



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. 865/2023(Appeal)

Shri Mikre Taso & Shri Yomjum Nguba
Upper Colony
PO/PS: Likabali
Lower Siang District, A.P
Pin: 791125
(M) 6909975426/8798911568

Appellant

Versus

1.The PIO-cum-Extra Assistant
Commissioner(EAC)
Likabali
Lower Siang District, A.P
Pin: 791125

Respondents

2.FAA cum Deputy Commissioner
Likabali Lower Siang District, A.P
Pin: 791125

Date 21.06.2024

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 Mikre Taso & Shri Yomjum Nguba on 17.05.2023 filed an RTI application in Form-A to the PIO Extra Assistant Commissioner (EAC) Likabali Lower Siang 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 the Deputy Commissioner Likabali Lower Siang District, A.P on 03.07.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on 04.09.2023. The appellant has not attached any order of decision of the FAA.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.865/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 21.06.2024. Notice of hearing dated 22.05.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 21.06.2024 the respondents PIO Shri Tajum Ronya Extra Assistant Commissioner (EAC) Likabali Lower Siang District, A.P is present. The appellant Shri Mikre Taso & Shri Yomjum Nguba appeared. FAA cum Deputy Commissioner Likabali Lower Siang District, A.P did not appear.

Heard the parties present.

The appellant states that neither 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. Both the appellant and PIO states that the FAA has not formally heard the appeal filed to him.

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.

Therefore, the First Appellate Authority (FAA) and the Deputy Commissioner Likabali Lower Siang 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), the Deputy Commissioner, Likabali, Lower Siand District.

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 21st 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 21st day of June' 2024.


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

Memo No.APIC-865/2023/ 100

Dated Itanagar the 21st June' 2024.

Copy to:

1. The Deputy Commissioner cum FAA, Likabali, Lower Siang District, A.P. 791125
2. The PIO cum Extra Assistant Commissioner(EAC), Likabali, Lower Siang District, A.P. 791125
3. Shri Mikre Taso & Shri Yomjum Nguba, Upper Colony, PO/PS: Likabali, Lower Siang District A.P. 791125 (M) 6909975426/8798911568
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