Papumpare District  
Arunachal Pradesh.  
Pin: 791111.

Respondents

2. Shri C.D Mungyak  
FAA cum Director of Science  
& Technology GoAP 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 Nechang Kamke on 15.06.2023

filed an RTI application in Form-A to the PIO in the office of the Directorate of AP State Council for Science & Technology, GoAP, Itanagar, whereby, seeking various information as quoted in Form-A application.

Appellant being not received the information from the PIO, filed the First Appeal before the First Appellate Authority on 17.7.2023. Appellant again having not received the required information from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 22.8.2023 and Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No. 801/2023 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 24.5.2024 the PIO Shri Sang Rakpa Kochey and the appellant Shri Nechang Kamke present during the hearing. Shri C.D Mungyak FAA cum Director AP state council for Science & Technology, Itanagar did not appear.

Nonappearance of the FAA for hearing is an act of irresponsible and deliberate negligence and violation to implementation of the provisions in the RTI Act 2005.

Heard the parties present. Both the PIO and appellant stated that the FAA has not heard them to dispose of the appeal at his level.

*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 21<sup>st</sup> 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), the Director AP State Council for Science and Technology, 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. Therefore, 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 24<sup>th</sup> 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 24<sup>th</sup> day of May' 2024.


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

Memo No.APIC-801/2023/1682

Dated Itanagar the 30<sup>th</sup> May' 2024.

Copy to:

1. Shri C.D Mungyak FAA cum Director, AP State Council for Science & Technology GoAP Itanagar Papumpare District Arunachal Pradesh. Pin: 791111.
2. Shri Sang Rakpa Kochey PIO o/o Directorate of AP State Council for Science & Technology GoAP Itanagar Papumpare District Arunachal Pradesh. Pin: 791111.
3. Shri Nechang Kamke Village-Rakap Sanglum near Pachin Colony Naharlagun Papumpare District A.P Pin: 791110 (M) 9383183453 / 9436872228
4. Computer Programmer APIC, Itanagar to upload in APIC website and mail to concern department in their official email id.
5. Office copy.

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