

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
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NAGALAND: KOHIMA -797001**



No.NIC/Appeal-17/2012-13/

Dated Kohima, the 20th May, 2013

Appellant: Shri. Peina N dang,
C/o The GMTD BSNL,
Super Market Complex,
Dimapur, Nagaland,
Mobile No. 9402832636

Respondents:

1. Shri. K. T. Sukhalu, IAS,
Commissioner & Secretary & FAA,
Food & Civil Supplies Department,
Nagaland, Kohima.
2. Shri. Sedevikho Khro, NCS,
Director & FAA,
Food & Civil Supplies,
Nagaland, Dimapur.
3. Smti. Apokla Jamir,
Addl. Director & PIO,
Food & Civil Supplies,
Nagaland, Dimapur.

Public Authority: Department of Food & Civil Supplies Department,
Nagaland, Kohima.

Date of hearings:

- i. 04.04.2013 at 2:00 PM.
- ii. 20.05.2013 at 1:00 PM.

Date of final decision: 20.05.2013.

Present:

- i. Shri. K. T. Sukhalu, IAS, Commissioner & Secretary & FAA, Food & Civil Supplies Department, Nagaland, Kohima
- ii. Shri. Sedevikho Khro, NCS, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur.
- iii. Smti. Apokla Jamir, Addl. Director & PIO, Food & Civil Supplies, Nagaland, Dimapur.

The appellant, Peina N dang, C/o The GMTD BSNL Super Market Complex, Dimapur, Nagaland, Mobile No. 9402832636 **was not present.**

Facts of the case:

Shri. Peina N dang, C/o The GMTD BSNL, Super Market Complex, Dimapur, Nagaland, Mobile No. 9402832636 had submitted RTI application dated 11.07.2012 addressed to the Addl. Director & PIO, Food & Civil Supplies, Nagaland, Dimapur, alongwith the application fee of Rs. 10/- seeking information on the following:-

1. Re-evaluation of original written answer sheets of Pausuigongle, Roll No. 159 (SIS) during the examination conducted by the Department on 31.08.2012;
2. Re-evaluation of original written answer sheets of all the SIS candidates who were qualified in the written examination conducted by the Department on 31.08.2012

The Addl. Director & PIO, Food & Civil Supplies, Nagaland, Dimapur had vide letter No. DSE/RTI-1/2012-13/747 dated 16.07.2012 stated that since the information was not available in the Directorate, she had forwarded the RTI application dated 11.07.2012 to the Commissioner & Secretary, Department of Food & Civil Supplies, Nagaland, Kohima.

And on not receiving any information from the Addl. Director & PIO, Food & Civil Supplies, Nagaland, Dimapur within the stipulated time of 30 days, a first appeal dated 23.08.2012 was submitted to the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur. And the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur in reply to the first appeal dated 23.08.2012 informed the applicant (now appellant) vide No. DSE/RTI-1/2012-13/1030 dated 29.08.2012 that the RTI application dated 11.07.2012 was forwarded to the Commissioner & Secretary, Department of Food & Civil Supplies, Nagaland, Kohima since the information was not available in the Directorate but in the Secretariat.

The Commission, on receipt of a complaint letter dated 13.09.2012 from the appellant for non- receipt of information and the submission of both the Director and the PIO, Food & Civil Supplies, Nagaland, Dimapur that the RTI application dated 11.07.2012 was forwarded to the Commissioner & Secretary, Department of Food & Civil Supplies, Nagaland, Kohima since information was not available in the Directorate but in the Secretariat, had written to the Commissioner & Secretary, Food & Civil Supplies, Nagaland, Kohima vide letter No. NIC/Appeal-17/2012-13/1412 dated 11.10.2012, to inform the Commission as to whether the information sought by the applicant (now appellant) has been furnished and that the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur should hear the first appeal **within 30 days** from the date of receipt of the Commission's letter dated 11.10.2012 and a copy of the quasi-judicial decision to be forwarded to this Commission.

On the direction of the Additional Secretary & PIO, Department of Food & Civil Supplies, Nagaland, Kohima vide letter No. SPLY-1/16/2011 dated 18.10.2012, the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur had a joint meeting on 14.11.2012 at 1:00 PM in his office chamber and during which a copy of the information forwarded by the Commissioner & Secretary, Department of Food & Civil Supplies, Nagaland, Kohima was furnished to the appellant.

