

MEGHALAYA INFORMATION COMMISSION, SHILLONG

...

No.MIC/Complaint/56/2009/20,

Shri Tenderly Dkhar of Khimmusniang, Jaintia Hills - Complainant

-Vrs-

(1) Secretary, M.P.S.C., Shillong (D.A.A.) - Respondents
(2) Shri P.War, M.P.S.C., Shillong (P.I.O.)

2-7-2009

ORDER

Seen complaint dated 25-5-2009 received in the Commission on 30-6-2009 from Shri Tenderly Dkhar of Khimmusniang, Jaintia Hills, Jowai.

The case of the complainant is that he filed an R.T.I. application on 27-6-2007 before the Respondent-PIO, Shri P.War of the Meghalaya Public Service Commission, Shillong. Vide letter MPSC/RTI/8/2006-07/2 dated 24-7-2007, the Respondent-PIO furnished two out of three items of information requested by him and decided that the information on the result sheets of the written examination and personal interview and the marks secured by the candidates in the viva-voce cannot be furnished being exempted under section 8(j) of the R.T.I Act, 2005.

Not satisfied with the decision of the PIO, the complainant had approached with an appeal petition before the Chairman, Meghalaya Public Service Commission, Shillong on 6-8-2007. The Commission noted that the Chairman of the Meghalaya Public Service Commission, Shillong is not the Appellate Authority under the R.T.I. Act. Therefore, the appeal preferred by the complainant before the Chairman, Meghalaya Public Service Commission, Shillong is not a valid appeal.

The PIO has already furnished the information which he decided to make available and had given the legal ground for his decision to withhold information on the second item of the information requested. Though the appellant, had made the right approach of preferring an appeal against the decision of the PIO, he erred in addressing his appeal petition to non-R.T.I. functionary.

Under the provision of section 19 of the R.T.I. Act, any person who is aggrieved by the decision of the PIO may appeal against such decision to an officer senior in rank that is to the first appellate authority. Only when the complainant has exhausted the means available with the public authority to get an agreeable decision, he can prefer the second appeal before the Commission. Filing a complaint before the Commission against the decision already given by the P.I.O. is not in tune with the provisions of Law.

Let the complainant prefer the first appeal against the decision of the PIO with the Departmental Appellate Authority (DAA) viz., the Secretary, Meghalaya Public Service Commission, Shillong at the first instant. If necessary, he can approach the Commission by way of a second appeal.

Case disposed off.

(G.P.Wahlang)

C.I.C.

Memo.No.MIC/Compliant/56/2009/20-A

Dated Shillong, the 2nd July, 2009

Copy to:-

- (1) Secretary, Meghalaya Public Service Commission, Shillong (D.A.A.)
- (2) Shri P.War, Meghalaya Public Service Commission, Shillong (P.I.O.)
- (3) Shri Tenderly Dkhar, Khimmusniang, Jaintia Hills, Jowai (Phone 98630-76264)

(P.T.Rani)

Under Secretary,
Meghalaya Information Commission,
Shillong.