



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

APIC-No.1126/2023(Appeal)

Shri Tania June

E Sector, Naharlagun
PO:PS Naharlagun
Papumpare District A.P
Pin: 791110. (M) 8131848230

Appellant

Versus

**PIO,
Office of the RWD (EZ)**
Itanagar
Pin: 791111.

Respondents

**FAA,
Chief Engineer(EZ) RWD**
Itanagar
Pin: 791111.

Date of Hearing: 12.09.2024
Date of Decision: 12.09.2024

INFORMATION COMMISSIONER: Dani Gamboo

Relevant facts emerging from appeal:

RTI application filed on	:	19.08.2023
SPIO replied on	:	Not on record
First appeal filed on	:	19.10.2023
First Appellate Authority's Order	:	Not on record
Second Appeal filed on	:	05.12.2023

Information sought:

The appellant filed an RTI application dated 19.08.2023 seeking following information:

Regarding expenditure and implementation of under Non-Plan Fund/Maintenance works etc/Repairing work/Road and Bridges of entire District.

1. Furnish Administrative approval and sanction order copies.
2. Furnish NIT copies.
3. Furnish work order copies.
4. Furnish photograph & Geo-tagged copies.
5. Furnish first & Final bill copies.
6. Furnish DBT/PFMS Xerox copy and detail name list copies.
7. Furnish GST and return bill copies.
8. Furnish money receipt copy and cheque receipt copy.
9. Furnish trading license and proprietor detail name list copies.
10. Furnish NOS forest department.
11. Furnish work progress report copies.
12. Furnish site inspection copies.
13. Furnish utilization certificate copies.
14. Furnish EE/AE/JE details name list copies.
15. Furnish DPR copies.
16. Furnish advertisement and local news paper copies.
17. Furnish department and contractor agreement copies.
18. Furnish payment detail name list copies.
19. Furnish tender participate detail copies.
20. Furnish land donate copies.
21. Furnish sketch map copies.
22. Furnish firm registration certificate copies.
23. Furnish firm work express certificate copies.

Period: 2014 to till date.

Relevant facts emerged during hearing:

The following were present-

Appellant	:	Present
Respondent PIO	:	Present
Respondent FAA	:	Present

The appellant submits that neither the PIO - Office of the RWD (EZ), Itanagar has provided him the information nor the FAA - Chief Engineer(EZ) RWD, Itanagar 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.

PIO states that he has recently joined the office of the Chief Engineer, RWD (EZ), Itanagar and assumed charge of PIO and not much conversant about RTI

matter and particularly about the instant case. He further states that many information sought are pertaining to district level office and not available in the office of the Chief Engineer RWD (EZ), Itanagar.

First Appellate Authority (FAA) has submitted a copy endorsement to this commission of letter no. RWD/(EZ)/11/25/2018-19/1044-66 Dated 6th Sept'204 written by him to the Executive Engineers for submission of sought information to his office.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that in case the entire information sought does not fall within his jurisdiction, the PIO can transfer the remaining part to the concerned PIO in Form - Bunder Rule 4(1) of the Arunachal Pradesh Right to Information Rule, 2005.

First Appellate Authority has not heard the appeal as per statutory procedure laid in the RTI Act, 2005 and Arunachal Pradesh Right to Information (Appeal Procedure) Rule, 2005 to dispose of the First Appeal.

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, the instant appeal case is remanded to First Appellate Authority (FAA) – Chief Engineer (EZ) RWD Itanagar. The 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.

The appeal is disposed of accordingly at Commission.

Sd/-
Dani Gamboo
Information Commissioner

Authenticated true copy

Registrar / Registrar / Dy. APIC

Date:

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar

Memo No. APIC-1127/2024/818

Dated Itanagar the 16 Sept, 2024.

Copy to:

1. The Computer Programmer, APIC Itanagar with request to upload in APIC website and mail to concerned departmental email id.
2. Office copy.