And the applicant (now appellant) submitted a second appeal dated 17.11.2012 before the Commission stating that even after the joint meeting held on 14.11.2012 at 1:00 pm in the office chamber of the Director & FAA, Food & Civil Supplies, Nagaland,

Dimapur, no information has been provided relating to his RTI application dated 11.07.2012 except that a xerox copy of the letter of the Commissioner & Secretary, Department of Food & Civil Supplies, Nagaland, Kohima vide letter No. SPLY-1/11/2007(Pt) dated 28.09.2012, addressed to the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur.

Observations:

During the first hearing held on 04.04.2013, since the appellant submitted that the results of the written examination was published in the local newspapers, he was directed to furnish within a week, the photocopy of newspaper clipping where the results of the written examination was ostensibly published. However, till the date of the second hearing on 20.05.2013, the appellant had not submitted the photocopy of newspaper clipping where the results of the written examination was published.

Another hearing was fixed on 20.05.2013. However, the applicant (now appellant) did not turn up. The Under Secretary tried to contact him several times over the phone, but the appellant did not respond.

During the second hearing on 20.05.2013, the Commissioner & Secretary & FAA, Department of Food & Civil Supplies, Nagaland, Kohima submitted that clarifications were sent to the applicant (now appellant), vide letter No. SPY-1/11/2007(Pt) dated 09.05.2013, which is reproduced as given below:-

1. The decision of the Government in regard to the conduct of the written and oral interview vide letter No. SPLY-1/11/2007(Pt) dated 28.09.2012 was conveyed to the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, wherein it has been clearly stated that, “the time limit for keeping the answer scripts shall be 3 (three) months in respect of all candidates” and “after the expiry of the validity of the stipulated time the answer scripts shall be destroyed”.
2. During the joint meeting held on 14.11.2012 at 1:00 pm in the office chamber of the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, it was informed that the Department does not conduct regular interviews. That the written and oral test was a one-time exercise conducted by the Department in view of the large number of retirement due to the Retirement Act, 2009. Therefore, the question of re-evaluation of the answer scripts at such a late juncture does not arise.
3. On scrutiny of records, it was found that Ms. Pausuigongle had qualified in the written test and she was informed by the Director, F&CS to appear for the oral interview on the 24th & 25th October, 2011 vide letter No. DSE/Retirement/2009-10/823 dated 20.10.2011.
4. The Department also tendered its apology to the appellant that the inadvertent oversight for not including the name of Ms. Pausuigongle in the written results that was declared is regretted. However, she was called for interview and had appeared for the oral interview and the results of both the written and oral tests were furnished to her.

On perusal of the relevant files, documents and records, the Commission observed that the Department had not delayed the matter at any point of time and the clarifications given by the Commissioner & Secretary & FAA, Department of Food & Civil Supplies, Nagaland, Kohima vide letter No. SPY-1/11/2007(Pt) dated 09.05.2013 was satisfactory.

Decision

Since the Department had not delayed the matter at any point of time and the clarifications given by the Commissioner & Secretary & FAA, Department of Food & Civil Supplies, Nagaland, Kohima vide letter No. SPY-1/11/2007(Pt) dated 09.05.2013 is clear, the case may be declared as closed.

Decision made in the presence of all present on this day the 20.05.2013.

Copy be given to all concerned:-

- i. Shri. K. T. Sukhalu, IAS, Commissioner & Secretary & FAA, Food & Civil Supplies Department, Nagaland, Kohima
- ii. Shri. Sedevikho Khro, NCS, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur.
- iii. Smti. Apokla Jamir, Addl. Director & PIO, Food & Civil Supplies, Nagaland, Dimapur.
- iv. The appellant, Peina N dang, C/o The GMTD BSNL Super Market Complex, Dimapur, Nagaland, Mobile No. 9402832636.

Sd/-

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

Sd/-

Bukchem Phom
State Information Commissioner,
Nagaland, Kohima

Authenticated by:

(SOYIMNA AIER KOZA)
Secretary,
Nagaland Information Commission,
Nagaland, Kohima.