



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)

ITANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 853/2023.**

Shri Nabam Tapak and Shri Kholi Bharat
Lekhi Village near Iconic Dealer, PO/PS
Naharlagun, District Papum Pare (A.P).

.....APPELLANT

Vs

The PIO, o/o the Superintending Engineer,
(Co-ordination), PWD, Govt. of A.P, Itanagar.

.....RESPONDENT.

ORDER/SUMMON

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nabam Tapak and Shri Kholi Bharat for non-furnishing of information by the PIO, o/o the Superintending Engineer (Co-ordination), APWD, Govt. of A.P, Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide application dated 02.05.2023.

2. Records reveal that the appellants herein had requested for information on 56 (fifty six) point regarding the details of sanction order and appointment order of Junior Engineers (JEs) by the Office of the Superintending Engineer (Co-ordination), PWD, Govt. of A.P, Itanagar during the period 2015-2018.

3. Having failed to obtain the information, one of the appellants, namely, Shri Nabam Tapak approached the Chief Engineer (Vigilance & Training) (APWD), the First Appellate Authority (FAA) under section 19(1) of the RTI Act, 2005 vide his Memo of Appeal dt. 24.07.2023.

4. Records also reveal that the F.A.A took up and heard the appeal on 09.08.2023 wherein the Appellant, Shri Nabam Tapak (assisted by two Advocates) and the two PIOs namely, Shri S.T.Tara, the PIO o/o the Superintending Engineer (Co-ordination), PWD, Itanagar and Shri Sitem Borang, PIO, o/o the Chief Engineer (Vigilance & Training & Co-ordination) (PWD), Itanagar were present.

5. The FAA, after hearing both the parties had passed the following order on 10.08.2023:

“ Heard both the parties on all the particulars of information appealed at 7 (Annexure-A) and 7(2) in details. Many of the information sought at Sl No. 10,13,18,27,31,41,43 and 46 of Annexure-‘A’ are repetitive and personal information in nature. These fall under exemption from disclosure of information under section 8(1)(j) of RTI Act 2005 as well as Hon’ble Supreme Court Ruling dated 1st September’ 2017 against writ petition filed by the RTI applicant on 12th January’ 2017.

Hence, this information cannot be disclosed which otherwise would cause unwarranted invasion of the privacy of the individual.

PIO, Superintending Engineer (Coordination) is directed to disclose the information at Sl. No. 16/35 with immediate effect. Information at Sl. No. 29/35 may not be relevant to PIO since DPC for promotion of Junior Engineer to Assistant Engineer is conducted by PWD Civil secretariat, Itanagar.

As regards to information at Sl. No. 39, the recruitees / appointees are posted to various PWD Zones/Circles/Divisions immediately after issue of Appointment Order. These information shall be available with those respective Public Authorities. Appellant is advised to approach/file fresh application to those respective PIOs as per extant rules/ Guidelines issued by Central / State Govt. from time to time. However, PIO, Superintending Engineer (Coordination) may share the place of posting places with the Appellant.

With regard to information at Sl. No. 52, recruitment Rules (RR) Arunachal Pradesh Staff Selection Board (APSSB) doesn't frame Recruitment Rules. However, PIO may furnish the copy of Gazette Notification/Office Memorandum as mentioned in the appeal if available.

As regards to information at Sl. No. 53 the word "not available/not applicable (NA) is vague term. PIO may note it. Any information supposedly not available under his jurisdiction may be specifically mentioned "Not held by this office" to do away all the ambiguity.

Perused and examined the documents produced before me on particulars of information at 7(2) of the appeal. The Result sheet Notification reportedly disclosed to the appellant did not bear the name of successful candidates under handicapped and sports quota.

In this context, in my considered view the information disclosed to the appellant appears to be incomplete which otherwise should have been disclosed in full. PIO, Office of Superintending Engineer (Co-ordination) is therefore, directed to disclose the complete information which is in the larger public interest.

All the information as stated above should be disclosed to the appellant within a fortnight from the date of issue of this order.

With this direction, the appeal stands disposed of."

6. This appeal was listed 2(two) times for hearing on 25.09.2024 and 30.10.2024. But on 25.09.2024, both the PIO and the Appellant were absent. In the hearing on 30.10.24, the Appellant, Shri Nabam Tapak was present but the PIO was again absent.

7. During the course of hearing, the Appellant submitted that the o/o the PIO, in compliance with the order passed by the F.A.A has furnished to him the information sought by him but the same was incomplete information. In this regard, the appellant was directed to submit a written statement mentioning clearly the details of left out information to enable this Commission to examine and pass an appropriate order. Accordingly, the appellant, submitted written submission dt.05.11.2024, stating therein that information on the following points/queries as requested in his application in Form-A has not been furnished to him:

(a) Sl. No.2 (Photocopy of appointment order with proper name in the list of the Junior Engineer (JE) posts. (incomplete);

- (b) Sl. No.5 (Name of total waiting listed candidate and the number of candidates appointed as JEs from the waiting list) (incomplete names with Roll No.);
- (c) Sl. Nos.15,18,26,30,33,34 (not furnished at all);
- (d) Sl. No.38 and 41 (incomplete);
- (e) Sl. No.43,53 & 56 (not furnished at all);

8. The Appellant also cited Sl. Nos. 17, 22, 35, 45 & 49 as not having been furnished or furnished incomplete. However, as rightly observed by the FAA in his order, this Commission, on careful perusal and examination of the documents sought by the Appellant from the PIO, found that some of them are in fact repetitive in nature while some are not relevant. At the same time this Commission found that some of the information furnished by the PIO are either incomplete or not at all furnished which ought to have been furnished. For instance, as seen in the copy of result notification dt.18.11.2016 which is annexed in the letter of the Appellant, containing the merit list (62 candidates), waiting list (116 candidates) and the list of handicapped and meritorious sports persons, the names of the candidates have not been mentioned.

9. As rightly observed by the FAA, the C.E (Vigilance, Training & Co-ordination) (PWD), in his order, the names should have been mentioned in the said result notification or ought to have been furnished to the appellant. The Appellant has also alleged that the PIO did not furnish the appointment orders and Roll No. of some of the wait listed candidates who have been appointed to the posts of JE.

10. This Commission also endorses the observation of the FAA that the replies to the point No.53 and 26 ought to have been furnished with *reasons* as to why a particular information is not available with the Public Authority instead of simply stating 'Not Available/Not Applicable'. Further, the information sought for against the serial numbers cited at Para-7 above ought to have been furnished to the appellant as those are not covered by the exemption clauses under section 8(1) of the RTI Act.

11. In the premises as above, this Commission, while endorsing the observation of the FAA in his order dt.10.08.2023 and the direction passed therein, directs the PIO o/o the Superintending Engineer (Co-ordination), PWD, Govt. of A.P, Itanagar to furnish to the Appellant the information which remained unfurnished as indicated at para-7 above within 2(two) weeks from the date of issue of this order. The Appellant is also directed to intimate this Commission of his satisfaction or otherwise on the documents so received on or before the next date of hearing which is fixed on 29.11.2024 (Friday) 2 pm.

Given under my hand and seal of this Commission on 8th November, 2024.


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

Memo No. APIC- 853/2023/ 804

Dated Itanagar, the 8 Nov., 2024

Copy to:-

1. The Chief Engineer (Vigilance, Training & Co-ordination) (PWD), Govt. of A.P, the F.A.A for information.
2. The PIO, o/o the Superintending Engineer (SE), Co-ordination, PWD, (AP), Itanagar PIN: 971111 for information and compliance.
3. Shri Nabam Tapak & Shri Kholi Bharat Lekhi Village near Iconic Dealer, PO/PS Naharlagun, District Papum Pare A.P PIN: 791110 Mobile No. 8794134135 for information and necessary action.
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
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar