

**NAGALAND INFORMATION COMMISSION  
OLD SECRETARIAT COMPLEX  
POST BOX NO.148  
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-6/2011-12

Dated Kohima, the 28<sup>th</sup> Sept, 2011

Appellant: Shri Joshua Sheqi,  
YouthNet Office,  
Below Raj Bhavan,  
Kohima.

Respondent: Chief Engineer, PWD (Roads & Bridges)  
Nagaland, Kohima

Public Authority: Office of the Chief Engineer, PWD (Roads  
& Bridges),Nagaland, Kohima

Date of hearing: 28.9.2011  
Date of decision: (Interim) 28.9.2011

Present: The appellant Shri Joshua Sheqi  
Er. D. Mero, Chief Engineer, PWD (Roads & Bridges)

Matter relating to the appeal filed under RTI Act, 2005 by the appellant Joshua Sheqi to the Commission was admitted.

**THE FACTS OF THE CASE**

The appellate and the 1<sup>st</sup> Appellant Authority and Chief Engineer, Roads & Bridges were present and opportunities given to them to make their statements. The Commission, however, observed the absence of the PIO of Roads & Bridges who is EE, Roads & Bridges, Zunheboto even though the notice for appearing in the Commission on 28<sup>th</sup> September, 2011 at 2:30 PM was issued on 30<sup>th</sup> August, 2011. This absence of PIO without any apparent valid ground or intimation expressing his problems to the Commission is viewed very seriously. The Commission, therefore, directs that explanation be called from PIO of the office of EE Roads & Bridges, Zunheboto and also that a

**show cause** be issued to him as to why he should not be penalized for not furnishing any information to the appellant, Joshua Sheqi.

The facts of the case are that appellant Joshua Sheqi had submitted an RTI application to the PIO and EE, Roads & Bridges, Zunheboto on 3<sup>rd</sup> May, 2011 seeking information on the road repair works both minor and major carried out within Zunheboto town during the period of 2008, 2009 and 2010. As per the statement of the appellant given in his appeal petition to the Commission filed on 16<sup>th</sup> August, 2011, the PIO and EE, Roads & Bridges, Zunheboto did not furnish any information to the appellant within the stipulated time of 30 days. Accordingly, he had filed an appeal before the Chief Engineer, PWD (Roads & Bridges) and 1<sup>st</sup> Appellate Authority on 30<sup>th</sup> June, 2011. However, as per the statement of the appellant, the 1<sup>st</sup> Appellate Authority and Chief Engineer, PWD (Roads & Bridges) did not respond to the appeal nor give any decision on the appeal filed.

1<sup>st</sup> Appellate Authority and Chief Engineer, PWD (Roads & Bridges) Er. D. Mero admitted that he had not given any decision on the appeal filed by the appellant, nor did he take any action to facilitate information being provided to the appellant. He, however, stated that he had written to the EE, Roads & Bridges, Zunheboto to furnish information sought by the appellant. The Chief Engineer, PWD (Roads & Bridges) and 1<sup>st</sup> Appellate Authority Er. D. Mero also stated that he was not sure whether he was officially appointed as 1<sup>st</sup> Appellate Authority since the Engineer-in-Chief is supposed to be the 1<sup>st</sup> Appellate Authority of the PWD Department at the Directorate level. However, the Commission was of the view that since the Chief Engineer, Roads & Bridges had officially acknowledged receipt of the appeal filed by Shri Joshua Sheqi he has accepted the responsibility of 1<sup>st</sup> Appellate Authority. In this regard, the Department of PWD may be advised to issue specific orders declaring each Chief Engineer of all four (4) organs of the Department viz. i. Roads & Bridges, ii. Housing, iii. Mechanical and iv. National Highways as **1<sup>st</sup> Appellate Authority**. This would make the functioning of the Department with reference to the implementation of RTI Act more relevant/effective.

The Commission after taking into consideration the facts of the case and the statements of the appellant and 1<sup>st</sup> Appellate Authority hereby directs that the information requested by the appellant Joshua Sheqi specified in his application to the PIO submitted on 3<sup>rd</sup> May, 2011 be furnished to him by **20.10.11** free of cost under intimation to the Commission for which Chief Engineer, PWD (Roads and Bridges) shall initiate necessary action.

Thereafter, basing on compliance or non compliance of the direction of the Commission and depending on the decision of the appellant regarding the information furnished to him, the Commission shall give its final decision.

Copies be given to:

1. The Chief Engineer, PWD (Roads and Bridges), Nagaland, Kohima.
2. The PIO & EE, PWD, (Roads and Bridges), Zunheboto.
3. The appellant.

Sd/-

**Lalhuma IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

Sd/-

**Kevinino P.Meru**  
State Information Commissioner,  
Nagaland, Kohima.

Sd/-

**Bukchem Phom**  
State Information Commissioner,  
Nagaland, Kohima

Authenticated by

Secretary  
Nagaland Information Commission  
Kohima