



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.1112/2023(Appeal)

Shri Paw Maling  
Airport Colony, Daporijo  
Upper Subansiri District A.P  
Pin: 791122  
(M) 7085636687/8837275365

Appellant

Versus

1. PIO cum EE  
RWD, Daporijo Division  
Upper Subansiri District AP  
Pin: 791122

Respondents

2. The FAA cum CE  
RWD W/Z GoAP  
Papumpare District Itanagar AP.  
Pin: 7911111.

Date 09.08.2024

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 Paw Maling on 24.08.2023 filed an RTI application in Form-A to the PIO cum EE RWD, Daporijo Division Upper Subansiri 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 W/Z GoAP Papumpare District Itanagar AP on 27.09.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 23.11.2023. The appellant has not attached any order of decision or response from the FAA.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.1112/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for first hearing before the Commission Court today on 09.08.2024. Notice of hearing dated 21.06.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 09.08.2024 the respondents PIO cum EE RWD, Daporijo Division Upper Subansiri District did not appear. The appellant Shri Paw Maling is present. The FAA & CE RWD W/Z GoAP Papumpare District Itanagar did not appear.

Heard the party present.

The appellant states that neither the PIO has furnished the information as sought in RTI application form 'A' nor the FAA – First Appellate Authority has heard the appeal within the prescribed time period in the RTI Act 2005. So, he has filed second appeal to this commission court.

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. This second appeal is filed to commission court against the FAA for his inaction for disposal of the first appeal as per Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005.

This inaction of the FAA is negligence to implementation of provisions of RTI Act 2005 which was enacted to promote transparency and accountability in the working of every public authority and also to contain corruption and to hold governments and their instrumentalities accountable to the governed.

On the basis of Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005 and .. *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 21<sup>st</sup> 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 First Appellate Authority (FAA), the CE (WZ) RWD Itanagar Papumpare District Govt. of AP, 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) – Chief Engineer RWD WZ, Itanagar.

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

Judgement / Order pronounced in the Open Court of this Commission today this 9<sup>th</sup> day of August 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 9<sup>th</sup> day of August' 2024.

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

Memo No.APIC-1112/2023/ 239  
Copy to:

Dated Itanagar the 11. August'2024.

1. The FAA cum CE RWD W/Z GoAP Papumpare District Itanagar AP. Pin: 791111
2. The PIO cum EE RWD, Daporijo Division Upper Subansiri District AP. Pin: 791122
3. Shri Paw Maling, Airport Colony, Daporijo Upper Subansiri District A.P Pin: 791122 (M) 7085636687/8837275365
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