

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CHIEF ENGINEER:: W/Zone:: RURAL WORKS DEPARTMENT
ITANAGAR

No: RWD/RTI-177/2023

Dated Itanagar, the 12th September'2024

Shri Palen Laa & Smti. Yukar Yaga

..... **Appellant**

c/o Jollang near Sonam Nursery,

Itanagar(A.P)

-VERSUS-

PIO-Cum-EE,RWD, Raga Division

Kamle District,(A.P)

..... **Respondent**

JUDGEMENT/ORDER

As per the order(enclosed) of **Shri Sangyal Tsering Bappu the State Information Commissioner,APIC, Itanagar vide No.APIC-837/2023 dated Itanagar, the 22nd of August'2024**, the case has been remanded to the **Chief Engineer-cum-FAA, RWD(W/Z), Itanagar**.

Therefore both the parties are hereby ordered to appear before **The Chief Engineer-cum-FAA ,RWD(W/Z), Itanagar** at his office on 18/09/24 at 1100 hrs for a fair hearing of the matter.

Sd/-
(Er. H. Tama)
Chief Engineer-cum-FAA(W/Z)
Rural Works Department, Itanagar

Memo No: RWD/RTI-177/2023

1015-19

Dated Itanagar , the 13 September'2024

Copy to:

- i) The State Information Commissioner, APIC, Govt. of Arunachal Pradesh, Itanagar for information please.
- ii) The Superintending Engineer, Rural Works Circle, Ziro for information please.
- iii) The PIO-cum-EE, RWD, Raga Division, Kamle Dist.,(A.P) for information and necessary action please.
- iv) Shri Shri Palen Laa & Smti Yukar Yaga, c/o Jollang near Sonam Nursery, Itanagar(A.P) for information and necessary action. Ph-7085354892
- v) The Computer Programmer, APIC for uploading on the website of APIC please.
- vi) Office Copy



(Er. K Welly) APIO
For Chief Engineer (W/Z)
RWD Itanagar



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.**

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 837/2023.

(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 Executive Engineer,
(RWD), 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 Executive Engineer, (RWD), 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 Executive Engineer, Department of (RWD), Raga Division, Kamle District is absent. The Appellant Shri Palen Laa who is also absent informed vide 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 reveal that in response to the appeal filed by the Appellant before the First Appellate Authority, the Chief Engineer, RWD, (W/ Z), Itanagar vide memo of appeal dated 24-07-23, the APIO, o/o the FAA, vide letter dated 07-08-23, had directed the PIO, o/o the Executive Engineer, (RWD), Raga, Kamle District to furnish the information(s) sought by the Appellant in his application dated 20-06-23.

As laid down at para- 38 of the Guidelines for the F.A.A issued by the GOI and the State Govt., adjudication on the appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the First 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 First Appellate Authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority, following the principle of natural justice, should conduct hearing giving fair and equal opportunity to the Appellant and the PIO and thereafter must pass a reasoned and speaking order on merit within the stipulated period of 30 days from the date of receipt of the appeal.

Office of the Chief Engineer (W/Z)
Rural Works Department
Receipt No: 967.DM.27/08/24
Itanagar (A.P.)

1096
21/08/24
19/08/24
02/09/24

176/177

It is to be noted that the F.A.A, while adjudication on the appeal must apply his mind into the aspects like the kind of information sought by the Appellant, whether the information sought for could be disclosed or whether the same is exempted under relevant provisions of law and then, exercise his power and functions as mandated by the Act for implementation of the RTI Act in letter and spirit in terms of the provisions of Section 19(1) of the RTI Act, 2005 instead of simply directing the PIO concerned to furnish the information(s).

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, the Chief Engineer, (RWD), (W/Z), Itanagar for adjudication on the appeal who shall apply his mind and go into aspects like what kind of information(s) was sought by the Appellant, whether the information(s) would be provided or whether the same is hit by the provisions of Section – 8 of the RTI Act, 2005 and then pass an appropriate speaking order giving justification for his decision.

This appeal is accordingly, remanded to the F.A.A, the Chief, Engineer (RWD) (W/ Z) for adjudication within one month from the date of receipt of this order with liberty to the Appellant to prefer second appeal before this Commission under section 19 (3) of the RTI Act if he is aggrieved with the order passed by the F.A.A for which no fee need be paid.

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

Dated Itanagar, the 22 Aug, 2024

Memo No. APIC- 837/2023/ 142
Copy to: -

1. ✓ The Chief Engineer (RWD), (W/Z), Govt. of A.P, Itanagar-cum-the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the Executive Engineer, (RWD), Raga Divison Kamle District, Govt. of Arunachal Pradesh PIN: 791120.
3. Shri Palen Laa & Smtl Yukar Yaga, c/o Jollang, near Sonam Nursary, 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
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar

**FORM OF Memorandum of Appeal to the First Appellate Authority
Under Section 19(1) of the RTI Act 2005**

To,

**The First appellate authority-cum Chief Engineer RWD
Western Zone Itanagar, Arunachal Pradesh**

1. Full of the appellant :- Shri Palen Laa & Smty Yukar Yaga
2. Address with telephone no :- C/O Jollang Near Sonam Nursery Itanagar A.P
3. Particular of the PIO :- Executive Engineer RWD Division Raga
4. Date of receipt of the order
appealed against (if order passed):- Nill
5. Last date for filling the appeal :- 20/6/23
6. The grounds for appeal :- Not furnishing of required documents
7. Particulars of information:-
(I) Nature & subject matter of the
information required :- Enclosed form A
(ii) Name of the office department
to which the information release :- Executive Engineer RWD division Raga.
8. A fee of Rs 50/- for appeal has been deposit in treasury challan/IPO vide
no. 966 630801 Date 24/7/23

Place: ITANAGAR

Date: 24/7/23

Submitted on
Received on
24/7/23
21/7/23

DALE (RTI)

Put up in file
21/7/23


Signature of Appellate
Cont. No. 7085356892

Form "A"
Form of application for seeking information
(See rule 3)


I.D. No.....
(For official use)

To.

The Executive Engineer-Cum-PIO
Department of RWD Raga,
Kamle District (A.P).

1. Name of the Applicant : Shri Palen Laa & Smti Yukar Yaga
2. Address : C/o Jollang Near Sonam Nursery Itanagar
3. Particulars of Information :
 - a). Concerned Department :RWD, Raga Division
 - b). Particular of Information requires: Regarding Expenditure & Implementation of Relief Fund in the year of 2021-22 under the whole Kamle District.
- i. Details of Information required: (a) Furnish Sanction order coppies (b) Furnish utilization certificate copies. (c) Furnish list of the Victims member copies: (d) Furnish exact location of the Victims member copies. (e) Furnish Photograph of the Damage of Property Copies.(f) Furnish side inspection report copies. (g) Furnish Payment list copies. (h)Furnish cheque Books copies. (i) Furnish bill challan copies with Voucher/ Cash Memo Copies. (j) Furnish Date & Time on which the payment is handover to victims / Incident happens copies.
- ii. Period for which information asked for: 2021-22 (Till date).
- 4.. I state that the information sought does not fall within the restrictions contained in Section 8 of the Act and to the best of my knowledge it pertains to your office.
5. A fee of Rs. 10/- has deposited in the office of the Competent authority vide Treasury Challan No. 59F 364443dated.....20/6/23.....

Place: ITANAGAR
Date: 20/6/23


Signature of Applicant

Name of Applicant: Shri Palen Laa & Smti Yukar Yaga
E-mail address, if any.....
Tel.No. (Office)...7085354892.....
(Residence).....

Note: - (i) Reasonable assistance can be provided by the Competent Authority in filling up the Form A.
(ii) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information require.