

**NAGALAND INFORMATION COMMISSION**

**Officers' Hill, below Raj Bhavan,**

**Post Box No. 148**

**Nagaland, Kohima - 797001.**

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No. NIC/Appeal-11/2017-18

Dated Kohima, the 13<sup>th</sup> July, 2018.

Appellant : Shri. Devinder Sharma,  
AIII, Investigator & Loss Assessor,  
Krishna Cottage, 27-D,  
Dayal Bagh, Ambala Cantt – 133001,  
Haryana,  
Mobile No. 9876140198,  
email: sharmadevinder1953@gmail.com

Respondents : District Transport Officer & PIO,  
Tuensang.

Public Authority : Office of the District Transport Officer,  
Tuensang, Nagaland.

Date of first hearing : 12.09.2017 at 12:30 PM.  
Date of first Decision : 21.09.2017.

Date of second hearing : 24.04.2018 at 2:00 P.M  
Date of second Decision : 30.04.2018

Date of third hearing : 05.0.2018 at 12:00 PM.  
Date of third Decision : 13.07.2018.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Solidary Park, New Secretariat Area, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002514.

The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com **did not appear** for the hearing.

**FACT OF THE CASE**

The Commission had, after hearing the second appeal dated 29.05.2017 for the second time on 24.04.2018 at 2:00 P.M, passed its decision dated 30.04.2018 wherein the District Transport Officer & PIO, Tuensang was directed to furnish the Notification dated 01.08.2009 to the applicant (now appellant) within 15 days from the date of receipt of its decision with a copy to the Commission.

In compliance to the decision of the Commission dated 30.04.2018, the Transport Commissioner & FAA had, vide letter No.TC/Estt-RTI/Appeal/302/2014(163)/ 1482-83 dated 24.05.2018 stated that in his earlier letter dated 23.10.2017, it was erroneously mentioned at point No.2, that the said Notification dated 01.08.2009 was enclosed while furnishing the information to the applicant (now appellant). Further, the Transport Commissioner & FAA stated that the said Notification could not be traced out since numerous office files, record and machines were destroyed and the file having the said Notification too was burned during the protest when office was burnt down on 02.02.2017.

The Commission has again decided to hear the appeal giving opportunity of being heard to all the parties on **5<sup>th</sup> July (Thursday), 2018 at 12:00 Noon in the Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing:-

- i. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Solitary Park, New Secretariat area, Nagaland, Kohima.
- ii. Shri. Tsuknungmeren, District Transport Officer & PIO, Tuensang, Nagaland.
- iii. The applicant (now appellant), Shri. Devinder Sharma, Haryana.

#### **OBSERVATIONS AND FINDINGS:**

The applicant (now appellant), Shri. Devinder Sharma did not appear for the hearing and there was no prior intimation regarding his absence in the hearing.

The Commission informed that the appeal was being heard for the third time, and that the hearing was regarding the non-furnishing of the Notification dated 01.08.2009 to the applicant (now appellant).

During the hearing, the Transport Commissioner & First Appellate Authority stated that the office building including all files and records were destroyed in the fire on 02.02.2017 during the public unrest, and the said Notification might have also been destroyed. He further informed that the said Notification could not be located inspite of retrieving the Server where all records were stored. He, however, had produced a copy of similar Notification dated 04.08.2009 which was very near to the Notification dated 01.08.2009.

The Commission, however observed that the Notification dated 04.08.2009 produced during the hearing was very different and in no way related or similar to the said Notification under question.

Since the FAA had deposed during the first hearing held on 12.09.2017 at 12:30 PM, the Commission had relied on his deposition regarding the Notification or Public Notice/Information and insisted that such a very important Notification ought to be made available not only to the applicant but also for future references. Further, since the said Notification was circulated, a copy must be available in the Secretariat and in all its district offices.

The Transport Commissioner & First Appellate Authority prayed for some more time to put into efforts to search for the said Notification.

**DECISION:**

The Commission had allowed the prayer of the Transport Commissioner & FAA to search for the said Notification and furnish it to the applicant (now appellant) and with a copy to the Commission **within twenty (20) days** from the date of receipt of this decision.

Decision heard with only the respondent on 05.07.2018 at 12:00 PM.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Solidary Park, New Secretariat Area, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002514.
3. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

**CHANBEMO LOTH**

Chief Information Commissioner

Sd/-

**G. H. RAMLIA**

State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**

Secretary