



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 834/2023.

(Summon to appear in person)
(Or.5, R.3 of CPC)

Shri Palen Laa & Smti Yukar Yaga,
Jollang, near Sonam Nursery, Itanagar
(A.P).

.....Appellant

The PIO, o/o the District Fishery Officer
(DFO), Raga Division, Kamle District, (A.P)

.....Respondent

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Palen Laa for non-furnishing of information by the PIO o/o the District Fishery Officer (DFO), Raga Division, Kamle District, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dt 20.06.2023.

The hearing of this case was fixed today on 21st August,2024. The PIO o/o the District Fishery Officer (DFO), Raga Division, Kamle District is absent. The Appellant Shri Palen Laa who was also absent informed vide his letter dated 19/08/24 that he shall not be able to attend the hearing as he has to attend the Court of Chief Judicial Magistrate at Daporijo.

The records as emerged from the appeal disclose that this appeal under Section 19 (3) of the RTI Act, has been preferred without exhausting the process of adjudication by the first redressal forum i.e the F.A.A, the D.C, Kamle district under Section 19(1) of the RTI Act, although the Appellant had filed his appeal vide memo of appeal dated 24/07/23.

As mandated by the provisions of Section 19 (1) of the RTI Act, the F.A.A is required to adjudicate on the appeal filed before him and pass an appropriate order in speaking form either allowing the disclosure of the information(s) sought for or rejecting the information(s) recording thereunder the reasons for the same.

In the present case the First Appellate Authority, having not discharged its mandated duty under the RTI Act, the Commission sees this case as a fit case to be remanded to the F.A.A, the D.C, Kamle District for adjudication and passing a speaking order giving justification for the decision arrived at.

Accordingly, this appeal is remanded to the D.C, Kamle District with direction to adjudicated on the appeal and pass an appropriate speaking order with intimation to this Commission within a period of one month from the date of receipt of this order.

The Appellant is allowed Liberty to prefer second appeal under Section 19(3) of the RTI Act, if he is aggrieved or not satisfied with the order passed by the First Appellate Authority in which case no fees need be paid.

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

Memo No. APIC- 834/2023/141
Copy to: -

Dated Itanagar, the 22 Aug, 2024

1. The Deputy Commissioner Kamle District, Govt. of A.P, Itanagar-cum-the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the District Fishery Officer (DFO), Raga Division, Kamle District, Govt. of Arunachal Pradesh PIN: 791120.
3. Shri Palen Laa & Smti Yukar Yaga, c/o Jollang, near Sonam Nursery, Itanagar (A.P) PIN: 791111 Mobile no.7085354892 for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Shri Himanshu Verma, IT Consultant to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
6. Office copy.

Registrar/ Deputy Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar