



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.411/2023(Appeal)

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

Appellant

Versus

1. PIO cum DVO Aalo
Deptt. of AH & Veterinary Diary
West Siang District
Govt. of AP Pin: 791001.

Respondents

2. FAA cum Director
AH & Veterinary Diary
Nirjuli Papumpare
District Govt. of AP.
Pin: 791109.

Date 09.09.2024

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 Tania June on 11.01.2023 filed an RTI application in Form-A to the PIO cum DVO, Aalo, AH & Veterinary deptt., West Siang 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 Director, AH & Veterinary Diary, Nirjuli, 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 17.05.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.411/2023 (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 and the Appellant.

In this hearing of the appeal on 9.9.2024 the respondents Shri Dagge Riba PIO - DVO, Aalo, West Siang District A P has attended through online mode & the FAA - Director, AH, Veterinary Dairy Development, Nirjuli is absent. The appellant Shri Tania June appeared.

Heard the parties present.

The appellant submits that neither the PIO - DVO, Aalo, West Siang District has provided him the information nor the FAA - Director, Vety., AH & Dairy Development, Govt. of Arunachal Pradesh, Nirjuli 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.

The PIO states that he has already sent the documents through post office on 25.03.2023 but the appellant has denied of having received the information from the PIO.

After hearing both the parties, the appeal case file has been pursued. It is observed that the appellant has enclosed xerox copy of the following documents while filing second appeal to the Arunachal Pradesh Information Commission:

- a) First Appeal Letter dated 29.3.2023 addressed to the Director, Vety., AH & Dairy Development, Govt. of Arunachal Pradesh, Nirjuli as First Appeal Authority.
- b) Postal Order bearing no. 98G 700751 dated 29.3.2023 of Rs 50/- drawn in favour of Director, AH, Vety & Dairy Development, Govt. of Arunachal Pradesh, Nirjuli being appeal application fee.
- c) Receipt of registered post, dated 30.3.2023 from Naharlagun Post Office addressed to the Director, AH, Vety & Dairy Development, Govt. of Arunachal Pradesh, Nirjuli.

There is no record on file of any action taken by the FAA - Director, AH & Vety. Govt. of AP, Nirjuli. It is negligence by FAA in 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.

The appellant, as addressed by him, shall approach the FAA – Director, Vety, , AH & Dairy Development, Govt. of AP, Nirjuli and submit original and authentic first appeal documents as mentioned above and obtain written acknowledgement.

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 First Appellate Authority (FAA) - the Director, AH & Veterinary Dairy, Nirjuli, 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) - Director, AH & Veterinary Dairy, Nirjuli.

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.

Order pronounced in the Open Court of this Commission today this 9th day of September' 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 9th day of September' 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner

Memo No.APIC-411/2023/ 308
Copy to:

Dated Itanagar the ...14 Sept.' 2024.

1. The FAA - Director AH & Veterinary Dairy Nirjuli Papumpare District Govt. of A.P. Pin: 791109.

2. The PIO cum DVO Aalo Deptt. of AH & Veterinary Diary West Siang District A.P Pin: 791001.
3. Shri Tania June C/o Post Office Naharlagun Papumpare District A.P Pin: 791110. (M) 8131848230.
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