



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE FULL BENCH COURT OF STATE INFORMATION COMMISSIONERS

No.APIC-609/2023

Dated, Itanagar the 2nd July, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Kirgo Sora, D-Sector, Naharlagun, PO-Naharlagun, District Papum Pare Arunachal Pradesh, PIN-791110, (M) 9402911630.

Vs

Respondent: Er. Dagli Kato, the SPIO-cum-EE(PWD), Basar Division, PO-Basar, Leparada District, Arunachal Pradesh. PIN-791101.

ORDER

1). This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Kirgo Sora, D-Sector, Naharlagun, PO-Naharlagun, District Papum Pare Arunachal Pradesh for non-furnishing of information by the SPIO-cum-EE(PWD), Basar Division, PO-Basar, Leparada District, Arunachal Pradesh as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 03/06/2023 regarding RCC Welcome Gate Basar, near Forest Check Gate, and RCC Basar Welcome Gate, Basar, near tri-junction of Bam-Akajan road and Nyigam Nyodu PMGSY ROAD.

2). Some of the information as sought for by the Appellant has been furnished. Only three information, i.e. counter foil of cheque leaf, sanction order and work order has to be furnished to the Appellant.

3). The 5th hearing is held today on 2nd July, 2024 as scheduled. Er. Dagli Kato, the SPIO-cum-EE(PWD), Basar Division, PO-Basar, Leparada District, Arunachal Pradesh is absent. The Appellant Sri Kirgo Sora is present.

4). The Appellant has submitted that the PIO is not responding to the repeated warning and summons of the Commission. Only three remaining information (**counter foil of cheque leaf, sanction order and work order**) had to be furnished but still the PIO is reluctant to furnish those information. So, he expressed his willingness to approach higher courts for infringement of his fundamental Rights by the PIO.

5). The Commission observed that the PIO, Er. Dagli Kato, the SPIO-cum-EE(PWD), Basar Division, PO-Basar, Leparada District, Arunachal Pradesh has never appeared before the Commission's court. It is also found that the PIO deputed Shri Karjar Kamum, Divisional Accountant only during the 1st hearing held on 10th October, 2023.

6). The PIO was found absent in 2nd hearing held on 28th November, 2023, so a "Show Cause Notice" was served to him, directing to give in written submission as to why he should not be penalized for violation of the RTI Act, 2005. But the PIO neither appeared before the Commission's court on 3rd hearing nor he has submitted written submission and even did not send any of his representatives in the 3rd hearing held on 12th March, 2024.

7). For the non-compliance of the Commission's direction the PIO was penalized under section 20(1) of the RTI Act, 2005 and directed him to appear before the Commission's court on the next date of hearing with a copy of Treasury Challan being the penalty for violation of the provision of the RTI

Act and non-compliance of the directions of the Commission. The same was published in the wide circulating NEWSPAPER of the state and copies of the order was served to concern Deputy Commissioner and Chief Engineer to ensure his attendance before the Commission's court in the next date of hearing which was held on 30th April, 2024.

8). On the 4th hearing held on 30th July, 2024, the PIO again failed to appear before the Commission's court and even failed to deposit penalty amount as directed in the 3rd hearing. The Commission for the sake of natural justice, giving final opportunity fixed one more date of hearing. The PIO was directed to appear before the court without fail and the same order was also intimated to concern Deputy Commissioner and Chief Engineer to ensure his attendance before the Commission's court which was to be held on 2nd July, 2024.

9) Since, the PIO is absent in today's hearing also, the Commission is hereby compelled to **invoke section 20(2) of the RTI Act, 2005** for gross violation and non-compliance of directions of Commission, the Commission **recommends for disciplinary action against Er. Dagli Kato, the PIO-cum-EE(PWD), Basar Division, PO-Basar, Leparada District, Arunachal Pradesh for gross violation of the RTI Act, 2005.** The competent authority is directed to initiate and take necessary disciplinary action against the PIO under the service rules applicable to him.

10). The action taken report should be intimated to the Commission with copies to Hon'ble Governor of Arunachal Pradesh, and Learned Chief Secretary of Arunachal Pradesh within thirty days from the date of receipt of this order.

11). The Commission under section 19(8)(ii) of the RTI Act, 2005, directs the Competent authority to depute a new Public Information Officer (PIO) and furnish the remaining information to the Appellant.

12). The case is hereby disposed of. The Appellant is at his liberty to apply fresh application for the remaining information.

Therefore, the case is hereby disposed of.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)


State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Dated, Itanagar the 5th July, 2024

Memo No.APIC-609/2023 /173

Copy to:

1. The Commissioner / Secretary to the Hon'ble Governor of Arunachal Pradesh, Rajbhavan Itanagar for acknowledgement please.
2. The PPs to Chief Secretary, Govt. of Arunachal Pradesh for acknowledgment please.
3. The Commissioner/ Secretary (PWD), Govt. of A.P. Civil Secretariat for information and necessary action please.
4. The Chief Engineer-cum-FAA, Govt. of A.P. O/o the Public Works Department (PWD), Central Zone-B, Pasighat, PO-Pasighat, East Siang District, Arunachal Pradesh, PIN- 791102, for information and necessary action please.
5. The Deputy Commissioner, Govt. of A.P. O/o the Deputy Commissioner, Basar Leparada District, Arunachal Pradesh, PIN-791101, for information and necessary action please.
6. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
7. Case file.


Registrar /Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar