

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-30/2017-18

Dated Kohima, the 31st August, 2018

Appellant : Shri. Vilhousielie Kengurüse,
President,
Nagaland Pradesh Youth Congress (NPYC),
Mobile No. 9774037529

Respondents : 1) Chief Engineer & FAA,
PWD (R&B),
Nagaland, Kohima.

2) The concerned PIO,
O/o the Chief Engineer,
PWD(R&B),
Nagaland, Kohima.

Public Authority : O/o the Chief Engineer, PWD(R&B), Nagaland, Kohima.

Date of first hearing : 19.04.2018 at 1:00 PM.

Date of first Decision : 27.04.2018.

Date of second hearing : 24.08.2018 at 11:30 AM.

Date of second Decision : 31.08.2018.

Present:

1. Er. Limadongdang, Chief Engineer & FAA (former PIO), PWD (R & B), Nagaland, Kohima, Mobile No. 9436005327.
2. Er. Imsuyanger, Executive Engineer (Design) & PIO (former APIO), O/o the Chief Engineer, PWD (R & B), Nagaland, Kohima, Mobile No. 9436604021.
3. Er. Imsunaro, Executive Engineer (Design) & APIO O/o the Chief Engineer, PWD (R & B), Nagaland, Kohima, Mobile No. 9862119428.
4. Er. Talitemsu Jamir, Executive Engineer & PIO, PWD (R&B), Dimapur, Mobile No. 811985246.
5. Er. B. Menanglepden, Executive Engineer & PIO, PWD (R&B), Tuensang, Mobile No. 9436608240.
6. Er. Akheto Sema, Executive Engineer & PIO, PWD (R & B), Peren, Mobile No. 9436002873.
7. Er. L. Kisheto Swu, Executive Engineer & PIO, PWD (R&B), Kiphire, Mobile No. 9436011970.
8. Er. Nikuto X. Achumi, Executive Engineer & PIO, PWD (R&B), Aboi Division, Zunheboto, Mobile No. 9862945350.
9. Er. V. Khekato Assumi, Executive Engineer & PIO, PWD (R&B), Atozui Division, Zunheboto, Mobile No. 8132038719.
10. Er. Fineson Pojar, Executive Engineer & PIO, PWD (R&B), Naganimora Division, Mon, Mobile No. 9436005950.
11. Er. T. Temsu, Executive Engineer & PIO (since July 2018), PWD (R&B), Naganimora Division, Mobile No. 9436264087.
12. The applicants (now appellants):-
 - i. Shri. Vilhousielie Kengurüse, President, Nagaland Pradesh Youth Congress, Mobile No. 9774037529;
 - ii. Shri. Keviphreo K. Kuotsu, Secretary, Nagaland Pradesh Youth Congress, Mobile No. 9862548169.
 - iii. Shri. Limayanagba, Nagaland Pradesh Youth Congress (NPYC), Mobile No. 9862338667.

FACT OF THE CASE

The Commission had, on 19.04.2018 at 1:00 P.M. heard the second appeal dated 27.11.2017 submitted by the two applicants, Shri. Vilhousielie Kengurüse, President, Nagaland Pradesh Youth

Congress (NPYC), Mobile No. 9774037529 and Shri. Keviphreo K. Kuotsu, Secretary, Nagaland Pradesh Youth Congress (NPYC), Mobile No. 9862548169 against the incomplete information furnished by the First Appellate Authority, PWD (R&B), Nagaland in response to their first appeal dated 11.09.2017 which was submitted against the incomplete information furnished by the PIO, O/o the Chief Engineer, PWD (R&B), Nagaland in response to their RTI application dated 04.08.2017.

After the hearing, the Commission had passed decision vide even No. dated 27.04.2018. wherein the Chief Engineer & FAA (Former PIO), PWD (R&B), Nagaland, Kohima was directed to comply on Point Nos. 1, 2, 3 & 4 of the decision of the Commission.

In compliance to **Point Nos. 1 & 2** of the decision of the Commission dated 27.04.2018, the Chief Engineer & FAA (Former PIO), PWD (R&B), Nagaland, Kohima had, vide letter No. CE(R&B)/TB-IV/RTI(Pt)/2015-16 dated 06.06.2018 furnished the information i.e. the remaining Notice Inviting Tenders (NITs) which do not have newspaper clippings and the appended signatures on Measurement Books (MBs) and Bill Vouchers to the applicant (now appellant) under intimation to this Commission, however, a copy of the information was not received by the Commission.

The Commission has not received any compliance to **Point No. 3** of its decision dated 27.04.2018 regarding submission of satisfaction or non-satisfaction by the applicant (now appellant) within the 10 days given by the Commission

In compliance to **Point No. 4**, the Chief Engineer & FAA (Former PIO), PWD (R&B), Nagaland, Kohima had, vide letter No. CE(R&B)/TB-IV/RTI(Pt)/2015-16/102-103 dated 06.06.2018 submitted the dates of receipt of the PIO's letter dated 04.08.2017 by the following seven (7) Divisions, namely, Aboi, Atozui, Dimapur, Kiphire, Peren, Naginimora and Tuensang with a copy to the applicant (now appellant).

The Commission has observed that there was delay in furnishing the information to the applicant (now appellant) and in order to ascertain the cause of delay, the Commission has decided to hear the case again on **24th August, 2018 (Friday) at 11:30 A.M** 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.

1. Er. Limadongdang, Chief Engineer & FAA (Former PIO), PWD (R&B) Nagaland, Kohima.
2. Er. Imsuyanger, Executive Engineer (Design) & APIO, O/o the Chief Engineer, PWD (R&B), Nagaland, Kohima.
3. The Executive Engineers & PIOs, PWD (R&B) of the seven (7) divisions, namely, Aboi, Atozui, Dimapur, Kiphire, Peren, Naginimora and Tuensang.
4. The applicants (now appellants), Shri. Vilhousielie Kengurüse, President, NPYC, and Shri. Keviphreo K. Kuotsu, Secretary, NPYC.

OBSERVATIONS AND FINDINGS:

Er. Limadongdang, Chief Engineer & FAA, Nagaland, Kohima who was the former PIO also stated that on receipt of the RTI application dated 04.08.2017, he had transferred to all the twenty two (22) Divisions on the same date i.e. on 04.08.2017. The information was submitted on time within the 30 days limit, except the seven (7) Divisions, namely, Aboi, Atozui, Dimapur, Kiphire, Peren, Naginimora and Tuensang. The information was furnished to the applicant (now appellant), however, the applicant (now appellant) did not accept the information since it was incomplete. And later after the information was received from the remaining seven (7) Divisions, he had furnished the complete information to the applicant (now appellant) only on 04.10.2017.

During the hearing, a copy of the information which was furnished to the applicants (now appellants) by the Chief Engineer & FAA (Former PIO), PWD (R&B), Nagaland, Kohima, vide letter No. CE(R&B)/TB-IV/RTI(Pt)/2015-16/106-108 dated 06.06.2018 regarding the remaining Notice Inviting Tenders (NITs) which do not have newspaper clippings and the appended signatures on Measurement Books (MBs) and Bill Vouchers, in compliance to **Point Nos. 1 and 2** of the last decision of the Commission dated 27.04.2018 were produced before the Commission.

The applicants (now appellants) stated that the information was received on 26.06.2018 and was satisfied. A letter dated 24.08.2018 regarding their satisfaction of the information was also submitted before the Commission in compliance to **Point No.3** of its decision dated 27.04.2018.

On perusal of the documents submitted before the Commission regarding the compliance to **Point No.4**, the Commission had summarised the dates of receipt and reply by the seven (7) Divisions as shown below:-

Sl. No.	Division	Date of receipt of the letter dated 04.08.2017 issued by the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima transferring the RTI application	Date of reply by the Divisions to the letter dated 04.08.2017 of the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima	Date of receipt by the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima	Date of furnishing of the information by the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima to the applicant
1	Aboi	22.08.2017	04.09.2017	11.09.2017	04.10.2017
2	Atozui	09.08.2017	17.08.2017	06.09.2017	
3	Dimapur	31.08.2017	11.09.2017	18.09.2017	
4	Kiphire	11.08.2017	05.09.2017	05.09.2017	
5	Peren	10.08.2017	16.08.2017	06.09.2017	
6	Naganimora	11.08.2017	20.09.2017	21.09.2017	
7	Tuensang	18.08.2017	30.08.2017	05.09.2017	

The Commission observed that the delay in furnishing the complete information to the applicant (now appellant) was actually caused due to the delay in furnishing the information by the above Divisions to the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima. However, giving equal opportunity and equal time limit of 30 days to the Executive Engineers of the Divisions (now Deemed PIO) and without considering the postal delays in receiving the information by the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima, as it was beyond the control of both the EEs and the PIO, the Commission observed that from the Date of receipt of the letter dated 04.08.2017 issued by the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima transferring the RTI application to the Date of reply by the Divisions to the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima, all the above seven (7) Divisions had replied within the 30 days' time limit **except Naganimora Division**. The Executive Engineer & PIO, PWD(R&B) of Naganimora Division had furnished the information only after forty (40) days causing a delay of 10 days for which penalty was attracted.

