

വിവരാവകാശ നിയമപ്രകാരമുള്ള ഒന്നാം അപ്പീൽ തീർപ്പാക്കുമ്പോൾ ഒന്നാം അപ്പീൽ അധികാരി ഒരു quasi-judicial പ്രവർത്തനമാണ് നിർവ്വഹിക്കുന്നത് എന്നതിനാൽ decision നും judicious decision ആയിരിക്കണം

Quasi judicial power of First appellate authority [Section 19]

In the case of Sh. R.K. Potdar Vs. The Oriental Insurance Co. Ltd. New Delhi (Appeal No. 276/ICPB/2006 F.No. PBA/06/352 dt. 5.1.2007) the Commission has goes into this very important issue and had decided that the appellate authority has got the quasi judicial power to go into aspects like whether CPIO has given correct reply, whether he has applied all the provisions of the Act etc.

Judgment: The Right to Information Act, 2005, came into force in October 2005 and may have completed more than one year in implementing this particular legislation. In spite of that, the appellate authority has not understood the requirement of the legislation when an appeal has been preferred by the appellant. The main reason for the appellant to prefer first appeal is that he is not satisfied with the information furnished by the CPIO. The AA has got quasi-judicial power to go into the aspects like whether CPIO has given correct reply, whether he has applied all the provisions of RTI Act and he has to take a judicious decision while disposing of the appeal by passing a speaking order. In this particular case, the AA has failed to exercise his quasi-judicial power.

Commission direct the appellate authority to go through the RTI application, CPIO's reply and the first appeal preferred by the appellant and pass a speaking order within 15 days of receipt of this decision with a copy to this Commission.