

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-21/2017-18

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 District Transport Officer & PIO,
Wokha,
Nagaland.

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

Date of hearing : 08.05.2018 at 2:30 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&A: MACT: UIIC: HOSH.D.O:2017/15** dated **16.02.2017** addressed to the District Transport Officer & PIO, Wokha by speed post bearing No. EP228841045IN dated 20.02.2017 along with application fee of Rs. 50/- paid through IPO bearing No. 92G 219179 seeking the following information regarding Driving License No. 66101/NW.TV/10 dated 13.01.2010 A/C Mr. Bipin Thakur S/o Shri. Shankar Thakur:

1. *Date of deposit of Driving License No. 66101/NW.TV/10 dated 13.01.2010 A/C Mr. Bipin Thakur S/o Shri. Shankar Thakur fee with DTO, Wokha (NL) and certified copy of its Receipt.*
2. *Certified Copy of driving test of the applicant Mr. Bipin Thakur S/o Shri. Shankar Thakur required before issue of Driving License in Professional Category as per Motor Vehicle Act-1988.*
3. *Certified copy of the Application of Mr. Bipin Thakur S/o Shri. Shankar Thakur for issue of Driving License in Professional Category.*

4. *Complete Driving License No. 66101/NW.TV/10 dated 13.01.2010 A/C Mr. Bipin Thakur S/o Shri. Shankar Thakur verification report.*

On not getting any response from the District Transport Officer & PIO, Wokha to his RTI application dated **16.02.2017**, the applicant had, vide letter No. **S&A: MACT: UIIC: HOSH.D.O:2017/15** dated **20.04.2017** submitted a first appeal before the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima.

On not getting any response from the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to his first appeal dated **20.04.2017**, the applicant (now appellant) had preferred a second appeal vide letter No. **S&A: MACT: UIIC: HOSH.D.O:2017/15** dated **22.07.2017** before this Commission.

On receipt of the second appeal dated **22.07.2017**, since the first appeal was not heard by the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, the Commission had, vide letter of even No. dated 11.10.2017 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 11.10.2017, the Commission had, vide letter of even No. dated 15.12.2017 directed the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to appear before the Commission for a meeting on 09.02.2018 at 11:30 A.M.

The Transport Commissioner & FAA, Motor Vehicles Department, Nagaland the Commission had, after hearing the first appeal on 13.12.2017 at 11:00 A.M, passed decision vide No. TC/Estt-RTI/Appeal/302/Divender Shharma/2017(171)/5998-6000 dated 19.12.2017 closing the appeal case since on receipt of the RTI application dated 16.02.2017 on 21.03.2017, the District Transport Officer & PIO, Wokha had promptly responded to the application on 29.03.2017 as the Driving License issued to Bipin Thakur was found genuine as per office record. However, the other documents such as the Driving License fee receipt etc. could not be furnished inspite of best efforts to trace out.

The applicant (now appellant) had sent an email dated 12.01.2018 to the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland and with a copy to the Commission requesting the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to provide him the details of the dispatch of the information furnished by the District Transport Officer & PIO, Wokha on 29.03.2017, indicating that the information had not been received by the applicant (now appellant).

The Commission has decided to hear appeal on **8th May, 2018 (Tuesday) at 2:30 P.Min** 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 16.02.2017 on 21.03.2017, he had furnished the information to the applicant vide letter No. DTO/NW/MV/10-11/05/0656 dated **29.03.2017**, and which was sent by postal service on the same date i.e. on 29.03.2017. 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 a register is maintained wherein the details of the DL issued are recorded.

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 damaged and burnt down alongwith the office building on 02.02.2017 during the public unrest, and inspite of best efforts could not be traced out.

The Commission observed that the DTO & PIO, Wokha had promptly furnished the information within the 30 days time limit, however as per the email dated 12.01.2018 sent by the applicant (now appellant), the information had not been received by him and desired the details of despatch of the information.

DECISION:

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

1. Since the applicant (now appellant) had not received the information which was sent by the DTO & PIO, Wokha on 29.03.2017, the DTO & PIO, Wokha shall re-furnish the information to the applicant (now appellant) by **registered post**, alongwith an extract copy of the DL Issue Register where the DL was recorded, **within 30 days** from the date of receipt of this Decision and with a copy to this Commission.
2. Regarding those records which are 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.

Decision pronounced in the presence of only the respondents on 08.05.2018 at 2:30 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 LOTH
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary