



**ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)**

**TANAGAR.**

**Complaint Case U/S 18 (1) of RTI Act, 2005**

**Case No. APIC- 09/2024.**

**(Summon to appear in person)**

**(Or.5, R.3 of CPC)**

Shri Tania June, E-Sector Naharlagun PO/PS

Naharlagun.

Vs

The PIO, o/o Executive Engineer (PWD), Doimukh

Division, Papum Pare District (A.P)

**: APPELLANT**

**: RESPONDENT**

**ORDER/SUMMON**

This is a Complaint under Section 18(1) of RTI Act, 2005 received from Shri Tania June for denial of information by the PIO, o/o the Executive Engineer (PWD), Doimukh Division, Papum Pare District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 12.09.2024.

The appellatant had sought for the following information:

i) Particular of information:

Details of present staff under Group B / Group C/WC T / WC R / UDC / LDC / PEON / Driver / Contingency / all MTS Post etc. Give the document of all employees currently working in your office establishment.

ii) Details of information required:

- (1) Joining report copies;
- (2) Class X Pass certificate copies;
- (3) Seniority list copies;
- (4) Appointment order copies;
- (5) Scheduled Tribe (ST) Certificate copies and
- (6) Class XII Pass certificate copies.

(iii) Period from which information asked for:2018 to till date.

It reveals from the record that the complainant, vide his application dated 12.09.2024, had requested for information regarding details of various categories of staff engaged under the establishment of the o/o the E.E (PWD), Doimukh Division as above but he was denied the information and therefore, filed this complaint under Section 18 of RTI Act, 2005 before this Commission vide complaint dated 14/11/24.

Records also reveal that in response to the RTI Application dated 12/09/24, the PIO, o/o the E.E (PWD), Doimukh Division, vide letter dated 04/11/24 furnished the reply as under:-

Sl. No.	Information sought (as per Form-'A')	Information Furnished/Replied	Remarks
1.	Furnish joining report copies.	Exempted under section 8 (1) (j) of RTI Act, 2005.	
2.	Furnish class X pass certificate copies.		
3.	Furnish Seniority list copies.	Seniority list of group-B, C & D staff may be collected from o/o the S.E( PWD)(Coordination) / S.E (PWD),Capital Circle, Itanagar.	
4.	Furnish appointment order copies.	Exempted under section 8(1) (j) of RTI Act, 2005.	
5.	Furnish Schedule Tribe (ST) Certificate copies.		
6.	Furnish Class XII pass certificate copies.		

The complainant, dissatisfied with the reply of the PIO, as above filed this complaint before this Commission which is listed today on 18/12/24 wherein the Shri Tayo Bagang A.E and APIO, o/o the E.E (PWD), Doimukh Division and the complainant Shri Tania June were present in person.

Since the complainant's primary request to the PIO was for disclosure of information and was denied by the o/o the PIO which prompted the him to file this complaint, this Commission deemed it appropriate to find out from the complainant as to whether he still wish to obtain the information or to proceed with the necessary action against the PIO under section 18 of the RTI Act, 2005.

Accordingly, this Commission asked the complainant to clarify his position in response to which he expressed his wish to have his complaint converted into appeal under section 19(3) of RTI Act,2005.This commission, hence, converted the complaint into appeal under the section 19(3) and proceeded with the hearing of the parties.

Heard the parties.

The APIO reiterated the written statements dated 04/11/24 submitted by the PIO as at para-4 above. On the other the hand, the complainant/appellant, reiterating his demand for the documents, submitted that the entire information as sought by him vide his application must be provided to him as the demand involves larger public interest.

Adverting to the reply furnished by the PIO vis-a-vis various Judicial pronouncements by the Hon'ble Supreme Court in number of cases, this Commission observes that the reply of the PIO as "exempted under section 18 (1)(j) of RTI Act, 2005" against the Sl. No. 1 (Joining Report) and Sl. No. 4 (Appointment order) can not be accepted. However, the same reply against the Sl. No. 2 (Class-X pass certificate), Sl. No. 5 (ST certificate) and Sl. No. 6 (Class-XII pass certificate) appears to be correct one in as much as those documents are, infact, personal information covered under section 8 (1) (e) read with section 18 (1) (j) of the RTI Act, 2005.

This commission is, however, inclined to hold that the PIO ought to have given notice to the third party(s) allowing the third party(s) to make representation against proposed discloser and thereafter only, should have made an appropriate decision either to disclose the information or otherwise as mandated under section 11 of the RTI Act.

The procedure as above having not followed by the PIO, this Commission, in the fitness of things, directs the PIO to re-visit the matter and take appropriate action regarding the disclosure of ST certificate and educational certificates but shall furnish the copies of appointment orders and joining reports.

As regard seniority list of group-B,C & D staff (Sl. No-3) engaged under the division, the PIO shall obtain the same from the o/o the S.E (PWD) (Co-ordination) / S.E (PWD), Capital Circle and furnish to the appellant.

The PIO shall, accordingly, comply with the above direction within one month from the date receipt of this order and in any case, before the date of next hearing which is fixed on 29.01.2025.

You are, therefore, summoned to appear in person in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC in person on 29<sup>th</sup> January, 2025 (Wednesday) at 10.30 am** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

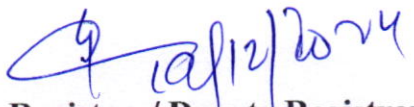
Sd/-  
(SANGYAL TSERING BAPPU)  
State Information Commissioner,  
APIC, Itanagar.

Memo No. APIC-09/2024/ 382

Dated Itanagar, the 19 December 2024

Copy to:

1. The S.E (PWD) (Co-ordn) / SE(PWD) (Capital Circle), Itanagar for information and ensuring compliance by the PIO of this order.
2. The PIO, o/o the Executive Engineer (PWD), Doimukh Division, Papum Pare District, (A.P)  
E-mail: eenlg@yahoo.co.in for information & compliance.
3. Shri Tania June, E-Sector, Naharlagun PIN: 791110 Mobile No. 8131848230 for information.
4. The Computer Programmer /Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

  
Registrar/ Deputy Registrar  
APIC, Itanagar  
Registrar

Arunachal Pradesh Information Commission  
Itanagar.