

# NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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Nagaland, Kohima-797001

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No. NIC/Appeal-18/2017-18

Dated Kohima, the 27<sup>th</sup> March, 2018

**Subject: Notice for Hearing on 8<sup>th</sup> May, 2018 (Tuesday) at 1:00 P.M.**

WHEREAS, under Section 19 of the RTI Act, 2005, the Nagaland Information Commission had received a second appeal vide letter No. **S&A:UIC CRO:NET:2016/085** dated **21.07.2017** from Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: [sharmadevinder1953@gmail.com](mailto:sharmadevinder1953@gmail.com) against the non-response of the First Appellate Authority to his first appeal which was preferred against the non-satisfaction of information furnished by the District Transport Officer & PIO, Wokha in response to his RTI application dated 28.06.2016 submitted to the District Transport Officer & PIO, Zunheboto.

AND WHEREAS, the applicant, Shri Devinder Sharma had earlier submitted an RTI application vide Letter No. **S&A:UIC CRO:NET:2016/085** dated **28.06.2016** addressed to the **District Transport Officer & PIO, Zunheboto** along with an application fee of ` 50/- paid through IPO bearing No. 92G 199063 seeking the following information regarding Driving License No. 75143/NW/Prof/10 dated 11.1.2010 A/c Mr. Ashok s/o Shri. Pratap Singh:

1. *Date of deposit of D.L. No. 75143/NW/Prof/10 dated 11.1.2010 A/c Mr. Ashok s/o Shri. Pratap Singh fee with DTO, Zunheboto (NL) and certified copy of its receipt.*
2. *Certified Copy of driving test report of the applicant Mr. Ashok s/o Shri. Pratap Singh required before issue of DL as per Motor Vehicle Act-1988 in Professional Category.*
3. *Certified Copy of the application of Mr. Ashok s/o Shri. Pratap Singh for issue of Driving License in Professional Category.*
4. *Complete D.L. No. 75143/NW/Prof/10 dated 11.1.2010 A/c Mr. Ashok s/o Shri. Pratap Singh verification report as per your records/Register.*

AND WHEREAS, the District Transport Officer & PIO, Motor Vehicles Department, Wokha had, vide No. **DTO/W/MV-10-11/2005/341** dated **05.08.2016** furnished the information to the applicant in response to his RTI application dated **28.06.2016** which was submitted by the applicant to the District Transport Officer & PIO, Zunheboto.

AND WHEREAS, on receipt of the information, the applicant had, vide letter No. **S&A:UIC CRO:NET:2016/085** dated **23.08.2016** wrote to the District Transport Officer & PIO, Motor Vehicles Department, Wokha with a copy to the District Transport Officer & PIO, Zunheboto and the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, requesting to clarify as to how the reply to his RTI application dated **28.06.2016** which was addressed to the District Transport Officer & PIO, Zunheboto was given by the District Transport Officer & PIO, Wokha.

AND WHEREAS, on not getting any response from the District Transport Officer & PIO, Wokha, the applicant had submitted a first appeal to the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland.

AND WHEREAS, since there was no response to his first appeal from the First Appellate Authority, the applicant (now appellant) had preferred a second appeal vide letter No. **S&A:UIC CRO:NET:2016/085** dated **21.07.2017** before this Commission. However, since the first appeal was not heard by the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, the Commission had, vide letter of even No. dated 27.09.2017 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 27.09.2017, 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 directives of the Commission of even No. dated 27.09.2017 and 14.12.2017, the Transport Commissioner & FAA, Motor Vehicles Department,

Nagaland, Kohima had, vide letter No. TC/Estt-RTI/Appeal/302/DivenderSharma/2017(171)/5854-57 dated 04.12.2017 but signed on 07.12.2017 issued Notice for Hearing 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, Kohima had, during the hearing of the First Appeal on 13.12.2017 at 11:00 A.M observed that the District Transport Officer & PIO, Zunheboto had transferred the RTI application dated 28.06.2016 to the District Transport Officer & PIO, Wokha since the information sought i.e. regarding Driving License No. 75143/NW/Prof/10 pertained to the District Transport Officer, Wokha. On receipt of the above RTI application dated 28.06.2016 on 04.08.2016 transferred from the District Transport Officer & PIO, Zunheboto, the District Transport Officer & PIO, Wokha had, vide letter No. DTO/W/MV-10-11/2005/341 dated 05.08.2016 promptly responded to the applicant stating that the Driving License No. 75143/NW/Prof/10 was issued by the District Transport Officer, Wokha to Birender Shah as per office records and not to Ashokas sought by the applicant (now appellant), and hence responded, 'No such record available. False'.

AND WHEREAS, on the above observations and findings during the hearing, the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima had, vide No. TC/Estt-RTI/Appeal/302/DivenderSharma/2017(171)/6004-07 dated 19.12.2017 passed decision declaring the appeal case as closed.

AND WHEREAS, since there was delay in furnishing the information to the applicant (now appellant) and in order to ascertain the cause of delay, the Commission has decided to hear appeal on **8<sup>th</sup> May, 2018 (Tuesday) at 1:00 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, Zunheboto, Nagaland.
3. The District Transport Officer & PIO, Wokha, Nagaland.
4. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, Haryana.

Sd/-

**CHANBEMO LOTH**

Chief Information Commissioner

Dated Kohima, the 27<sup>th</sup> March, 2018

No. NIC/Appeal-18/2017-18

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, Zunheboto, Nagaland.
6. The District Transport Officer & PIO, Motor Vehicles Department, Wokha, Nagaland.
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 website and Notice Board.
9. Office Copy.

**(WORHONTHUNG EZUNG)**

Secretary