



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.915/2023(Appeal)

Shri Joram Tajo
Village Sekh Jara Joram
PO: Joram PS: Yachuli
Lower Subabsiri District A.P
Pin: 791120.
(M) 8798672950

Appellant

Versus

1. Shri Dogin Tade
PIO cum EE Ziro Electrical Division
Deptt. of Power Lower Subansiri
District AP
Pin: 791120.

Respondents

2. FAA cum SE (E)
Ziro Electrical Circle
Deptt. of Power Lower Subansiri
District AP.
Pin: 791120.

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 Joram Tajo on 28.04.2023 filed an RTI application in Form-A to the PIO cum EE Ziro Electrical Division Deptt. of Power Lower 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 SE (E) Ziro Electrical Division Deptt. of Power Lower Subansiri District AP. on 03.08.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 13.09.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.951/2023 (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 cum EE Ziro Electrical Division Deptt. of Power Lower Subansiri did not appear. However, the PIO is represented by Shri Nabam Epo Hina AE APIO. The appellant Shri Joram Tajo appeared. The FAA cum SE (E) Ziro Electrical Circle, Deptt. of Power Lower Subansiri did not appear.

Heard the parties present.

The appellant states that neither correct information document has been furnished to him by the PIO nor FAA has heard his appeal to dispose of the case at his / her level. So, he filed 2nd appeal to the Arunachal Pradesh Information Commission and prayed for necessary action as deemed fit.

The representative of PIO has come up with the information document already furnished to the appellant with some clarification.

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. In the second appeal to the commission, the appellant has not specifically mentioned the shortfall in the information already furnished to him.

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.

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) and SE (E) Ziro Electrical Circle Deptt. of Power Lower Subansiri 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 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 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-915/2023/ 106
Copy to:

Dated Itanagar the 25 June' 2024.

1. The FAA cum SE (E) Ziro Electrical Circle Deptt. of Power Lower Subansiri District AP. 791120
2. Shri Dogin Tade PIO cum EE Ziro Electrical Division Deptt. of Power Lower Subansiri District AP. 791120
3. Shri Joram Tajo Village Sekh Jara Joram PO: Joram PS: Yachuli Lower Subansiri District A.P Pin: 791120. (M) 8798672950.
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.

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