



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. 859/2023(Appeal)

Shri Ram Rimo
Chimpu-1 PO/PS Itanagar
Papumpare District A.P
Pin: 791111.
(M) 9774693749 / 7085800638

Appellant

Versus

Respondents

1. Shri Pugi Kamboo
PIO cum EE
o/o CE RWD (Coord)
Itanagar
Papumpare District
Arunachal Pradesh.
Pin: 791111.

2. Shri T.K Tagin / Shri N Riga (Dukum)
FAA cum CE RWD (Coord) 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 Ram Rimo on 06.02.2023 filed an RTI application in Form-A to the PIO cum EE o/o CE RWD (Coord) GoAP Itanagar Shri Pugi Kamboo, 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 22.03.2023.

Appellant again having not received the required information from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 04.08.2023. 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. 859/2023 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 Pugi Kamboo EE RWD present during the hearing. Shri T K Tagin FAA cum CE (Coord), RWD AP and the appellant Shri Ram Rimo 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. The PIO stated that the FAA has not formally heard the PIO and appellant to dispose of the appeal at his level. He has informed the commission in the court that the designated FAA & CE RWD Shri T K Tagin has superannuated and at present the Shri N Riga (Dukum), CE RWD is holding the charge of the coordination zone of RWD GoAP.

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.

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 Chief Engineer (Co-ordination) RWD GoAP Shri N Riga (Dukum), 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. A copy of First Appeal and RTI application in form-A be enclosed herewith for current FAA. 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 with liberty to the appellant to file appeal

afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 24th 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 24th day of May' 2024.


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

Memo No.APIC-859/2023/1683

Dated Itanagar the 30th May' 2024.

Copy to:

1. Shri N Riga (Dukum) FAA cum CE RWD (Coord) GoAP Itanagar Papumpare District Arunachal Pradesh. Pin: 791111.
2. Shri Pugi Kamboo PIO cum EE o/o CE RWD (coord) GoAP Itanagar Papumpare District Arunachal Pradesh. Pin: 791111.
3. Shri Ram Rimo Chimpu-1 PO/PS Itanagar Papumpare District A.P Pin: 791111 (M) 9774693749 / 7085800638
4. Computer Programmer APIC Itanagar to upload in APIC website and mail to all concerned in their departmental email id.
5. Office copy.


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