सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR

BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU,
STATE INFORMATION COMMISSIONER.

No. APIC-46/2025

Dated, Itanagar the 11th August, 2025

Shri Nechang Kamki & Tarh Rahan, Upper Niti Vihar, Itanagar. Vs. Er. Shri Deneil Pertin, E.E-cum-PIO, o/o CE(RWD)(PMGSY), Govt. of A.P, Itanagar.

ORDER

(Section 19 (8)(b) (c) r/w Section 20 (1)of the RTI Act,2005)

WHEREAS Shri Nechang Kamki & Tarh Rohan, Upper Niti Vihar, Itanagar, vide their application dated 07.11.2024, had requested the PIO o/o the Under Secretary (RWD), Govt. of Arunachal Pradesh, Civil Secretariate for the following information under section 6(1) of RTI Act, 2005:

A) **Particular of information**: Maintenance of PMGSY road;

B) **Details of information required:**

1) the e-Marg (Electronic Maintenance of rural road under PMGSY statement of above said project/Scheme) and

2) all bank authorization letter of above said project/scheme.

C) Period for which information asked for : 2023 – 24

2. ***AND WHEREAS*** the appellants failed to obtain the information from the US(RWD) which prompted them to file their 1st appeal before the Secretary (RWD), the First Appellate Authority under section 19(1) of the RTI Act vide their appeal memo dt. 11.12.2024.

3. ***AND WHEREAS*** the appellants failed yet again to obtain the information despite approaching the FAA which led to filing of their 2nd appeal before this Commission under section 19(3) of the RTI Act vide their appeal memo dt.13.01.2025.

4. ***AND WHEREAS*** the appeal was, thus, listed and heard for 4(four) times on **04.04.2025, 23.04.205, 30.05.2025 and on 16.07.2025**. And on 04.04.2025 the appellants, Shri Nechang Kamki & Tarh Rahan, Upper Niti Vihar, Itanagar were present in person but the Under Secretary(RWD)-cum-PIO did not appear but she informed vide her letter dt.28.03.2025, that "*the information requested by the appellants pertain to the subject matter being dealt with by the o/o the CE(RWD)(PMGSY), Itanagar and as such the RTI application was forwarded to the PIO, o/o the CE(RWD)(PMGSY), Govt. of A.P, Itanagar vide letter dt.13.03.2025 with a direction to furnish the information as sought for by the appellants.*"

5. ***AND WHEREAS*** on 23.04.2025 this Commission, upon hearing the PIO, the U.S (RWD), Civil Sectt., Ms. Boa Yamik and PIO, o/o the CE (RWD) (PMGSY), Itanagar, Er. Shri Deniel Pertin, E.E and considering the factual position stated by the US(RWD)-cum-PIO, o/o the Secretary (RWD) that "*the information requested by the appellants are available with the o/o the CE(RWD)(PMGSY), Itanagar,* directed the PIO o/o the CE (RWD)(PMGSY) to furnish the sought for documents to the appellants.

6. ***AND WHEREAS*** in the hearing on 30.05.2025 the PIO, Er. Shri Shri Deniel Pertin, E.E appeared with the requested documents but the documents were found not signed and as such this Commission, upon hearing the parties and on perusal of the documents, directed the PIO to furnish the dully singed documents with proper indexing in tabular form and also to furnish some of the remaining documents in soft copy (pen-drive) within 5(five) days.

7. ***AND WHEREAS*** the appellants intimated this Commission vide their letter dt.09.06.25 that inspite of the order dt.02.06.2026 passed by this Commission, the PIO failed to furnish the documents. They, therefore, pleaded this Commission for penal action against the PIO under section 20 (1) and (2) of the RTI Act, 2005 for deliberate non-compliance of the order of this Commission.

8. ***AND WHEREAS*** this Commission also noticed that the PIO did not comply with the order of this Commission which attracted penal action under section 20 of the RTI Act. As such vide order dt.13.06.2025 the PIO was directed to comply with the order dt.02.06.2025 of this Commission within one month making it clear that non-compliance of the order will entail penalty under section 20(1) of the RTI Act and that the order be treated as the Show Cause Notice and the hearing of appeal was adjourned to 16.07.2025.

