

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-6/2018-19

Dated Kohima, the 26th October, 2018.

Appellant : Shri. Chander Dev Katoch,
D-160/2, 2nd Floor
Okhla Phase-1,
New Delhi-110020

Respondents : (i) The Transport Commissioner & First Appellate Authority,
Motor Vehicles Department,
Office of the Transport Commissioner,
Nagaland, Kohima.

(ii) The District Transport Officer & PIO,
Tuensang, Nagaland.

Public Authority : Office of the District Transport Officer,
Tuensang, Nagaland - 798612.

Date of hearing : 23.10.2018 at 12:00 PM.

Date of Decision : 26.10.2018.

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. Arenbo, MVO & APIO, Office of the District Transport Officer, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436607806.

The DTO & PIO, Tuensang and the applicant (now appellant), Shri. Chander Dev Katoch **did not** appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Chander Dev Katoch had earlier submitted an RTI application vide letter No.2015211002 dated 20.04.2018 addressed to the PIO, O/o the District Transport Officer, Tuensang-798612, Nagaland along with a fee of Rs.10/- paid vide IPO bearing No.43F 209800 by registered post bearing Registration No. RL B RD966795677IN dated 23.04.2018, seeking the following information:-

1. *Provide name, address, validity period, valid class of vehicles to drive, dated of issue, details of endorsement for renewals (if any) with respective period of validity, driving test report, medical test report, photograph of the DL holder, copy of address proof in relation to the Driving Licence bearing No.NL 0320100009467 as on 15.04.2015.*

On not getting any response from the PIO, O/o the District Transport Officer, Tuensang-798612, Nagaland to his RTI application letter No.2015211002 dated 20.04.2018, the applicant had, vide letter No.2015211002 dated 22.05.2018 submitted a first appeal to the First Appellate Authority, O/o the Transport Commissioner, Nagaland, Kohima.

Again on not getting any response from the First Appellate Authority, O/o the Transport Commissioner, Nagaland, Kohima, the applicant (now appellant) had, vide letter No.2015211002 dated 26.07.2018 preferred a second appeal before the Commission.

Since there was no response of the First Appellate Authority, O/o the Transport Commissioner, Nagaland, Kohima to his first appeal vide letter No.2015211002 dated 22.05.2018 which was submitted against the non-response of the PIO, O/o the District Transport

Officer, Tuensang-798612, Nagaland to his RTI application letter No.2015211002 dated 20.04.2018, the Commission had decided to hear the appeal case giving opportunity of being heard to all the parties on **23rd October, 2018 (Tuesday) at 12:00 Noon** 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. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Nagaland, Kohima,
- ii. The PIO, O/o the District Transport Officer, Tuensang, Nagaland.
- iii. The applicant (now appellant), Shri. Chander Dev Katoch, New Delhi.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant), Shri. Chander Dev Katoch, New Delhi did not appear for the hearing and there was no reason or prior intimation to the Commission regarding his absence.

Shri. Tsuknungmeren, DTO & PIO, Tuensang also did not appear, however he had, vide letter No. DTO-T/MV/21/O8/049A dated 18.10.2018 informed the Commission that he could not attend the hearing since he took casual leave for three (3) days from 22.10.2018 to 24.10.2018 to attend his ailing mother at Jorhat and therefore had authorised Shri. Arenbo, MVO & APIO, Office of the DTO, Tuensang to represent him.

During the hearing, Shri. Arenbo, MVO & APIO, Office of the DTO, Tuensang pointed out that the applicant had sought information about the same DL - one in digitised format and the other in non-digitised format in two separate RTI applications. In the present RTI application, the applicant had sought information about the DL which was in **digitised format**.

He stated that on receipt of the RTI application letter No.2015211002 dated 20.04.2018 on **02.06.2018**, the DTO & PIO had, vide letter No. DTO-T/MV/21/08/488 dated **07.06.2018** wrote to the applicant stating that the Driving Licence (DL) bearing No. NL 0320100009467 and 35536/TSG/PROF/2010 in the name of Shri. Mohd. Naim had been cancelled in the exercise of the authority conferred under Section 19(1)(e) of the Motor Vehicles Act, 1988 and therefore, the said DL was considered null and void. A copy of the Cancellation letter, vide No. DTO-T/MV/21/08/72(A) dated 18.11.2017 which was sent to the DL Holder was also enclosed. Further, on the directive of the Transport Commissioner & First Appellate Authority, Nagaland, Kohima vide No. TC/Estt-RTI/Appeal/302/2017/(182)/Chander Dev Katoch/1627-28 dated 15.06.2018, the information was re-furnished to the applicant(now appellant) vide letter No. DTO-T/MV/21/08/542 dated 21.06.2018. Copies of the above mentioned letters were produced before the Commission.

Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima also stated that on receipt of the first appeal dated 22.05.2018 on 05.06.2018 vide receipt No. 1203, he had directed the DTO & PIO, Tuensang on 15.06.2018 to respond to the applicant in accordance to the RTI Act, 2005. He further admitted that the information sought was specifically **'as on 15.04.2015'** which was inadvertently overlooked while replying.

The Commission observed that the DTO & PIO, Tuensang had only informed the applicant(now appellant) as well as the DL Holder about the cancellation of the said DL and had not furnished the details of the information about the DL sought by the applicant in his RTI application.

The Commission also observed that the Transport Commissioner & FAA had simply directed the DTO & PIO, Tuensang to furnish the information to the applicant instead of hearing of both the PIO and the applicant and pass quasi judicial decision. And since the first appeal was not heard, the applicant must have thought that the FAA had not acted on his first appeal. The Commission reminded the FAA that deciding first appeal was a quasi judicial function and therefore hearing of the PIO and the applicant should be held and pass decision on the first appeal.

The Commission further observed that since the RTI application dated 20.04.2018 was received on 02.06.2018 and reply given on 07.06.2018 by the DTO & PIO, Tuensang, which was within the 30 days time limit, there was no delay and hence no penalty was attracted.

DECISION:

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

1. Shri. Tsuknungmeren, DTO & PIO, Tuensang shall furnish all the details of information sought specifically ‘as on 15.04.2015’ as per the RTI application dated 20.04.2018 alongwith a copy of the letter regarding cancellation of the said DL No. **NL 0320100009467** to the applicant (now appellant) and with a copy to this Commission **within twenty (20) days** from the date of receipt of this Decision.
2. the DTO & PIO, Tuensang shall also confirm the satisfaction or non-satisfaction of the information from the applicant (now appellant) within a time limit of one (1) month, indicating that in case of non-response even after the expiry of the time limit, it shall be considered as satisfied.

Decision pronounced in the presence of only the respondents on 23.10.2018 at 12:00 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. Tsuknungmeren, DTO & PIO, Tuensang, Nagaland – 798612.
3. Shri. Arenbo, MVO & APIO, Office of the District Transport Officer, Motor Vehicles Department, Tuensang, Nagaland, Mobile No. 9436607806.
4. The applicant (now appellant), Shri. Chander Dev Katoch, D-160/2, 2nd Floor, Okhla Phase-1, New Delhi-110020.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission’s website and Notice Board.
6. Office Copy.

Sd/-
CHANBEMO LOTH
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary