

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-12/2017-18.

Dated Kohima, the 29th January, 2019.

Sub: Notice for third Hearing on 14th February, 2019 (Thursday) at 2:00 P.M.

WHEREAS, after the hearing of the second appeal 24.05.2017 for the second time on 25.07.2018 at 12:00 Noon, the Commission had passed decision vide of even No. dated 30.07.2018, wherein Smti. Keneingunuo Clara, RTO & PIO, Office of the Regional Transport Officer, Motor Vehicles Department, Kohima was directed to furnish the information within fifteen (15) days.

AND WHEREAS, in compliance to the decision of the Commission dated 30.07.2018, the RTO & PIO, Kohima had, vide letter No. RTO-K/DL/3/Part-II/278 dated 28.08.2018 furnished the following information to the Commission with a copy to the Transport Commissioner & FAA, Nagaland, Kohima:-

1. Regarding **Point No.1**, since the duplicate fee receipt could not be printed in Sarathi, the transaction history sheet of the Driving License in lieu of the duplicate fee receipt had been furnished to the applicant (now appellant) vide letter No. RTO-K/DL/3/2017/Part-II/232 dated 02.08.2018.
2. Regarding **Point No.2**, since all the files, documents, machines, etc were destroyed in the inferno by the mob on 02.02.2017, the date of receipt of RTI application dated 31.10.2016 submitted by the applicant (now appellant), Shri. Devinder Sharma was not known.
3. Regarding **Point No.3**, Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Kohima had submitted her explanation that she did not appear in the first hearing on 08.05.2018 as she was on Earned Leave on medical ground w.e.f. 26.03.2018 to 24.05.2018 and had enclosed a copy of the Transport Department Notification No.TPT/TC/ESTT-3/2005 dated 10.04.2018. Also, her absence in the second Hearing on 25.07.2018 was that she was on casual leave for four (4) days w.e.f. 24th to 27th July, 2018 as she was suffering from Variulla infection(chicken pox) and had enclosed medical certificate. Further, she had apologised for not intimating the Commission and had requested to pardon her, as that would not be repeated in future.

AND WHEREAS, the Commission had, vide directive of even No. dated 11.09.2018 directed Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Kohima to comply with the Point No.1 of the decision of the Commission of even No. dated 30.07.2018 by giving proper explanation in writing regarding the fee receipt and the fee history details of the Driving License No. NL-0120110040082 as clarified by the Sr. District Transport Officer & APIO who represented the PIO during the last hearing on 25.07.2018.

AND WHEREAS, in compliance to the Point No.1 of the decision of the Commission dated 30.07.2018, Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Kohima had, vide letter No.RTO-K/DL/3/2017/Part-II/415 dated 20.09.2018 submitted the explanation to the applicant(now appelland) and with a copy to Commission that *“the fee receipt is printed out only at the time of fee payment, whereas fee history is an abstract of all transactions recorded in the system. Further, duplicate copy of fee receipt is not printable but fee history details/ abstract can be printed out whenever needed for audit purposes etc”*. A copy of the Fee History details in respect of Smart Card Driving License No.NL-0120110040082 wherein at No.1 fee for an amount of `200/- deposited/ paid vide Treasury Challan No. D-6962 dated 22.07.2015 for replacement of Driving License was enclosed.

AND WHEREAS, the Commission had, vide directive of even No. dated 24.10.2018 directed Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Kohima to confirm the satisfaction or non-satisfaction of the information from the applicant (now appelland) within twenty-five (25) days from the date of receipt of the directive.

AND WHEREAS, in compliance to the above directive dated 24.10.2018, Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Kohima had, vide letter No.RTO-K/DL/3/2017/Pt-II/530 dated 05.11.2018 wrote to the applicant (now appelland) to submit his opinion on satisfaction or non-satisfaction within twenty-five (25) days with regards to the information provided on Driving License No.NL-0120110040082.

AND WHEREAS, on receipt of the above letter of the PIO dated 05.11.2018, the applicant (now appelland) had vide e-mail dated 19.11.2018 submitted his **non-satisfaction** to the RTO & PIO, Kohima and with a copy to the Transport Commissioner and the Commission. The applicant (now appelland) stated that the clarification given by the RTO & PIO, Kohima, vide letter No.RTO-K/DL/3/2017/203 dated 08.06.2017 regarding validity of computerized driving license No. NL-0120110040082 (**issue dated 22.07.2015**) upto 01.11.2031 (for Non-Transport) and 26.01.2010 (for Transport) was in violation of the M.V. Act-1988, as the validity for transport category w.e.f. 22.07.2015 to 26.01.2020 which is 4 ½ years is not understood as the transport driving license cannot be issued/ renewed for more than 3 years at a time. Further, he stated that the renewal of driving license No.NL.0120110040082 dated 22.07.2015 a/c Mr. Surinder Yadav s/o Sh Jai Ram was in lieu of old issued driving license No.21448/TSG/PROF/2010, which despite of the facts that DTO, Tuensang, Nagaland had, vide letter No. DTO-T/MV/21/08/5165 dated 17.07.2017 confirmed that *“No records for the driving license No.21448/TSG/PROF/2010 in the name of Mr. Surinder Yadav has been found/ available in their office”*. He also alleged that the renewed/ conversion computerised driving license No.NL 0120110040082 was issued on forged driving license No.21448/TSG/PROF/2010 which boost in corrupt practices and hence deserve strict action/warning by the Transport Commissioner, Nagaland.

AND WHEREAS, Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Kohima had vide letter No.RTO-K/DL/3/2017/Pt-II/998 dated 12.12.2018 informed the Commission that the applicant (now appelland) had been informed to submit his opinion regarding the information of Driving License No.NL 0120110040082 provided to him vide letter No.RTO-K/DL/3/2017/Pt-II/530 dated 05.11.2018, however **no response** had been received from the applicant (now appelland) till date.

AND WHEREAS, though the Commission had received an email dated 19.11.2018 from the applicant (now appellant) regarding his non-satisfaction and a copy of which was also sent to the RTO & PIO, Kohima and Transport Commissioner, the RTO & PIO, Kohima had informed the Commission that there was no response from the applicant till date. And since the applicant was not satisfied with the information provided by the RTO & PIO, Kohima, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties **on 14th February, 2019 (Thursday) 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:-

- i. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima.
- ii. Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Motor Vehicles Department, Kohima, Nagaland.
- iii. Shri. Tatongtemsus, Sr. MVI & APIO, O/o the Regional Transport Officer, Motor Vehicles Department, Kohima, Nagaland.
- iv. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR).

Sd/-

CHANBEMO LOTHIA

Chief Information Commissioner

Dated Kohima, the 29th January, 2019.

No. NIC/Appeal-12/2017-18.

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. Smti. Keneingunuo Clara, Regional Transport Officer & PIO, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436010384.
6. Shri. Tatongtemsus, Sr.MVI & APIO District, Motor Vehicles Department, Kohima, Nagaland, Mobile No. 9436009848.
7. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.
8. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
9. Office Copy.

(WORHONTHUNG EZUNG)
Secretary