



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Vide Case No. APIC- 853/2023.

Shri Nabam Tapak and Shri Kholi Bharat,
Lekhi Village near Iconic Dealer, PO/PS
Naharlagun, District Papum Pare (A.P).

.....APPELLANT

Vs

The PIO, o/o the Superintending Engineer,
(Co-ordination), APWD, Govt. of A.P, Itanagar.

.....RESPONDENT.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nabam Tapak and Shri Kholi Bharat for non-furnishing of information by the PIO, o/o the Superintending Engineer (Co-ordination), APWD, Govt. of A.P, Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide application dated 02.05.2023.

2. Records revealed that the appellants herein had requested for 56 (fifty six) point information on the details of sanction order and appointment order of Junior Engineers (JEs) by the Office of the Superintending Engineer (Co-ordination), PWD, Govt. of A.P, Itanagar during the period 2015-2018.

3. Having failed to obtain the information, one of the appellants, namely, Shri Nabam Tapak approached the Chief Engineer (Vigilance & Training) (APWD), the First Appellate Authority (FAA) under section 19(1) of the RTI Act, 2005 vide his Memo of Appeal dt. 24.07.2023.

4. Records also revealed that the F.A.A took up and heard the appeal on 09.08.2023 wherein the Appellant, Shri Nabam Tapak (assisted by two Advocates) and the two PIOs namely, Shri S.T.Tara, the PIO o/o the Superintending Engineer (Co-ordination), PWD, Itanagar and Shri Sitem Borang, PIO, o/o the Chief Engineer (Vigilance & Training & Co-ordinaton) (PWD), Itanagar were present.

5. The FAA, after hearing both the parties had passed the following order on 10.08.2023:
“ Heard both the parties on all the particulars of information appealed at 7 (Annexure-A) and 7(2) in details. Many of the information sought at Sl No. 10,13,18,27,31,41,43 and 46 of Annexure-‘A’ are repetitive and personal information in nature. These fall under exemption from disclosure of information under section 8(1)(j) of RTI Act 2005 as well as Hon’ble Supreme Court Ruling dated 1st September’ 2017 against writ petition filed by the RTI applicant on 12th January’ 2017.

Hence, this information cannot be disclosed which otherwise would cause unwarranted invasion of the privacy of the individual.

PIO, Superintending Engineer (Coordination) is directed to disclose the information at Sl. No. 16/35 with immediate effect. Information at Sl. No. 29/35 may not be relevant to PIO since DPC for promotion of Junior Engineer to Assistant Engineer is conducted by PWD Civil secretariat, Itanagar.

As regards to information at Sl. No. 39, the recruitees / appointees are posted to various PWD Zones/Circles/Divisions immediately after issue of Appointment Order. These information shall be available with those respective Public Authorities. Appellant is advised to approach/file fresh application to those respective PIOs as per extant rules/ Guidelines issued by Central / State Govt. from time to time. However, PIO, Superintending Engineer (Coordination) may share the place of posting places with the Appellant.

With regard to information at Sl. No. 52, recruitment Rules (RR) Arunachal Pradesh Staff Selection Board (APSSB) doesn't frame Recruitment Rules. However, PIO may furnish the copy of Gazette Notification/Office Memorandum as mentioned in the appeal if available.

As regards to information at Sl. No. 53 the word "not available/not applicable (NA) is vague term. PIO may note it. Any information supposedly not available under his jurisdiction may be specifically mentioned "Not held by this office" to do away all the ambiguity.

Perused and examined the documents produced before me on particulars of information at 7(2) of the appeal. The Result sheet Notification reportedly disclosed to the appellant did not bear the name of successful candidates under handicapped and sports quota.

In this context, in my considered view the information disclosed to the appellant appears to be incomplete which otherwise should have been disclosed in full. PIO, Office of Superintending Engineer (Co-ordination) is therefore, directed to disclose the complete information which is in the larger public interest.

All the information as stated above should be disclosed to the appellant within a fortnight from the date of issue of this order.

With this direction, the appeal stands disposed of."

6. In pursuance of the order dt.10.08.2023, the appellant had received only a part of information he had sought for. Hence, he filed his 2nd appeal under section 19(3) of the RTI Act before this Commission vide his Memo of Appeal dt.29.08.2024.

7. This appeal was, accordingly, listed and heard 4(four) times on 25.09.2024, 30.10.2024, 29.11.2024 and 20.12.2024. On 25.09.2024, both the PIO and the Appellant were absent. In the hearing on 30.10.24, the Appellant, Shri Nabam Tapak was present but the PIO was again absent.

8. During the course of hearing on 30.10.24, the Appellant submitted that the o/o the PIO, in compliance with the order passed by the F.A.A has furnished to him the information sought by him but the same was incomplete. In this regard, the appellant was directed to submit a written statement mentioning clearly the details of left out information to enable this Commission to examine and pass an appropriate order. Accordingly, the appellant, submitted written submission dt.05.11.2024, stating therein that information on the following points/queries as requested in his application in Form-A has not been furnished to him:

(f) Sl. No.2 (Photocopy of appointment order with proper name in the list of the Junior Engineer (JE) posts. (incomplete);

(g) Sl. No.5 (Name of total waiting listed candidate and the number of candidates appointed as JEs from the waiting list) (incomplete names with Roll No.);

(h) Sl. Nos.15,18,26,30,33,34 (not furnished at all);

(i) Sl. No.38 and 41 (incomplete);

(j) Sl. No.43,53 & 56 (not furnished at all);

9. The Appellant also cited Sl. Nos. 17, 22, 35, 45 & 49 as not having been furnished or furnished incomplete.

However, as rightly observed by the FFA in his order, this Commission found that some of the information asked for were, in fact, repetitive in nature while some were not relevant. At the same time this Commission found that some of the information furnished by the PIO were either incomplete or not at all furnished which ought to have been furnished. For instance, as seen in the copy of result notification dt.18.11.2016 as annexed in the letter of the Appellant, containing the merit list (62 candidates), waiting list (116 candidates) and the list of handicapped and meritorious sports persons, the names of the candidates have not been mentioned.

10. As rightly observed by the FAA, the C.E (Vigilance, Training & Co-ordination) (PWD), in his order, the names should have been mentioned in the said result notification or ought to have been furnished to the appellant. The Appellant had also alleged that the PIO did not furnish the appointment orders and Roll Nos. of some of the wait listed candidates who have been appointed to the posts of JE.

11. This Commission endorsing the observation and direction of the FAA that the replies to the point No.53 and 26 ought to have been furnished with *reasons* as to why a particular information is not available with the Public Authority instead of simply stating 'Not Available/Not Applicable' and further that the information sought for against the serial numbers cited at Para-7 above ought to have been furnished to the appellant as those are not covered by the exemption clauses under section 8(1) of the RTI Act, directed the PIO, in the interim, to furnish to the Appellant the information which remained unfurnished as indicated at para-7 above within 2(two) weeks from the date of issue of this order. The Appellant was also directed to intimate this Commission of his satisfaction or otherwise with the documents so received on or before the next date of hearing which is fixed on 29.11.2024 at 2 pm.

12. In the 3rd hearing on 29.11.2024 wherein one of the appellants, Shri Nabam Tapak was present in person while the PIO attended through the VC, the PIO submitted that the said interim order dt.08.11.24 passed by this Commission could not be complied with as the documents are under the custody of the Special Investigation Cell (Vigilance) PS which were seized by them in SIC(Vigilance) PS Case No.07/2023. In this regard, the o/o PIO had also submitted a written statement vide letter dt. 26.11.2024 addressed to the HCIC enclosing therein the copies of various correspondences with the SIC (Vigilance) including the copy of seizure list /memo of the documents dt. 24.07.2024. The appellant, however, responded by saying that the PIO ought to have collected those documents from the SIC (Vigilance) and provide to him which the PIO has not done thereby disobeying the order of this Commission.

13. This Commission, upon hearing the parties and on perusal of the written statement including the seizure memo of the documents, felt that the PIO should make a written request to the SIC (Vigilance) to release the seized documents which have been sought by the appellant and whatever documents are released by the SIC(Vigilance) should be provided to the appellant. The PIO was, accordingly, directed in the interim to take necessary steps and intimate to this Commission the compliance report within 2(two) weeks.

14. In the hearing on 20.12.2024, the appellant Shri Nabam Tapak was present in person and the PIO, Shri S.T.Tara attended through VC who submitted that as directed by this Commission vide order dt.08.11.2024, the o/o the PIO had requested the SIC for release of the seized file No. SE(Coord)/E-II/18 containing the documents relating to appointment of Junio Engineers during

2016-2018 but the SIC, vide letter dt.12.12.2024 refused to provide the seized documents as the case is under investigation. The copies of the said SE letter dt.10.12.2024 and the SIC letter dt.12.12.2024 were also endorsed to this Commission earlier.

15. This Commission, upon hearing the parties and on perusal of the letter dt.12.12.2024 received from the SIC, is inclined to hold that the o/o the PIO, despite its effort, could not get the seized documents from the SIC. As such it will be unfair to fault the PIO for not furnishing the left out information as listed at para-7 of this order and in view thereof this Commission concludes that no further adjudication on this appeal is required. It is, however, made clear that the appellant, if so advised, may approach the PIO o/o the SIC for the left out information in question by following due process of law.

This appeal is, hence, disposed of in above terms.

Given under my hand and seal of this Commission on this 24th December, 2024.

Sd/-
(SANGYAL TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 853/2023/512 Dated Itanagar, the 26 Decemeber, 2024

Copy to:-

1. The Chief Engineer (Vigilance, Training & Co-ordination) (PWD), Govt. of A.P, Itanagar, PIN: 971111, the F.A.A for information.
2. The PIO, o/o the Superintending Engineer (SE), Co-ordination, PWD, (AP), Itanagar PIN: 971111 for information.
3. Shri Nabam Tapak & Shri Kholi Bharat Lekhi Village near Iconic Dealer, PO/PS Naharlagun, District Papum Pare A.P PIN: 791110 Mobile No. 8794134135 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/copy.


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