9. ***AND WHEREAS*** on 16.07.2025 when the the appellants, accompanied by their Counsel, Shri Dope Ori were present and the PIO, Er. Shri Deniel Pertin, EE appeared through VC, the appellants, reiterating their demand for the information, submitted that they have received the information on routine maintenance of the PMGSY Road but did not receive the information /documents on other categories of maintenance such as periodical and FDR (Full Depth Reclamation).

10. ***AND WHEREAS*** the PIO, when asked as to why the requested documents/information as directed by this Commission in its order dt.02.06.2025 was not furnished to the appellant, submitted that the documents are not held by his office but by the o/o the CEO(PMGSY) or the o/o the Secretary (RWD). He also submitted that he has no knowledge or records of the remaining two categories of maintenance, namely, periodic and FDR.

11. ***AND WHEREAS*** this Commission found the response of the PIO to be unconvincing and unsatisfactory making him liable to the penalty prescribed under section 20 of the RTI Act, 2005 in as much as in the last hearing on 30.05.2025, he had assured to provide complete information in hard copy as well as in soft copy (pen-drive). Accordingly, this Commission, vide order dt.18.07.2025 imposed a penalty of Rs. 25,000.00 (Twenty five thousand) on the PIO, Er. Shri Deniel Pertin, E.E and directed him to furnish the receipt of the deposit of penalty amount within 15 (fifteen) days from the receipt of the said order. ***The PIO was also directed, in terms of rule 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, to furnish an affidavit declaring that his office does not hold information /documents*** *on other categories of work such as periodical and FDR (Full Depth Reclamation) in the maintenance of PMGSY road* making it clear that non-compliance thereof shall entail further action under section 20(2) of the RTI Act which is reproduced hereunder:

"20(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Information Officer or the State Information Officer, as the case, may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section(1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rule applicable to him"

12. ***AND WHEREAS*** one of the appellants, namely, Shri Tarh Rohan, vide his letter dt.04.08.2025, informed that the PIO, Er. Shri Deneil Pertin did not furnish the *affidavit declaring that his office does not hold information /documents on other categories of work such as periodical and FDR (Full Depth Reclamation) in the maintenance of PMGSY road despite this Commission's order dt.18.07.2025.*

13, ***AND WHEREAS*** this Commission also noticed that even after the lapse of the stipulated deadline of 15(fifteen) days, the PIO did not deposit the penalty amount imposed on him, thereby, not only disobeying the direction of this Commission but also blatantly disrespecting the provisions of RTI Act making out a case where this Commission is constrained to invoke the provisions of sub-section (2) of section 20 of the RTI Act, 2005, as extracted at para-12 above.

14. ***NOW THEREFORE***, this Commission recommends for disciplinary action against Er. Sri Deneil Pertin, EE, the PIO, o/o the CE (RWD), (PMGSY), Govt. of A.P, Itanagar under the relevant Service Rules applicable to him. The competent authority is directed to initiate and take necessary disciplinary action against Sri Deneil Pertin within 45 (forty five) days from the date of receipt of this order and the action taken report thereon shall be intimated to this Commission.

The case is disposed of in above terms with liberty to both the parties to prefer appeal, if so desire / advised, in terms of section 23 of the RTI Act, 2005.

Given under my hand and seal of this Commission on this 11th August, 2025.

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

Memo No. APIC- 46/2025 /1575 **Dated Itanagar, the** 11 **Augus, 2025**

Copy to:

1. The Secretary/Commissioner(RWD), Govt. of A.P. Itanagar for information and necessary action. This refers to this Commission's earlier order dt.18.07.2025
2. The Chief Engineer (RWD)(PMGSY), Govt. of A.P, Itanagar, the First Appellate Authority (FAA) for information and necessary action.
3. Er. Shri Deneil Pertin, the PIO, o/o the CE (RWD)(PMGSY), Govt. of A.P, Itanagar for information.
4. The PIO, o/o the Under Secretary, RWD, Govt. of Arunachal Pradesh, Itanagar.
5. Shri Nechang Kamki & Tarh Rahan Upper Niti Vihar, Itanagar, PIN No.791111 Mobile No. 9436872228 for information.
6. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
7. Office copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.