



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

.....
(Before the Hon'ble Information Commissioner Mr Dani Gamboo)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No. 980/2023(Appeal)

Shri Sangey Phuntsok
Park View Apartment
Senki View Tinali, Uppar Nitivihar
PO/PS: Itanagar
Papumpare District A.P Pin: 791110.
(M) 8798673613

Appellant

Versus

1.PIO cum EE WRD
Namsai Division
Namsai District AP
Pin: 792103.

Respondents

2.FAA O/o the Chief Engineer,
WRD EZ Miao
Changlang District AP
Pin: 791111.

Date 23.08.2024

ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act. 2005. Brief fact of the case is that the appellant Shri Sangey Phuntsok on 03.08.2023 filed an RTI application in Form-A to the PIO cum EE WRD Namsai Division, Namsai District A.P, whereby, seeking various information as quoted in Form-A application.

Appellant being not received information from the PIO, filed the First Appeal before the First Appellate Authority cum CE WRD, Miao Changlang District on 06.09.2023.

Appellant again having not received the required adequate information on decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 11.10.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.980/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 23.08.2024. Notice of hearing dated 03.07.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 23.08.2024 the respondents PIO Cum EE WRD, Namsai District A.P is represented by Shri Syndulum Ngadong (Advocate) through online and Shri Tajo Rumi, EE (P&D) has represented on behalf of the FAA Cum CE, WRD, Mia, Changlang District A.P. The appellant Shri Sangey Phuntsok did not appeared.

Heard both the representatives.

Shri Syndulum Ngadong representative of the PIO submitted that the information has been sent to the appellant through registered post.

The representative of the FAA states that no formal hearing of the appeal has been conducted but the first appeal has been forwarded to the Executive Engineer cum PIO, WRD, Namsai and produced a copy letter no. WRD/EZ/Estt-1/2020 Dated 20th Sept'2023.

On perusal of the case file, it is observed that no statutory procedural action o taken on record by the FAA to dispose of the first appeal filed by the appellant.

This inaction of the FAA as per statutory procedure is violation to implementation of provisions of RTI Act 2005 which was enacted to promote transparency and accountability in the working of every public authority and also to contain corruption and to hold governments and their instrumentalities accountable to the governed.

On the basis of Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005 and ... *as laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21st August, 2008,.. adjudication on the appeals under RTI Act is a quasi-judicial function. It is, therefore, necessary that the 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 appellate authority should be a speaking order giving justification for the decision arrived at.*

The commission observes that under section 19(1) of the RTI Act. 2005, for the principle of natural justice, it is mandatory for the FAA to summon the appellant and PIO, give fair opportunity of being heard and pass speaking order on merit.

Since, it is not done, the case is pre-mature to be considered as an appeal under section 19(3) of the RTI Act, 2005.

Therefore, the First Appellate Authority (FAA) and CE WRD, Miao, GoAP Changlang District A.P following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within two weeks from the date of receipt of this order. Hence, this appeal is remanded to the First Appellate Authority (FAA)- CE (EZ) WRD, Miao.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with giving liberty to the appellant to file appeal afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 23th day of August' 2024. Each copy of the Judgement / Order be furnished to the parties.


Given under my hand and seal of this Commission / Court on this 23th day of August' 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner
APIC, Itanagar

Memo No.APIC-980/2023/153
Copy to:

Dated Itanagar the 26th August' 2024.

1. FAA O/o the Chief Engineer, WRD EZ Miao Changlang District AP Pin: 791111.
2. PIO cum EE WRD Namsai Division Namsai District AP Pin: 792103.
3. Shri Sangey Phuntsok Park View Apartment Senki View Tinali, Uppar Nitivihar PO/PS: Itanagar Papumpare District A.P Pin: 791110 (M) 8798673613
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.


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