



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE FULL BENCH COURT OF STATE INFORMATION COMMISSIONERS

No.APIC-669/2023

Dated, Itanagar the 30th July, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Tajing Saroh, Vill, Sipeng, Jomlo, Circle, PO/PS Rumgong, District Siang, Arunachal Pradesh, PIN-791001, (M) 8132005458.

Vs

Respondent: Smt. Oyi Borang Tatak, the PIO-cum-DDSE, Govt. of A.P. o/o of Deputy Director of School Education, Boleng, Siang District, Arunachal Pradesh, PIN-791102.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Tajing Saroh, Vill, Sipeng, Jomlo, Circle, PO/PS Rumgong, District Siang, Arunachal Pradesh for non-furnishing of information by the SPIO-cum-DDSE, Govt. of A.P. o/o of Deputy Director of School Education, Boleng, Siang District, Arunachal Pradesh as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 21/11/2022 regarding Certified True copy of the Appointment order, appointment Letter and Official advertisement no. of the Peon and MTS under Education Department of Siang District.

The 6th hearing is held today on 30th July, 2024 as scheduled for case No. APIC -662/2023 and APIC-669/2023. Smt. Oyi Borang Tatak, the PIO-cum-DDSE, Govt. of A.P. o/o of Deputy Director of School Education, Boleng, Siang District, Arunachal Pradesh is represented by Shri tatum Gammi, APIO-cum-BEO. the Appellant Shri Tajing Saroh is present. The APIO has submitted that the information as sought for was not furnished as the Dealing Assistant (Clerk) did not put up the file to the authority on time. APIO submitted a letter No. SIC/VIG/PS/Case No. 09/2023/1001 Dated 7th June, 2024 stating that, *“ the documents seized as case evidence are crucial for the purpose of investigation and chargesheet. At this stage of the investigation the documents cannot be furnished as they are part of an ongoing investigation and are currently undergoing forensic analysis. Accordingly to Section 8(1)(h) of the RTI Act, 2005 information which would impede the the process of investigation or apprehension or prosecution of offenders is exempt from disclosure.”*

The Appellant on the other hand has submitted that he has sought information on 21/11/2022 and visited several time to the office of the PIO requesting for the information as sought for but every time they failed to furnish information with lame excuses. The documents have been seized by the SIC (Vigilance) on 21/02/2024 after more than a year of his seeking information. If the PIO had been serious, diligent, she could have furnished information before the documents were seized by the SIC. It was a willfully denial to furnish information. The Appellant appealed the Commission to impose penalty against the PIO for misleading and denial of information to him and also sought compensation for all the losses and hardship faced by him due to dereliction of duty by the PIO.

The Commission after hearing both the parties and in view of records available decides to impose penalty of total amount Rs. 25, 000/- (Rupees twenty five thousand) only for the case no APIC -662/2023 and APIC-669/2023 on the PIO under section 20(1) of the RTI Act, 2005 for the gross violation of the RTI Act, and non-furnishing of information to the Appellant. The PIO is directed to deposit the said penalty amount in favour of the Registrar, Arunachal Pradesh Information Commission, Itanagar through Treasury Challan in the Head of Account "0070-Other Administrative Charge". The penalty amount has to be deposited before 30th August, 2024 and has to produce the proof of depositing the amount through treasury challan. Failing which additional action shall be initiated under Section 20(2) of the RTI Act, 2005, i.e. recommendation for disciplinary action. Further, the PIO is directed to pay a compensation total amounting to Rs. 10, 000/- (Rupees ten thousand) only to the Appellant Shri Tajing Saroh for the case no APIC -662/2023 and APIC-669/2023. under section 19(8)(b) of the RTI Act, 2005 for the hardship and losses incurred by him.

The case shall be disposed of, after submission of Treasury Challan, being penalty amount and a copy of compensation amount receipt to the Commission by the PIO.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Dated, Itanagar the 31 July, 2024

Memo No. APIC-669/2023/77

Copy to:

1. The Director-cum-FAA, Govt. of A.P. O/o of the Directorate of School Education, Itanagar, PIN-791111, for information and necessary action please.
2. The Deputy Commissioner, Govt. of A.P. Siang District, Arunachal Pradesh, PIN-791102, for information and necessary action please.
- ✓ 3. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
4. Case file.

Registrar /Dy. Registrar

Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar