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ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
TANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 1003/2023.

Shri Palen Laa & Smt. Yukar Yaga
c/o Jullang near Sonam Nursery, PO/PS- Itanagar,
District Papum Pare, A.P

..... APPELLANT

Vs

The PIO, o/o the Divisional Forest Officer
Hapoli (Ziro), Lower Subansiri District, (A.P)

..... RESPONDENT.

ORDER

Whereas this Commission, vide order dt. 3rd October, 2024, had remanded this Appeal to the First Appellate Authority, the Chief Conservator of Forest (Western Arunachal Circle) Banderdewa for adjudication as mandated under section 19(1) of the RTI Act, 2005.

2. And whereas in response to the said order, the First Appellate Authority, vide his letter No.WAC / RTI / 2023 / 197 dt.14th Oct.,2024, enclosing therewith the copies of correspondences, viz (a) letter dt.23.07.2024 addressed to this Commission regarding APIC summon notice dt.05.07.2024 in Appeal case No APIC-927/2023/93 (b) letter No.WAC /RTI /Gen-II2023/13 dt.31.08.2023, addressed to Shri Palen Laa & Smti Yukar Yaga regarding the First Appeal filed by them vide Application (Form-A) 14.09.2023 under section 19(1) of the RTI Act, intimated that he is not able to dispose of the remanded appeal in question on the ground that the address of the PIO was wrong and also that the appellants did not turn up nor submitted corrected appeal inspite of his advice vide letter dt.31.08.2023.

3. And whereas, this commission has carefully gone through the aforesaid letter dt.14.10.24 along with the enclosure therewith from the FAA, the Chief Conservator of Forest (Western Arunachal Circle) Banderdewa and found that:

- i) the Appeal number mentioned in his letter dt.23.07.23 is APIC-927/2023 which is not the one remanded by this Commission to him, the remanded appeal being APIC-1003/2023. ***The APIC-927/2023 as quoted by him pertains to another Hon'ble Court of HSIC, Shri Khopey Thaley regarding the information on appointment of Staff (UDC/LDC/PEON etc.) whereas the instant appeal (APIC-1003/2023) is regarding the information on expenditure and implementation of schemes under CAMPA Fund;***

- ii) the date of Memorandum of Appeal filed before the First Appellate Authority in Form-A under section-19(1) in respect of APIC-1003/2023 is 14.09.2023 while the date of Memorandum of Appeal filed before the First Appellate Authority in respect of APIC-927/23 is 19.08.2023 which has been misquoted by the FAA in his letter dt.14.10.24;
- iii) in the hearing held on 27.09.2024, the PIO-cum-DFO, Hapoli (Ziro) had deputed Shri Subu Kobin, JE o/o the Divisional Forest Officer, Ziro, to attend the hearing which fact clearly establishes that the PIO –cum- DFO, Hapoli (Ziro) is the PIO of this particular case.

4. And whereas, in view of the mismatch in the dates/months of actual filing of appeal before the FAA and the date of receipt as claimed by the FAA and also the confusion of the FAA regarding the PIO, this Commission deems it appropriate to direct the FAA to have the records/documents related to this instant appeal No.APIC-1003/23 properly studied and examined and then to adjudicate on the appeal.

5. Now therefore, this Commission, while re-iterating its direction contained in the order dt.3rd October, 2024, directs the FAA, the Chief Conservator of Forest (Western Arunachal Circle) Banderdewa to revisit the records available in his office, more particularly, the date of filing the First Appeal (14.09.2023) as against the date of receipt (19.08.2023) as shown by him in his aforesaid letter and applying his mind and hearing both the parties {the Appellant and the PIO (DFO, Ziro) }, consider and dispose of the Appeal within 2(two) weeks from the date of receipt of this order.

Be it be noted that the First Appellate Authority, being well versed with the functioning of the department, has the bounden duty under section 19(1) of the RTI Act, 2005 to adjudicate an appeal filed before him and pass a suitable order thereon in speaking form stating therein the reasons for his decision. In doing so, the FAA, as the quasi-judicial authority under the RTI Act, has to hear both the parties and passe a reasoned order on merit. Further, the PIO-cum-DFO, Hapoli (Ziro) and the Appellants are also directed to attend the hearing when called for the FAA.

Given under my hand and seal of this Commission on this 17th Octobar, 2024


Sd/-
(S.Tsering Bappu)
State Information Commissioner
APIC, Itanagar

Memo No. APIC-1003/2023/
Copy to:-

Dated Itanagar, the

Oct, 2024

1. The First Appellate Authority-cum-CCF (Western Circle) Govt. of A.P Banderdewa for Information & Compliance.
2. The PIO,o/o the Divisional Forest Officer, Hapoli Forest Division, Lower Subansiri District, Ziro (A.P) PIN: 791120 for information & necessary action please.
3. Shri Palen Laa & Smt. Yukar Yaga c/o Jullang near Sonam Nursery, PO/PS-Itanagar District Papum Pare, (A.P) PIN: 791111 Mobile no.7085354892 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.**