



सूचना का
अधिकार
RIGHT TO
INFORMATION

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.468/2023(Appeal)

Shri Tania June
C/o Post Office Naharlagun
Papumpare District A.P
Pin: 791110.
(M) 8131848230.

Appellant

Versus

1. PIO - BDO
Sarli CD Block
Koloriang Kurung Kumey
District Govt. of AP.
Pin: 791118.

Respondents

2. FAA - Director
Rural Development Deptt.
Govt. of Arunachal Pradesh
Itanagar
Pin: 791111.

Date 09.09.2024

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 Tania June on 17.01.2023 filed an RTI application in Form-A to the PIO cum BDO, Sarli , Kurung Kumey District AP, 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 - Director, RD, Itanagar, Papumpare District Govt. of AP on 22.03.2023.

Appellant again having not received the required information or decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 15.05.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.468/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 09.09.2024. Notice of hearing dated 12.08.2024 were served to PIO, FAA and the Appellant.

In this hearing of the appeal on 09.09.2024 the respondents PIO - BDO, Sarli CD Block, Koloriang, Kurung Kumey District AP is absent and the FAA is represented by Ms. Tongyang Annu APIO. The appellant Shri Tania June appeared.

Heard the parties present.

The appellant submits that neither the PIO - BDO, Sarli CD Block has provided him the information nor the FAA - Director, Rural Development, Govt. of Arunachal Pradesh has heard his first appeal filed to him within time frame prescribed in RTI Act, 2005. So, he has filed second appeal to this commission court.

Representative of the FAA stated that the First Appeal letter from the appellant is not received at the office of the FAA - Director, RD Govt. of Arunachal Pradesh, Itanagar. Thus, the hearing of the first appeal at FAA level does not arise.

The appellant further submits that the First Appeal letter along with requisite application fee was sent to the FAA by postal service. But he could not produce any receipt of delivery acknowledgement.

After hearing both the parties, the appeal case file has been pursued. It is observed that the appellant has enclosed self-attested xerox copy of the following documents while filing second appeal to the Arunachal Pradesh Information Commission:

- a) First Appeal Letter dated 22.03.2023 addressed to the Director, Rural Development, Govt. of Arunachal Pradesh, Itanagar as First Appellate Authority.
- b) Postal Order bearing no. 98G 700569 dated 22.03.2023 of Rs 50/- drawn in favour of Director, Rural Development, Govt. of Arunachal Pradesh being appeal application fee.
- c) Receipt of registered post, dated 25.03.2023 from Naharlagun Post Office addressed to the Director, Rural Development Itanagar.

d) Information seeking application in Form - A addressed to the PIO - BDO Sarli CD Block.

The Director, Rural Development Department, Itanagar has appraised, vide letter no. CD(PLG)523/2023 (RTI) Dated 27.08.2023, that for appeal case "Tania June Vrs PIO-BDO Sarli" the First Appellate Authority is the concerned Deputy Commissioner of the District and not the Director, RD, Itanagar under the purview of No. AR-117/2025 dated 17.10.2015. This decision, if correct, can be made by him (Director, RD) while disposing of the first appeal letter already said to be filed to Director, RD as FAA by the appellant.

And in his second appeal filed to AP Information Commission, the appellant has implicated Director, Rural Development, Govt. of AP, Itanagar as respondent FAA. Therefore, the respondent FAA as a public authority as well should dispose of the appeal filed to him appropriately following the statutory procedure under Arunachal Pradesh Right to information (Appeal Procedure) Rules 2005 with due consideration in the content of the information sought in the RTI application in form - A applied by the appellant.

The appellant, as addressed by him, shall approach the FAA – Director, Rural Development, Govt. of AP, Itanagar and submit original and authentic first appeal documents as mentioned above and obtain written acknowledgement.

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, on receipt of authentic appeal letter & requisite fee, the First Appellate Authority - Director, RD, Itanagar since implicated by appellant as respondent FAA, 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) - Director, RD, Govt. of AP, Itanagar.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and close at Commission. And, accordingly, this appeal stands disposed of and closed once for all.

Order pronounced in the Open Court of this Commission today this 9th day of September' 2024. Each copy of the Judgement / Order be furnished to the parties.


Given under my hand and seal of this Commission / Court on this 9th day of September' 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner

Memo No. APIC-468/2023/306
Copy to:

Dated Itanagar the 13th Sept.' 2024.

1. The FAA – Director, Rural Development Department, Govt. of Arunachal Pradesh Itanagar PIN: 791111.
2. The PIO-BDO Sarli CD Block Koloriang Kurung Kumey District A.P Pin: 791118.
3. Shri Tania June C/o Post Office Naharlagun Papumpare District A.P Pin: 791110. (M) 8131848230.
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.


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