



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.1114/2023(Appeal)

Shri Okut Tali  
Village Pangkeng  
PO Pessing  
PS Rumgong, Siang District A.P  
Pin - 791001.  
(M) 6909179869.

Appellant

Versus

1. PIO cum EE RWD  
Pasighat Division  
East Siang District  
Pin: 791102.

Respondents

2. FAA cum CE (E/Z) RWD  
Govt. of AP  
Miao / Itanagar  
Pin: 791111.

Date 29.07.2024

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 Okut Tali on 04.05.2023 filed an RTI application in Form-A to the PIO cum EE RWD Pasighat East 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 CE (E/Z) RWD Itanagar Papumpare District Govt. of AP on 25.08.2023.

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.1114/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for first hearing before the Commission Court today on 29.07.2024. Notice of hearing dated 19.06.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 29.07.2024 the respondents PIO EE RWD Pasighat did not appear. However, the PIO is represented by APIO Shri Tonong Kaye, Field Astt. The appellant Shri Okut Tali did not appear. The FAA & CE (E/Z) RWD Itanagar did not appear.

Heard the PIO's representative.

The PIO's representative states that information has already been furnished to the appellant dated 12/07/2024 and produced a copy of forwarding letter no. PRWD/RTI/23-24/223-24 dated 12 July 2024. Since the appellant is not present it is not ascertained as to whether the information is received by him and it is adequate.

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. The FAA was issued summon dated 19.06.2024 for hearing On 29.07.2024 as required under Art.5 (iv) of Arunachal Pradesh Information commission (Appeal Procedure) Rule, 2005 framed under clause (e) of the sub section (2) of the section 27 of the Right to Information Act, 2005. FAA the Chief Engineer RWD EZ instead of attending the hearing simply forwarded, the hearing notice issued to him, to PIO the EE RWD Pasighat Division vide letter no. RWD/RTI-484/2024/342-45 dated 1<sup>st</sup> July 2024 which is absurd.

This casual action 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. Or the Chief Engineer RWD EZ is ignorant about his duties and function as First Appellate Authority in disposal of RTI Appeal cases.

*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 (E/Z) 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).

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 29<sup>th</sup> day of July 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 29<sup>th</sup> day of July' 2024.

Sd/-

(Dani Gamboo)

State Information Commissioner

Memo No.APIC-1114/2023/ 200  
Copy to:

Dated Itanagar the 29<sup>th</sup> July' 2024.

1. FAA cum CE (E/Z) RWD Itanagar Papumpare District Govt. of AP. Pin: 791111.
2. PIO cum EE RWD Pasighat East Siang District Govt. of AP. Pin: 791102.
3. Shri Okut Tali Village Pangkeng PO:Passing PO:Rumgong Siang District A.P Pin: 791001. (M) 6909179869.
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.

Registrar / Dy.Registrar  
APIC Itanagar

Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar