



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. 827/2023(Appeal)

Shri Honlem Khangham (Avd.)
Village: Ozakho PO/PS: Longding
Longding District A.P
Pin: 792131 (M) 9402700329

Appellant

Versus

1.The PIO cum EE RWD Longding
Longding District A.P
Pin: 792131

Respondents

2. The FAA cum CE RWD (EZ)
GoAP Itanagar
PapumPare District
Pin: 791111

Date 19.08.2024

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 Honlem Khangham (Avd.) on 25.05.2023 filed an RTI application in Form-A to the PIO cum EE RWD Longding Longding District A.P, 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 (EZ) GoAP Itanagar on 11.07.2023.

Appellant again having not received the required information or decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 25.08.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.827/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 19.08.2024. Notice of hearing dated 28.06.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 19.08.2024 the respondents PIO Cum EE RWD Longding, Longding District A.P and the FAA CE (EZ) RWD GoAP Itanagar Papum Pare District A.P both absent. The appellant Shri Honlem Khangham did not appear.

The appeal is determined ex parte.

On perusal of this appeal case file record, it is observed that no statutory procedural action on record taken by the FAA on the first appeal filed by the appellant.

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 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 CE (EZ) RWD Itanagar PapumPare District A.P 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)- Chief Engineer (EZ) RWD.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with giving liberty to the appellant 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 19th 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 19th day of August' 2024.

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

Memo No.APIC-827/2023/ 257
Copy to:

Dated Itanagar the 21. August' 2024.

1. The FAA cum CE RWD GoAP Itanagar PapumPare District A.P Pin: 791111
2. The PIO cum EE RWD Longding, Longding District A.P Pin: 792131.
3. Shri Honlem Khangham (Avd.) Village: Ozakho PO/PS: Longding ,Longding District A.P Pin: 792131 (M) 9402700329
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