Er. Fineson Pojar stated that he was transferred and posted from Executive Engineer(Housing), Medical Department to Executive Engineer & PIO, PWD (R&B), Naganimora Division, Mon by an order of the government dated 11.05.2017. However, another order dated 01.06.2017 was issued retaining him as EE(H), Medical Department. During the same month, he was again transferred and posted as Executive Engineer (Housing), Directorate of Youth Resources & Sports, Nagaland, Kohima by an order of the Government dated 29.06.2017. He took the charge on 15.07.2017, however since the SDO, Directorate of Youth Resources & Sports, Nagaland, Kohima did not handover the charge, he was again transferred from EE(H), Directorate of Youth Resources & Sports, Nagaland, Kohima to EE(H), Rural Development, Nagaland, Kohima against existing vacancy on 31.07.2017. In this regard, he had submitted a representation to the Association of Engineers, NPWD, Kohima on 01.08.2017 regarding his grievances, and which was forwarded to the Works & Housing Department, Government of Nagaland on 07.08.2017. He submitted that he had suffered mental trauma and therefore could not attend to the RTI matter on time. Copies of the government orders effecting his several transfers and postings were also produced before the Commission during the hearing.

The Commission had also observed that due to the frequent transfers and postings, the above officer had indeed suffered not only mental but emotional trauma and hence could not devote to his assigned duties or concentrate on the RTI matter on time. The Commission was convinced and had accepted the above submission of the Executive Engineer & PIO, PWD (R&B), Naganimora Division, Mon.

DECISION:

On the above observations and findings, the Commission took a lenient view and had condoned the delay of the 10 days contributed by the Executive Engineer & PIO, PWD (R&B), Naginimora Division, Mon in furnishing the reply to the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima. Hence, no penalty is imposed.

Further, since the applicants (now appellants) had, vide letter dated 24.08.2018 submitted that the complete information was received on 26.06.2018 and was satisfied, the Commission felt no further action was required and therefore declared the case as **closed**.

Decision pronounced in the presence of both the parties on 24.08.2018 at 11:30 AM.

Copy be given to:-

1. Er. Limadongdang, Chief Engineer & FAA (former PIO), PWD (R & B), Nagaland, Kohima, Mobile No. 9436005327.
2. Er. Imsuyanger, Executive Engineer (Design) & PIO (former APIO), O/o the Chief Engineer, PWD (R & B), Nagaland, Kohima, Mobile No. 9436604021.
3. Er. Imsunaro, Executive Engineer (Design) & APIO O/o the Chief Engineer, PWD (R & B), Nagaland, Kohima, Mobile No. 9862119428.
4. Er. Talitemsu Jamir, Executive Engineer & PIO, PWD (R&B), Dimapur, Mobile No. 811985246.
5. Er. B. Menanglepden, Executive Engineer & PIO, PWD (R&B), Tuensang, Mobile No. 9436608240.
6. Er. Akheto Sema, Executive Engineer & PIO, PWD (R & B), Peren, Mobile No. 9436002873.
7. Er. L. Kisheto Swu, Executive Engineer & PIO, PWD (R&B), Kiphire, Mobile No. 9436011970.
8. Er. Nikuto X. Achumi, Executive Engineer & PIO, PWD (R&B), Aboi Division, Zunheboto, Mobile No. 9862945350.
9. Er. V. Khekato Assumi, Executive Engineer & PIO, PWD (R&B), Atozui Division, Zunheboto, Mobile No. 8132038719.
10. Er. Fineson Pojar, Executive Engineer & PIO, PWD (R&B), Naginimora Division, Mon, Mobile No. 9436005950.
11. Er. T. Temsu, Executive Engineer & PIO (since July 2018), PWD (R&B), Naginimora Division, Mobile No. 9436264087.
12. The applicants (now appellants), Shri. Vilhousielie Kenguruse, President, Nagaland Pradesh Youth Congress (NPYC), Mobile No. 9774037529 and Shri. Keviphreo K. Kuotsu, Secretary, Nagaland Pradesh Youth Congress (NPYC), Mobile No. 9862548169.
13. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
14. 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