

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

Post Box No. 148

Nagaland, Kohima-797001

Tel: 0370-2242366 | Fax: 0370-2242368

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/Appeal-11/2017-18

Dated Kohima, the 30th April, 2018.

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

Respondents : (i) The Transport Commissioner & First Appellate Authority,
Motor Vehicles Department,
Office of the Transport Commissioner,
Nagaland, Kohima.

(ii) The District Transport Officer & PIO,
Tuensang,
Nagaland.

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 PM.

Date of second Decision : 30.04.2018.

Present:

1. Shri. Y. Yansaromo Jami, District Transport Officer (E), representing Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 7085324295.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002510.

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, on 12.09.2017 at 12:30 P.M heard the second appeal vide No. S & C: UIIC CRO:NET: KKR Br./2016/124 dated 29.05.2017 submitted by the applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com and passed its decision vide of even No. dated 21.09.2017.

And in compliance to the decision of the Commission of even No. dated 21.09.2017, the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/Appeal/302/2014(163)/5540-42 dated 23.10.2017 and also the District Transport Officer & PIO, Tuensang had, vide letter No. DTO-T/MV/21/08/5444 dated 23.10.2017 furnished the information to the applicant (now appellant).

On receipt of the information from the Transport Commissioner & FAA and the District Transport Officer & PIO, Tuensang, the applicant (now appellant) had, by email dated 05.11.2017 submitted that Notification dated 01.08.2009 had not been furnished to him and he

further sought the reasons for cancellation of the old driving license No. 28968/TSG/PROF/10 and the renewed driving license No.0320100007262.

On not receiving the compliance to Point No. 2 (copy of the Notification dated 01.08.2009) of its decision of even No. dated 21.09.2017, the Commission had, vide letter of even No. dated 20.11.2017 directed the Transport Commissioner & FAA to furnish the information to the applicant (now appellant) with a copy to the Commission within 2 (two) weeks from the date of receipt of the directive.

The Commission had, vide letter of even No. dated 08.12.2017 directed the District Transport Officer & PIO, Tuensang to confirm satisfaction from the applicant (appellant) regarding the information so furnished to him and inform the Commission within 1 (one) month from the date of receipt of the directive.

Meanwhile, the applicant (appellant) had, vide letter No. S&A: UIIC CRD:NET: KKR Br/2016/124 dated 03.11.2017 and followed by email dated 05.11.2017 stated that he had not received a copy of the Notification dated 01.08.2009.

The Commission observed that the DTO & PIO, Tuensang had, vide, letter No. DTO-T/MV/21/08 dated 22.12.2016 informed the applicant (now appellant) that the old Driving License No.28968/TSG/PROF/10 which was converted into Smart Card Driving License No. 0320100007262 **could not be cancelled** to satisfy the desire of the applicant (now appellant), however, vide letter No. DTO-T/MV/21/08/5444 dated 23.10.2017, the DTO & PIO, Tuensang had informed that the above old Driving License and the new Driving License were **cancelled** w.e.f 25.09.2017 in exercise of the authority conferred under Section 19(1) (e) of the Motor Vehicles Act, 1988.

Since there was a contradiction regarding the above Driving License and that no compliance had been received from the District Transport Officer & PIO, Tuensang till date, the Commission had decided to hear the appeal again on **24th April, 2018 (Tuesday) at 2:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and directed the following parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. The Transport Commissioner & FAA, Motor Vehicles Department, Nagaland.
2. The District Transport Officer & PIO, Tuensang, Nagaland.
3. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, Haryana.

OBSERVATIONS AND FINDINGS:

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

Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/NOTICE-NIC/306/2014/954-55 dated 16.04.2018 informed the Commission his inability to attend the hearing due to some unavoidable pre-fixed family programme on 24.04.2018, the day of hearing. He further, informed that Shri. Y. Yansaromo Jami, District Transport Officer (E) would be representing the First Appellate Authority during the hearing.

The Commission observed that the public authority had not complied properly according to the last decision of the Commission dated 21.09.2017, since it was not clear whether the DL was cancelled or still valid and that the applicant (now appellant) complained that the Notification dated 01.08.2009 had not been furnished to him.

During the hearing, Shri. Tsuknungmeren, District Transport Officer, Motor Vehicles Department, Tuensang, Nagaland stated that as per Section 19(1) (e) of the Motor Vehicles Act, 1988, the said DL was cancelled. He also stated that he did not receive the last decision of the Commission dated 21.09.2017, and hence did not know the compliance to be submitted to the Commission.

Shri. Y. Yansaromo Jami, District Transport Officer (E) who represented the First Appellate Authority also stated that an **affidavit** declaring the cancellation of the Driving Licence No. 28968/TSG/PROF/2010 issued to Mr. Balkar Singh w.e.f. 25.09.2017 was submitted by the DTO & PIO, Tuensang to the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima vide letter No. DTO-T/MV/21/08/5433 dated 06.10.2017, however a copy was not endorsed or sent to the Commission. A copy of the said letter and the affidavit was produced before the Commission during the hearing.

The Commission questioned when the FAA had received the decision of the Commission dated 21.09.2017, how the DTO & PIO, Tuensang did not receive it? Since the compliance of the public authority to the decision of the Commission was not submitted to the Commission, the Commission was not aware of the status of the Driving Licence. And, since the public authority had declared in the form of sworn affidavit that the DL was cancelled and had to be treated as null and void, the Commission felt that no further action was required.

DECISION:

On the above observations and findings, the Commission decided that, since the applicant (now the appellant) had not received a copy of the Notification dated 01.08.2009, the PIO shall furnish the said Notification to the applicant (now the appellant) **within 15 days** from the date of receipt of this Decision and with a copy to this Commission.

Decision pronounced in the presence of only the respondents on 24.04.2018.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002510.
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 Commission's website and Notice Board.
5. Office Copy.

Sd/-
CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary