

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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Nagaland, Kohima-797001

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Email: cic.nagaland@gmail.com, Website: www.nlsic.nagaland.gov.in



No.NIC/Appeal-3/2017-18

Dated Kohima, the 19th February, 2018.

Appellant : Shri. Manindra Nath Jha,
Qtr. No. D-29/2,
BRBNMPL SALBONI,
West Bengal, 721132,
Mobile No. 9476247188,
email: capt.mnjha@rediffmail.com

Address for correspondence:-

Flat No. B -02/18
Yamuna Block, National Games Village,
Koramangala, Bengaluru, Karnataka - 560047

Respondent(s) : (i) Director-cum-Registrar & First Appellate Authority,
The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.

(ii) The AAO & PIO,
The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.

Public Authority : The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.

Date of Hearing : 15.02.2018 at 2:00 P.M

Date of Decision : 19.02.2018.

Present:

Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461.

The following did not appear for the hearing:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. The applicant (now appellant), Shri. Manindra Nath Jha, Flat No. B -02/18, Yamuna Block, National Games Village, Koramangala, Bengaluru, Karnataka – 560047, Mobile No. 9476247188, email: capt.mnjha@rediffmail.com.

FACT OF THE CASE

An applicant, Shri. Manindra Nath Jha had submitted an RTI application dated 08.02.2016 along with the prescribed application fee of Rs. 10/- paid through demand draft seeking the following information pertaining to his Roll No. TGOUN/NLII/038/LLM/2012J:-

1. *The status of my result for the LLM Second Year which was conducted in June, 2014.*
2. *A copy of my mark sheet and Pass Certificate.*

On not getting any response to his RTI application dated 08.02.2016, the applicant submitted a first appeal dated 20.04.2016 addressed to the First Appellate Authority, The Global Open University Nagaland.

Further, on not getting any response to his first appeal dated 20.04.2016 within the stipulated time period of 30 (Thirty) days, the applicant had preferred a second appeal dated 27.07.2016 before the Central Information Commission, New Delhi. However, the Central Information Commission, New Delhi had, vide Diary No. 163872/2016 dated 22.11.2016 transferred the second appeal dated 27.07.2016 to this Commission as the matter pertains to this Commission.

On receipt of the second appeal dated 27.07.2016, since the First Appeal was not heard, the Commission had, vide letter of even No. dated 28.08.2017 directed the First Appellate Authority 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.

Meanwhile, the applicant (now appellant) had, vide letter dated 14.09.2017 requested the Commission to close the appeal case since the Public Authority had, vide No. GOUN/EX/6-13/16/A/20H dated 10.07.2017 furnished the information sought by him.

However, since the Director cum Registrar & First Appellate Authority had not heard the first appeal as directed and there was delay in furnishing the information to the applicant (now appellant), the Commission has decided to hear the appeal case again giving opportunity to the Public Authority on 15th February, 2018 (Thursday) at 2:00 P.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS

The applicant (now appellant), Shri. Manindra Nath Jha and Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority did not appear for the hearing and there was no intimation to the Commission regarding their absence. The hearing was conducted only in the presence of Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland.

During the hearing, Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO stated that the RTI application dated **08.02.2016** was received on 01.03.2016 and the reply was given to the applicant, vide letter No. TGOUN/2-14/16/A/268 dated 27.06.2016. Further, the Mark Sheet was given to the applicant on 10.07.2016 as desired by the applicant.

The Commission observed that though the applicant (now appellant) had submitted satisfaction of the information furnished to him, there was delay in furnishing the information by the PIO. And from the date of receipt of the RTI application dated 08.02.2016 on 01.03.2016 to the date of furnishing of the information on 27.06.2016, there was a delay of one hundred and eighteen (118) days. And considering the **30 days** prescribed for the PIO to furnish the information, the number of days of delay becomes (118 – 30) days = **88 days** for which penalty was attracted.

Further, the Commission viewed seriously the failure of the Director cum Registrar & First Appellate Authority in not complying with the directive of the Commission dated 28.08.2017 and also his absence in the hearing without any prior intimation to the Commission.

DECISION

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

1. The Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Dimapur shall submit **an explanation** to the Commission for his failure to comply with the directive of the Commission in not hearing the first appeal as directed and also his failure to appear before the Commission for the hearing without any any reason and prior intimation, **within one (1) month** from the date of receipt of this Decision.
2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for eighty eight (88) days, amounting to **Rs. 22,000/-** (Rupees twenty thousand only) is imposed on Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO for his failure

to furnish the information to the applicant (appellant) within the prescribed period of 30 days without reasonable cause.

The above penalty amount shall be paid within **one (1) month** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118- Receipts under RTI Act, 2005

Since the the applicant (now appellant) had submitted satisfaction of the information furnished to him, the appeal case shall be closed only after the receipt of the above compliances.

Decision pronounced in presence of only the respondent on 15.02.2018.

Copy be given to:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO -I, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461.
3. The applicant (now appellant), Shri. Manindra Nath Jha, Flat No. B -02/18, Yamuna Block, National Games Village, Koramangala, Bengaluru, Karnataka – 560047, Mobile No. 9476247188, email: capt.mnjha@rediffmail.com.
4. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. 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