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.473/2023(Appeal) /310

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

Appellant

Versus

1.PIO cum EE
RWD Palin Division Kradadi
District Govt. of AP.
Pin: 791118.

Respondents

2. FAA cum CE
RWD PMGSY Itanagar
P/PareDistrict Govt. of AP.
Pin: 791111.

Date 09.09.2024

ORDER / JUDGEMENT

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 01.02.2023 filed an RTI application in Form-A to the PIO cum EE, RWD, Palin, Kradadi 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 Cum CE, RWD (PMGSY), Itanagar Papumpare District Govt. of AP on 29.03.2023.

Appellant again having not received the required adequate information on 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.473/2023 (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 cum EE, RWD (PMGSY), Palin Kradadi District A P & FAA cum CE (PMGSY) RWD, Itanagar both are absent. The appellant Shri Tania June appeared.

Heard the party present.

The appellant submits that neither the PIO - EE, RWD Palin Division has provided him the information nor the FAA – CE , RWD (PMGSY), 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.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that FAA has not disposed of the first appeal filed to him.

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. Therefore, the FAA – Chief Engineer RWD (PMGSY), 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

(T. Miso)
Registrar, APIC
Date:

Registrar
Arunachal Pradesh Information Commission
Itanagar

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.