

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-1/2018-19

Dated Kohima, the 16th July, 2018.

Appellant : Shri. Devinder Sharma,
AIII, Investigator & Loss Assessor,
Krishna Cottage, 27-D,
Dayal Bagh, Ambala Cantt – 133001,
Haryana,
Mobile No. 9876140198,
email: sharmadevinder1953@gmail.com,

Respondents : District Transport Officer & PIO,
Tuensang.

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

Date of hearing : 05.07.2018 at 1:00 PM.

Date of Decision : 16.07.2018.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Solidary Park, New Secretariat Area, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002514.

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, Krishna Cottage, 27-D, Dayal Bagh, AMBAL CANTT. 133001 (Haryana), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com had submitted an **RTI application** vide letter No. S&A:UIC:KARNAL DO/2017/092 **dated 07.11.2017** addressed to the DTO & PIO, Tuensang along with the application fee of `50/- paid through IPO bearing No.92G 203719 seeking the following information pertaining to renewed Driving License No.NL-0320090008556 dated 15.09.2016, A/c Mr. Pawan Sharma s/o Sh. Yashpal Sharma with its validity upto 12.07.2023 (non-Transport) and 04.09.2019 (Transport):

1. Amount of fee collected for renewal of driving license No.NL-0320090008556 dated 15.09.2016, A/c Mr. Pawan Sharma s/o Sh. Yashpal Sharma by DTO, Tuensang (NL) and certified copy of receipt.
2. Application of the applicant Mr. Pawan Sharma s/o Sh. Yashpal Sharma for the renewal of his old D.L with renewed D.L No. NL-0320090008556 dated 15.09.2016.
3. Copy of old Driving License on the basis of which the renewal of Driving License No. NL-0320090008556 dated 15.09.2016, A/c Mr. Pawan Sharma s/o Sh. Yashpal Sharma, has been issued to the applicant.
4. Complete verification report of Driving License No.NL-0320090008556 dated 15.09.2016, A/c Mr. Pawan Sharma s/o Sh. Yashpal Sharma as per records.

The above RTI application was sent by speed post bearing registration No.EH446599533IN dated 07.11.2017, however, on not getting any response from the DTO &

PIO, Tuensang to his RTI application dated 07.11.2017, the applicant had, vide letter No. S&A:UIIC:KARNAL DO/2017/092 dated 27.12.2017 submitted a first appeal to the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima.

After the submission of the first appeal dated 27.12.2017, the applicant (now appellant) had also written to the Transport Commissioner & FAA by email dated 18.01.2018 for necessary action as the matter was urgent.

However, on not getting any response from the Transport Commissioner & FAA to his **first appeal dated 27.12.2017**, the applicant (now appellant) had, vide letter No. S&A:UIIC:KARNAL DO/2017/092 dated 22.03.2018 preferred a second appeal before the Commission.

On receipt of the **second appeal dated 22.03.2018**, since the first appeal was not received or heard, the Commission had, vide letter of even No. **dated 15.05.2018 directed the FAA to take the first appeal** by hearing the parties i.e. the applicant (now appellant) and 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 on receipt of the above directive dated 15.05.2018 of the Commission, the Transport Commissioner & FAA had, vide letter No.TC/Estt-RTI/Appeal/302/Devinder Sharma/2017(171)/1477-78 dated 24.05.2018 stated that he had received an e-mail dated 23.05.2018 from the applicant (now appellant) stating **satisfaction with the response** made by the District Transport Officer & PIO, Tuensang to the RTI application dated 07.11.2017 and hence requested not to fix dates for the hearing of first and second appeal.

Since this Commission has **not received** any copy or e-mail regarding satisfaction of the applicant (now appellant) and to ascertain the cause of delay in furnishing the information, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **5th July, 2018 (Thursday) at 1:00 P.M** in the **hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and also directed to **bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i) The Transport Commissioner & FAA, Nagaland, Kohima.
- ii) The District Transport Officer & PIO, Tuensang, Nagaland.

OBSERVATIONS AND FINDINGS:

The Commission observed that the Transport Commissioner & First Appellate Authority was directed to hear the First Appeal, however, it was not known whether the appeal was heard or the information furnished.

The Transport Commissioner & First Appellate Authority stated that he had received the first appeal dated 27.12.2017 on 10.01.2018 and as per the directive of the Commission dated 15.05.2018, while processing for a hearing of the first appeal, since he had received an e-mail dated **23.05.2018** from the applicant (now appellant) expressing his **satisfaction** with the response of the District Transport Officer & PIO, Tuensang and had requested not to fix dates for the hearing of first and second appeal, the FAA did not serve the notice for hearing of the first appeal. He further submitted that the DTO & PIO, Tuensang had replied to the applicant (now appellant) on **16.11.2017**, and copies of the letters written by the PIO were produced before the Commission.

On scrutiny of the documents, the Commission observed that the DTO & PIO, Tuensang had, vide letter No. DTO-T/MV/21/08/234 dated **02.04.2018** furnished the information to the applicant (now appellant) stating that the Driving License No.NL-0320090008556, A/c Mr. Pawan Sharma S/o Shri. Yashpal Sharma had been converted from the old DL No. 60138/T/TV/09, and since no record had been found and available, the said DL was cancelled. However, the letter No. DTO-T/MV/21/08/5499(A) dated **16.11.2017** written by the DTO & PIO, Tuensang was not the reply to the RTI application, but addressed to the DL Holder, Shri. Pawan Sharma regarding cancellation of the old DL No. 60138/T/TV/09 and the converted DL.NL-0320090008556.

Therefore, there was considerable delay in replying to the RTI application and for which penalty was attracted.

During the hearing, Shri. Tsuknungmeren, District Transport Officer & PIO, Tuensang also stated that he did not receive the RTI application dated 07.11.2017, however, the applicant (now appellant) in his above email mentioned that there was a delay over six (6) months in responding to his RTI application. However, the Commission viewed that the reply could never be received by the applicant (now appellant) if the RTI application was not received.

DECISION:

On the above observations and findings, the Commission decided that in order to ascertain the delay in replying to the RTI application, the DTO & PIO, Tuensang shall search his office records and submit to the Commission the **date of receipt** of the above RTI application dated 07.11.2017 **within fifteen (15) days** from the date of this hearing.

On receipt of the above compliance from the DTO & PIO, Tuensang, the Commission shall determine and impose the penalty without fixing any hearing, since the applicant (now appellant) was satisfied with the information so furnished by the PIO.

Decision heard with only the respondents on 05.07.2018 at 1:00 PM.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Solidary Park, New Secretariat Area, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436002514.
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 website and Notice Board.
5. Office Copy.

Sd/-

CHANBEMO LOTH
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(WORHONHUNG EZUNG)
Secretary