



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.787/2023(Appeal)

Shri Dongru Tania
near Takar Complex
PO/PS Naharlagun Papumpare
District A.PPin: 791110.
(M) 7005481022

Appellant

Versus

1.PIO o/o Director
SJETA GoAP Itanagar Papumpare
District AP. Pin: 791111.

Respondents

2. The FAA cum Director
SJETA GoAP Itanagar Papumpare
District AP.
Pin: 791111.

Date 24.06.2024

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 Dongru Tania on 12.06.2023 filed an RTI application in Form-A to the PIO o/o Director SJETA GoAP Itanagar Papumpare 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 SJETA GoAP Itanagar Papumpare District AP on 18.07.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 21.08.2023. 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.787/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 24.06.2024. Notice of hearing dated 28.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 24.06.2024 the respondents PIO Shri Maryi Doyom JTO o/o Director SJETA GoAP Itanagar appeared. The appellant Shri Dongru Tania did not appear. However, the appellant submitted a letter requesting for postponement of the hearing due to unavoidable circumstances. The FAA cum Director SJETA GoAP Itanagar Papumpare District AP did not appear.

Heard the PIO.

The PIO states that information is ready and intimation letter sent to the appellant on 21.8.2023 for collection after depositing the requisite fee. He has produced a copy of the letter.

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

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.

The commission observes that under section 19(1) of the RTI Act, 2005, for the principle of natural justice, it is mandatory for the FAA to summon the appellant and PIO, give fair opportunity of being heard and pass speaking order on merit. Since, it is not done, the case is pre-mature to be considered as an appeal under section 19(3) of the RTI Act, 2005.

Therefore, the First Appellate Authority (FAA) and Director SJETA GoAP Itanagar Papumpare District 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. Hence, 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 appellants 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 June 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 June' 2024.

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

Memo No.APIC-787/2023/ 108
Copy to:

Dated Itanagar the 25th June' 2024.

1. The FAA cum Director SJETA GoAP Itanagar Papumpare District AP. Pin: 791111.
2. PIO o/o Director SJETA GoAP Itanagar Papumpare District AP. Pin: 791111.
3. Shri Dongru Tania near Takar Complex PO/PS Naharlagun Papumpare District A.PPin: 791110. (M) 7005481022
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.


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