

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

No.NIC/Appeal-9/2011-12

Dated Kohima, the 23rd Nov. 2011

Appellant: Shri Meyajalie Khate, Kohima.
Contact No.8014057262
Respondent: Director of Social Welfare, Nagaland,
Kohima
Public Authority: Directorate of Social Welfare, Nagaland,
Kohima
Date of hearing: 23.11.2011
Date of final decision: 23.11.2011

Present:

1. The Director, Social Welfare and First Appellate Authority, Kohima.
2. The PIO, District Social Welfare Officer, Kohima, Smti K. Atoli Sema.
3. The appellant Shri Meyajalie Khate, Kohima.

The statements of the appellant Meyajalie Khate, Smti. K. Atoli Sema, District Welfare Officer, Kohima and PIO and Shri Khevito T. Shohe, Director of Social Welfare and First Appellate Authority Directorate Social Welfare were heard.

THE FACTS OF THE CASE

Shri Meyajalie Khate submitted an RTI application to the PIO of the District Welfare Office, Kohima initially on 27.06.2011 and subsequently changed the date of submission of his RTI application to 20.07.2011. The information sought by him pertained to National Old Age Pension payment in Peren and Kohima districts from the years 2003-2004 to 2006-2007 etc.

PIO and District Welfare Officer, Kohima **failed** to furnish the information applied for even though sufficient time was available to her considering that the Appellant had changed the date of submission of his application from 27.06.2011 to 20.07.2011 so much so that the PIO had two whole months time to furnish the information sought.

Shri Meyajalie Khate thereafter filed an appeal to the 1st Appellate Authority of the Social Welfare Office viz. Director and 1st Appellate Authority, Social Welfare Office on 23.08.2011 which Appellant formally submitted to the Appellate Authority on 29.08.2011. The Appellate Authority instead of summoning and hearing the Appellant and also the PIO and giving a quasi judicial decision as per the Act, simply wrote to the District Welfare Officer, Kohima through his OSD wherein he requested the District Welfare Officer and PIO to furnish the required information applied for by the Appellant to the office of the Director, Social Welfare by **20.09.2011** for onward submission to the Appellant. In other words, the 1st Appellate authority instead of taking a firm decision on the appeal filed by the Appellant simple threw the ball back into the court of the PIO.

The District Welfare Officer and PIO Kohima District received letter issued by the office of the Directorate office of Social Welfare dated 2.08.2011 only on **7.9.2011**. Only on 4th November, 2011 could the PIO and District Welfare Officer, Kohima intimate the Appellant by telephone that the information sought by him on 20.07.11 was ready and asking him to collect the same. According to the Appellant Shri Meyajalie Khate, the information was not collected since he had already filed an appeal before the Director and First Appellate Authority on 23.08.2011 which was received by the First Appellate Authority on 29.08.11. There was therefore unwarranted and unjustified delay on the part of the District Welfare Officer and PIO Kohima District in furnishing the information to the petitioner. The PIO should have furnished information at the first instance when the application was filed on 20.07,11 latest by 20.8.11 (within 30 days as provided in the Act) which she failed to do so even after receiving clear directions from the First Appellate Authority on 07.09.11 to furnish the information sought by the Appellant on or before 20.09.11 for onward submission to the Appellant. The PIO could make the information ready only by 04.11.11. on which date she telephonically informed the applicant to come and collect the information. According to the statement of the applicant, he had declined to collect the information sought by him when intimated on 04.11.11. by PIO since he had already filed an appeal to the First Appellate Authority and was awaiting the outcome from the First Appellate Authority.

The applicant on the grounds of not receiving any information from the First Appellate Authority based on his appeal filed his appeal to the State Information Commission on 30.9.11. The Commission deemed it a fit case for admission and fixed 23.11.11. for hearing.

THE DECISION OF THE COMMISSION

Taking into account the statement of the Appellant, the PIO and District Welfare Officer and Director and First Appellate Authority, the Commission is fully convinced that there was inordinate and avoidable delay in furnishing information to the applicant/appellant and that imposition of penalty is **justifiable from all counts.** The Commission therefore decides that penalty at the rate of Rs.250.00 (Rupees two hundred fifty) only per day for the excess 58 days of delay at the rate of Rs.250/- (Rupees two hundred fifty) only per day be imposed on the PIO and District Social Welfare Officer, Kohima. The total penalty imposed works out to Rs.14, 500.00 (Rupees fourteen thousand five hundred) only. The said penalty is payable with effect from December, 2011 in 10 (TEN) equal installments of Rs.1450.00 (Rupees one thousand four hundred fifty) only per month.

Decision pronounced **today** the 23rd November, 2011.

Copies be given to:

1. The Director, Social Welfare and First Appellate Authority, Kohima.
2. The PIO, District Social Welfare Officer, Kohima, Smti K. Atoli Sema.
3. The appellant Shri Meyajalie Khate, Kohima.

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