



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Vide Case No. APIC- 993/2023.

(Summon to appear in person)

(Or.5, R.3 of CPC)

**Shri Nabam John, Doimukh, Papum Pare
District (A.P).**

..... **Appellant**

Vs

**The PIO, o/o the E.E, PWD Naharlagun,
Division Papum Pare District, (A. P)**

..... **Respondent**

ORDER

This is an appeal under Section 19 (3) of RTI Act, 2005 received from Shri Nabam John for non-furnishing of information by the PIO, o/o the E.E, PWD Naharlagun Division, Govt. (A.P) as sought for by the Appellant under Section 6(1) (Form-A) of RTI Act,2005.

This appeal is heard for the 3rd time today on 30/08/24 wherein the Appellant was present but the PIO, o/o the E.E, PWD was absent.

In the 1st and the 2nd hearing, both the parties were absent.

It is pertinent to note that as prescribed under paragraph 3 and 4 of the Arunachal Pradesh Information Commission (Appeal Procedure) Rules 2005, an appeal made to the Commission is required to be accompanied by documents, inter alia, the particulars of the order against which the appeal is made, brief facts leading to the appeal and attested true copy of the order against which the appeal is being preferred. However, no such material documents are found enclosed in the appeal.

Further, 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 both 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.

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.

In the instant case the Commission observes that the F.A.A, the (S.E) Superintendent Engineer, Capital Circle, despite having acknowledged the receipt of the Appeal Memo dated 11/09/23 under Section 19(1) of the RTI Act, 2005, did not take any action on the appeal. This Commission, therefore, finds this appeal fit to be remanded to the F.A.A, for adjudication.

This appeal is, accordingly, remanded to the F.A.A, the Superintendent Engineer, Capital Circle for adjudication and passing an appropriate speaking order within four weeks from the date of receipt of this order with liberty to the Appellant Shri Nabam John to prefer 2nd appeal before this Commission under Section 19(3) of the RTI Act if he is aggrieved with the order/decision of the F.A.A for which no fees need be paid.


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

Dated Itanagar, 04 Sep, 24

Memo No. APIC- 993/2023/165
2024

Copy to: -

1. The o/o the Superintendent Engineer, Capital Circle, Govt. of A.P, Itanagar - cum-the First Appellate Authority (F.A.A) for information & necessary compliance.
2. PIO, o/o the E.E (PWD) Govt. of (A.P) Naharlagun Division, Naharlagun for information.
3. Shri Nabam John, Doimukh, Papum Pare District (A.P) PIN: 791111 for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.


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