

**NAGALAND INFORMATION COMMISSION**

**Below Raj Bhavan, Officers' Hill Colony**

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No. NIC/Appeal-20/2017-18

Dated Kohima, the 15<sup>th</sup> 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 District Transport Officer & PIO,  
Wokha, Nagaland.

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

Date of hearing : 08.05.2018 at 2:00 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. Myamo Jami, District Transport Office & PIO, Motor Vehicles Department, Wokha, Nagaland, Mobile No. 9436010231.

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&S: MACT: UIC: L-1555 & 1555A. 2017/34 dated 06.04.2017 addressed to the DTO & PIO, Motor Vehicles Department, Wokha by Speed Post bearing No. EH57523332IN dated 09.04.2017 along with the application fee of 50/- paid through IPO bearing No. 80G 494649 seeking the following information regarding Driving License No. 89853/NW/Prof/2010 dated 30.3.2010 A/C Mr. Sukhwinder Singh S/o Shri. Kuldeep Singh:

- i. *Date of deposit of Driving License No. 89853/NW/Prof/2010 dated 30.3.2010 A/C Mr. Sukhwinder Singh S/o Shri. Kuldeep Singh fee with DTO, Wokha (NL) and certified copy of the receipt.*
- ii. *Certified copy of driving test report of the applicant Mr. Sukhwinder Singh S/o Shri. Kuldeep Singh required before issue of driving license in the professional category as per Motor Vehicles Act-1988.*
- iii. *Certified copy of the Application of Mr. Sukhwinder Singh S/o Shri. Kuldeep Singh for issue of driving license in professional category.*
- iv. *Complete driving license No. 89853/NW/Prof/2010 dated 30.3.2010 A/C Mr. Sukhwinder Singh verification report.*

On not getting any response from the DTO & PIO, Wokha to his RTI application dated 06.04.2017, the applicant had, vide letter No. S&S: MACT: UIC: L-1555 & 1555A. 2017/34 dated

17.05.2017 submitted a first appeal to the Transport Commissioner & FAA, Motor Vehicle Department, Nagaland.

On not getting any response from the Transport Commissioner & FAA, Motor Vehicle Department, Nagaland to his first appeal dated 17.05.2017, the applicant (now appellant) had preferred a second appeal vide letter No. S&S: MACT: UIC: L-1555 & 1555A. 2017/34 dated 22.07.2017 before this Commission.

On receipt of the second appeal dated 22.07.2017, since the first appeal dated 17.05.2017 was not heard by the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, the Commission had, vide letter of even No. dated 03.10.2017 directed the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to 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 this Commission.

On not receiving any compliance from the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to its directive of even No. dated 03.10.2017, the Commission had once again vide letter of even No. dated 14.12.2017 directed the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to comply with its directive on or before 20.01.2018.

In compliance to the directive of the Commission of even No. dated 03.10.2017, the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland had, vide letter No. TC/Estt-RTI/Appeal/302/Divender Shharma/2017(171)/5858-60 dated 04.12.2017 but signed on 07.12.2017 issued Notice for Hearing of the first appeal on 13.12.2017 at 11:00 A.M in the office of the Transport Commissioner & FAA, Motor Vehicles Department, Solidarity Park, New Secretariat Area, Kohima, Nagaland.

The Transport Commissioner & FAA, Motor Vehicles Department, Nagaland had, after hearing the first appeal on 13.12.2017 at 11:00 A.M, passed decision vide letter No. TC/Estt-RTI/Appeal/302/Divender Shharma/2017(171)/5995-97 dated 19.12.2017 closing the appeal case since the Driving License issued to Mr. Sukhwinder Singh was found genuine as per office records and the DTO & PIO, Wokha had, on receipt of the RTI application dated 06.04.2017 on 04.07.2017 responded to the applicant (now appellant) on 25.07.2017. However, since many documents were damaged during the shifting to new office building, the reply given was '**No records available**'.

The applicant (now appellant) had sent an email dated 18.01.2018 to the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland and with a copy to the Commission stating that since the Driving License was issued without conducting driving test and that the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland had also admitted of having not followed the provisions of the Motor Vehicles Act, 1988, the said Driving License should have become invalid/cancelled.

The Commission has decided to hear appeal on **8<sup>th</sup> May, 2018 (Tuesday) at 2:00 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 & FAA, Motor Vehicles Department, Nagaland.
2. The District Transport Officer & PIO, Motor Vehicles Department, Wokha, 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.

During the hearing, the DTO & PIO, Wokha stated that on receipt of the RTI application dated 06.04.2017 on **04.07.2017**, he had furnished the information to the applicant vide letter No.

DTO/W/MV/10-11/2005/813 dated 25.07.2017. A copy of the information and the Despatch Register on which the information was sent were also produced before the Commission.

He further stated that the DL fee receipt, copy of application for the DL, driving test report etc. were not maintained and hence not available. He, however submitted that the DL Issue Register is maintained wherein the details of DLs issued are recorded. The DL Issue Register was also produced before the Commission.

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 many documents were damaged during the shifting of the office to a new building. He further stated that 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 moreover, 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. Further, the Commission also observed that the DTO & PIO, Wokha had promptly furnished the information within the 30 days time limit and hence no penalty is attracted.

**DECISION:**

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

1. Though no records were available, the said DL was verified and found genuine as the details of the said DL was found recorded in the DL Issue Register. Therefore, the DTO & PIO, Wokha shall furnish an extract copy of the DL Issue Register where the DL was recorded, to the applicant (now appellant) **within 30 days** from the date of receipt of this Decision and with a copy to this Commission.
2. Since the records pertaining to the DL were not available, the PIO shall declare in the form of a **sworn affidavit** with **reasons**, 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 appeal shall be declared as closed.

Decision pronounced in the presence of only the respondents on 08.05.2018 at 2:00 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. Myamo Jami, District Transport Office & PIO, Motor Vehicles Department, Wokha, Nagaland, Mobile No. 9436010231.
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