

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-12/2017-18

Dated Kohima, the 15th May, 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 Regional Transport Officer & PIO,
Kohima,
Nagaland.

Public Authority : Office of the Regional Transport Officer,
Kohima, Nagaland.

Date of hearing : 08.05.2018 at 12:00 PM.

Date of Decision : 15.05.2018.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tatongtamsu, Sr. MVI & APIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436009848.

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

An applicant, Shri. Devinder Sharma had submitted an RTI application vide letter No. S&A:UIIC/Ambala D.O./Net/RTI/2016/0137 dated 31.10.2016 addressed to the DTO & PIO, Kohima along with an application fee of Rs. 50/- paid through IPO bearing No. 92G 199847 dated 31.10.2016 by speed post bearing No. EH694928875IN on 04.11.2016 seeking verification report on the following points regarding driving license No. NL-0120110040082 dated 22.7.2015, A/c Mr. Surinder Yadav s/o Shri. Jai Ram Yadav:

1. Amount of fee collected for issue of driving license No. NL-0120110040082 dated 22.7.2015, A/c Mr. Surinder Yadav s/o Shri. Jai Ram Yadav and certified copy of its receipt.
2. Application of the applicant Mr. Surinder Yadav s/o Shri. Jai Ram Yadav for the issue of driving license with computerized No. NL-0120110040082 dated 22.7.2015.

3. *Old driving license No. on the basis of which the computerized (Smart card) driving license No. NL- 0120110040082 dated 22.7.2015 was issued to the applicant.*
4. *Complete verification report of driving license No. NL- 0120110040082 dated 22.7.2015.*

On not getting any response to his RTI application dated 31.10.2016 from the DTO & PIO, Kohima, the applicant had, vide letter No. S&A: UIIC/Ambala D.O./RTI/2016/0137 dated **30.03.2017** submitted a first appeal addressed to the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima.

On not getting any response from the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima to his first appeal dated 30.03.2017, the applicant (now appellant) had, vide letter No. S&A: UIIC/Ambala D.O./RTI/2016/0137 dated 24.05.2017 preferred a second appeal before this Commission.

On receipt of the second appeal dated 24.05.2017, since the first appeal was not heard by the First Appellate Authority, the Commission had vide letter of even No. dated 28.08.2017 directed that the First Appellate Authority take up the first appeal by hearing the parties i.e., the applicant and the PIO concerned and pass decision within 1 (One) month from the date of receipt of the directive and submit a copy of the decision to the Commission.

On receipt of the directive of the Commission of even No. dated 28.08.2017, the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/APPEAL/302/2014/5355 dated 28.09.2017 submitted to this Commission that the first appeal was already heard by the First Appellate Authority on **20.06.2017** at 1:00 P.M and had, vide letter No. TC/Estt-RTI/Appeal/302/2014(162)/4518-21 dated **03.07.2017** passed its decision and closed the appeal case.

Since the above compliance submitted by the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima pertained to another appeal case regarding verification of Driving License No. NL-0120120040864 dated 24.02.2012, A/C Mr. Virender Singh S/o Shri Babu Ram and not to the present case which the applicant had sought regarding verification report of Driving License No. NL-0120110040082 dated 22.7.2015 A/C Mr. Surinder Yadav S/o Shri. Jai Ram Yadav, the Commission had again vide letter of even No. dated 08.11.2017 directed the Transport Commissioner & FAA to hear the first appeal and pass decision within 1 (One) month from the date of receipt of the directive and submit a copy of the decision to the Commission.

In compliance to the above directive, the Transport Commissioner & FAA had, vide letter No. TC/Estt-RTI/Appeal/302/DevinderShgarma/2017(171)/5864-66 dated 04.12.2017 issued Notice for Hearing on 12.12.2017 at 11:00 A.M.

After the hearing of the first appeal on 12.12.2017 at 11:00 A.M, the Transport Commissioner & FAA had, vide letter No. TC/Estt-RTI/Appeal/302/DevinderShgarma/2017(171)/6001-03 dated **19.12.2017** passed its decision closing the appeal case since the Driving License holder, Shri. Surender Yadav had personally appeared before the RTO & PIO, Kohima for conversion of his old Driving License No. 2144/TSG/PROF/2010 to Smart Card Driving License No. NL-0120110040082.

On receipt of the above decision, the applicant (now appellant), had by email dated 13.01.2018 informed the Transport Commissioner & FAA regarding his non-satisfaction with a copy to this Commission.

The Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **8th May, 2018 (Tuesday) at 12:00 P.M** in the **Hearing Room of Nagaland information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima,**

and had also directed the following parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland.
2. The Regional Transport Officer & PIO, Motor Vehicles Department, Kohima.
3. The applicant (now appellant), Shri. Devinder Sharma.

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. The concerned PIO, Kohima did not appear for the hearing however, the PIO was represented by Shri. Tatongtamsu, Sr. MVI & APIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland.

During the hearing, the APIO, Kohima who represented the RTO & PIO submitted that on receipt of the first appeal dated 30.03.2017, on 05.06.2017, the RTO & PIO, Kohima had furnished the information vide letter No. RTO-K/DL/3/2017/203 dated **08.06.2017**. Further, on the direction of the Transport Commissioner & FAA, the same information was again furnished vide letter No. RTO-K/DL/3/2017/354 dated **24.08.2017**.

Referring to the email dated 13.01.2018 sent by the applicant (now appellant), the Commission pointed out that the applicant (now appellant) was not satisfied with the information furnished by the PIO and by the FAA since the driving license No. NL-0120110040082 dated 22.7.2015 was issued to A/c Mr. Surinder Yadav s/o Shri. Jai Ram Yadav with a validity upto 26.01.2020 i.e. for a period of 5 years, which was in violation of the Motor Vehicles Act, 1988, since commercial DL cannot be issued for more than 3 years. Also, the old Driving License No. 2144/TSG/PROF/2010 was issued by the DTO, Tuensang and later converted to Smart Card Driving License No. NL-0120110040082 by the RTO, Kohima, however, the DTO, Tuensang had confirmed as forged since no records were available.

The APIO, Kohima who represented the RTO & PIO stated that the old Driving License No. 2144/TSG/PROF/2010 which was issued on 02.11.2011 by the DTO, Tuensang was **digitised** at RTO Office, Kohima on 22.02.2015 with a validity of three (3) years from 15.12.2013 upto 14.12.2016. Later, the DL was renewed on **04.05.2017** with a validity of three (3) years from 27.01.2017 upto **26.01.2020**.

He further stated that the fee was collected vide challan No. D-6962 dated 22.07.2015, however, since **duplicate receipt** or certified copy was not printable by the Sarathi system, it could not be furnished. Regarding the **application** submitted by Mr. Surinder Yadav s/o Shri. Jai Ram Yadav for the issue of smart card driving license No. NL-0120110040082 was not available since all documents and records were burnt down alongwith the office building on 02.02.2017 during the public unrest.

The FAA had also in his decision dated 19.12.2017 stated that as per the verification report, the said DL was found genuine, however, no records were available since all the documents were burnt down alongwith the office building on 02.02.2017 during the public unrest. He stated that the department was using a legacy application before switching over to the Sarathi system. The duplicate receipt or certified copy of receipt could not be furnished as it was generated in a legacy application where only single copy could be printed and even after the department had switched over to the Sarathi application, the receipt could not be printed by the new Sarathi system.

The Commission agreed with the decision dated 19.12.2017 passed by the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima. However, it observed that there was a delay in furnishing the information to the applicant (now appellant), for which penalty was attracted.

DECISION:

On the above observations and findings, the Commission decided that:-

1. a copy of the information including any other documents furnished to the applicant and the **Date of reply** to the RTI application to be submitted to this Commission **within 30 days** from the date of receipt of this Decision.
2. Since duplicate receipt or certified copy was not printable by the Sarathi system for which the information could not be furnished, a **screen shot** of the above receipt be furnished to the applicant (now appellant), with a copy to the Commission **within 30 days** from the date of receipt of this Decision.

On receipt of the above compliances, the Commission shall hear the case again in the next hearing which shall be notified later.

Decision pronounced in the presence of only the respondents on 08.05.2018 at 12:00 PM.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tatongtems, Sr. MVI & APIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436009848.
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

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary