



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

An Appeal Case U/S 19(3) of RTI Act, 2005  
Vide Case No. APIC- 839/2023.

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

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

.....Appellant

The PIO, o/o the District Medical Officer,  
(DMO), 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 Medical Officer, (DMO), 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 appeal was fixed today on 21/08/24.

The PIO o/o the District Medical Officer, Raga Kamle District is absent and the Appellant Shri Palen Laa who is also absent informed vide his letter dated 19/08/24 that he shall not able to attend the hearing as he has to attend the Court of the Chief Judicial Magistrate at Daporijo.

The records reveal that the in response to the application dated 20/06/23 filed by the Appellant for 11 (eleven-point) information(s) before the PIO, o/o the DMO, Raga, Kamle District, the PIO (DMO), vide his letter dated 17/07/23, intimated the Appellant, Shri Palen Laa and Smti Yukar Yaga that not a single person is appointed till date under the establishment of DMO office Kamle District after creation of new District 2017.

Having not satisfied with the response of the PIO o/o the DMO, the Appellant preferred 1<sup>ST</sup> appeal under Section 19 (1) of the RTI Act,2005, before the D.C, Kamle District, the F.A.A. However, the records reveal that the First Appellate Authority, the D.C, Kamle District did not take any action on the appeal filed by the Appellant vide memo of appeal dated 24/07/23.

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 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 FAA, having not discharged its mandated duty under Section 19 (1) of the RTI Act, 2005, this Commission sees this case as fit case to be remanded to the FAA, the D.C, Kamle District for adjudication and passing an appropriate order in speaking form within 1(one) month from the date of receipt of this order.

The Appellant is given liberty to prefer 2<sup>nd</sup> appeal before the Commission under Section 19(3) of the RTI Act, if he is aggrieved with the decision/order issued by the FAA for which no fee need be paid.

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

Memo No. APIC- 839/2023/153  
Copy to: -

Dated Itanagar, 23 Aug, 2024

1. The o/o the Deputy Commissioner Kamle, District, Govt. of A.P, -cum-the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the District Medical Officer, (DMO), 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**