



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE HON'BLE COURT OF SHRI GUMJUM HAIDER, STATE INFORMATION COMMISSIONER

No. APIC-498/2023

Dated, Itanagar the 29th January, 2024.

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Dongru Tania
Near Takar Complex, PO/PS-Naharlagun -V/S-
Naharlagun, AP**

Respondent

**PIO, O/o the Director of
Elementary Education
Itanagar, AP**

JUDGEMENT ORDER

This is an appeal under section 19(3) of RTI Act, 2005 was received from **Shri Dongru Tania, Near Takar Complex, Naharlagun, PO/PS-Naharlagun, Arunachal Pradesh**, for non-furnishing of information, by the **PIO, O/o the Director of Elementary Education, Itanagar, Govt. of Arunachal Pradesh**, as sought for by the appellant under section 6(1) of RTI Act, 2005.

Brief fact of the case being that the appellant on 04.03.2023 filed an RTI application under 'Form-A' before the PIO, whereby, seeking various information regarding:

"To furnish all the relevant documents regarding Recruitment of PRT Teachers mentioned in the Form-A of the appellant."

The above subject has been mentioned in detail under 'Form – A'.

The 1st hearing of this case was held on the 22nd day of Nov'2023. The appellant was present. The representative of the PIO, Mrs. K.C Lowangcha, DDEE was also present. After hearing both the parties, the representative of the PIO had been directed by the Court to come with all the information as sought by the appellant as per his Form-A on or before the next date of hearing of this case fixed on the 20th day of Dec'2023.

The 2nd hearing of this case was held on 20.12.2023. The appellant was present and the representative of the PIO Shri T.Jilen, DDEE was also present. The Court finds that the PIO of this case Mr Kadhing Perme, Jt. Director of Elementary Education is willfully not attending in both the two (02) hearings and sending new officers to be present on his behalf who are not versed with the content of the case which establishes prima-facie evidence of violation of Sub Section (1) of the Section 7 of the RTI Act, 2005 by the PIO in spite of repeated direction given by the Court to the PIO in very hearing for furnishing of information to the appellant but the PIO failed to furnish the sought information to the appellant till the 2nd hearing and for which the PIO is imposed with a penalty amounting to Rs 25,000/- (Rupees Twenty-Five Thousand) only. The next date of hearing of this case is fixed on 17th Jan, 2024.

A written statement (copy enclosed) has been received in the Commission's Office from the PIO of dtd 09.01.2024 copy enclosed for ready references and the PIO has also verbally apprised the Hon'ble SIC about the facts of the case.

The 3rd hearing of this case was held on 17.01.2024. Both the parties were present. After hearing both the parties the case has been disposed of with a direction to the appellant to obtain the sought information from the DDSE Office Boleng Siang District which is the concerned Office and the PIO is relieved from this case. Further the Court has given a liberty to the appellant to file a fresh RTI application regarding the matter to the concerned PIO and also the PIO would submit a swear in affidavit of no information is available under his custody. The same has been received by the appellant Shri Dongu Tania and submitted to the Commission on 22.01.2024 (copy enclosed for ready references).

Considering all the above aspects into account, I find this appeal fit to be disposed of as infructuous. And, accordingly, this appeal stands disposed of and closed for once and for all. Each copy of this order disposing the appeal is furnished to the parties.

Given under my hand and seal of this Commission's Court on this 29th January, 2024.

Sd/-
(GUMJUM HAIDER)
State Information Commissioner,
APIC, Itanagar.

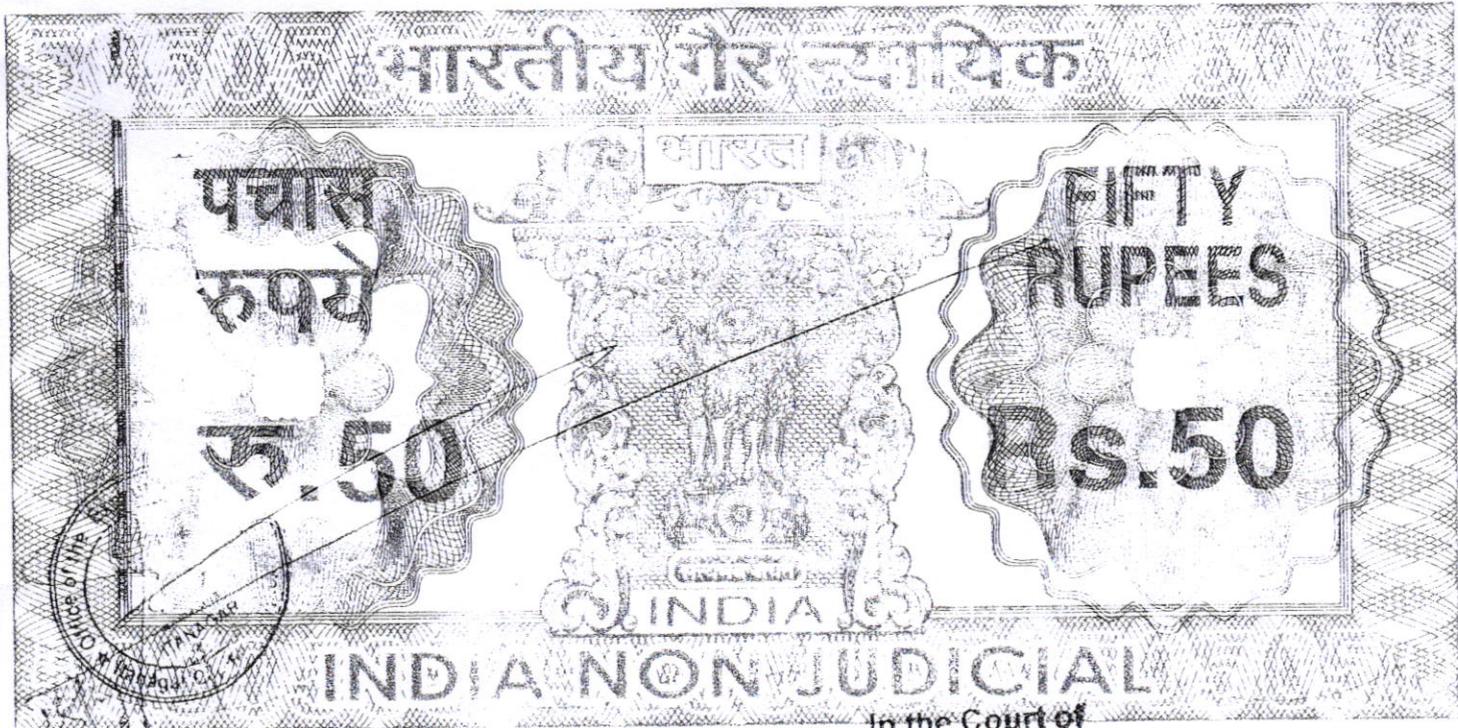
Memo.No.APIC- 498/2023/ 1268

Dated, Itanagar, the 20th January '2024

Copy to: -

1. The PIO, O/o the Director of Elementary Education, Itanagar, PIN - 791111, Govt. of Arunachal Pradesh for information & necessary action please.
2. Shri Dongru Tania, Near Takar Complex, Naharlagun, PO/PS-Naharlagun, Arunachal Pradesh, Pin - 791110, (PH-7005481022/9436079765), for information & necessary action please.
3. The Computer Programmer / Computer Operator for uploading on the Website of APIC, please.
4. Office copy.

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



अरुणचल प्रदेश ARUNACHAL PRADESH

In the Court of
Executive Magistrate
683834
2024 18/01/24

IN THE COURT OF EXECUTIVE MAGISTRATE : ITANAGAR CAPITAL COMPLEX, ARUNACHAL PRADESH

AFFIDAVIT

I, Shri Kadhing Perme, aged 58 years, son of Lt. Karo Perme, working as Jt. Director-cum-PIO in the Directorate of Elementary Education Itanagar, do hereby solemnly affirm and declare as follows:-

1. That the information regarding recruitment/appointment of PRT Teachers sought under RTI by Shri Dongru Tania & T.L. Tara falls under the domain of DDSE, Boleng, Siang District and no documents of any kind as sought by them are available at this Directorate.
2. That this instant affidavit is sworn in for the purpose of furnishing the information under RTI specifically pertaining to recruitment/appointment of PRT teachers as above.
3. That the statements herein as mentioned above are true to the best of my information, knowledge and belief.

Hence, I swear this Affidavit before the Executive Magistrate, ICR, Itanagar on this day of 18th Jan;2024 at 11.20 hrs.

[Signature]
18.1.24
DEPONENT

Executed before me by the deponent the day of Jan'2024 at.....hrs.

*Received by
Shri Dongru Tania
dated on 22/1/24*

Executive Magistrate (ICR)
Arunachal Pradesh
Itanagar

Executive Magistrate
Itanagar Capital Complex
ITANAGAR

GOVERNMENT OF ARUNACHAL PRADESH
DIRECTORATE ELEMENTARY EDUCATION
ITANAGAR

No. RTI-01/2005/EDN/803

To,

Date Itanagar, the 9th Jan'2024.

Shri Gumjum Haider
State Information Commissioner
Itanagar

Sub:- Request to review the decision on imposing penalty against
Shri Kadhing Perme, JDEE-Cum-PIO thereof-

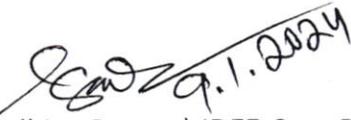
Ref:- Your order No.APIC-498/2023/487 dated 2nd January'24.
Sir,

I have received your order on 08-01-2024 vide APIC No.498/2023 dt. 2nd Jan'2024. and disheartened to know that the undersigned has been penalised on false allegation by imposing a penalty of Rs. 25,000/- for refusing to furnish information to the appellatant in the case vide APIC No.498/2023. where in the PIO did no wrong. Hence this appeal is made to review the decision taken against me on the following grounds:-

1. **That the undersigned has never refused to provide the information to the appellatant** and therefore the decision taken seems to be arbitrary in nature and hence this appeal for review.
2. **That the information sought by the appellatant is under the domain of DDSE, Boleng, Siang District** and the matter was endorsed to DDSE Boleng on 23-11-2023 requesting him/Her to furnish the required information directly to the appellatant with a copy to the undersigned for records. A copy was also sent to your good office for information as at annexure-I
3. **That I did not skip the hearing intentionally but I was on leave during the hearing.** However, APIO/Officer from the Directorate were deputed to represent the Department during hearing and they have put forward our issues/problems. Inspite of our best efforts, the undersigned has been penalized in his absence with no fault and also without giving any opportunity of being heard. No PIO can attend hearing when on leave. Leave order at Annexure-II.
4. **That no show cause notice/warning notice has been served to the undersigned for non-appearance in the hearing till date** by your good office which is of course the first step to be initiated against any PIO by your Hon'ble Court .
5. **I would like to reiterate that the information sought by the appellatant falls under DDSE, Siang District** and that no information/materials of all the incumbents listed are available at this Directorate office. It is to mention here that all teachers against whom information were sought were found to be appointed illegally and termination order has been issued against them. List enclosed at annexure-III.
6. **That such hasty but coercive actions not only tarnish my personal image as if committed a great criminal offence of no fault of mine but also squarely put the Department in an embarrassing situation** which could have been avoided and resolved amicably at your honorable court.

Keeping the above facts in view, I fervently appeal your good self to review the decision taken against me and penalty imposed be lifted. Let justice be prevailed upon and the required information be furnished to the appellatant from DDSE, Boleng and not by PIO, Elementary Education.

Yours faithfully


(Kadhing Perme) JDEE-Cum-PIO
Directorate of Elementary Education
Itanagar.