

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-20/2017-18

Dated Kohima, the 29th March, 2018

Subject: Notice for Hearing on 8th May, 2018 (Tuesday) at 2:00 P.M.

WHEREAS, under Section 19 of the RTI Act, 2005, the Nagaland Information Commission had received a second appeal vide letter No. S&S: MACT: UIC: L-1555 & 1555A. 2017/34 dated 22.07.2017 submitted by Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com against the non-response of the Transport Commissioner & FAA, Motor Vehicle Department, Nagaland to his first appeal dated 17.05.2017 which was preferred against the non-response of the DTO & PIO, Motor Vehicles Department, Wokha to his RTI application dated 06.04.2017.

AND WHEREAS, the applicant, Shri. Devinder Sharma had earlier 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.*

AND WHEREAS, 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.

AND WHEREAS, 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.

AND WHEREAS, 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.

AND WHEREAS, 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.

AND WHEREAS, 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.

AND WHEREAS, 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'.

AND WHEREAS, 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.

AND WHEREAS, the Commission has decided to hear appeal on **8th May, 2018 (Tuesday) at 2:00 P.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are directed to appear before this Commission and **also 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.

Sd/-

CHANBEMO LOTH

Chief Information Commissioner

Dated Kohima, the 29th March, 2018

No. NIC/Appeal-20/2017-18

Copy to:

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036.
5. The District Transport Officer & PIO, Motor Vehicles Department, Wokha, Nagaland. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.

(WORHONTHUNG EZUNG)

Secretary