

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-1/2013-14

Dated Kohima, the 19th July, 2013.

Appellant: Mr. Devinder Sharma,
A.I.I.I, Investigator & Loss Assessor,
General Insurance Claims,
Krishna Cottage,
27-D, Dayal Bagh,
Ambala Cantt, Haryana – 133001.
Mobile No. 09876140198.

Respondents: 1. Shri. H. Achumi,
Transport Commissioner & FAA,
Transport & Motor Vehicles Department,
Nagaland, Kohima - 797001.

2. Shri. Ihetto Achumi,
District Transport Officer & PIO,
Office of the District Transport Officer,
Motor Vehicles Department,
Wokha, Nagaland - 797111.

Public Authority: Office of the District Transport Officer,
Motor Vehicles Department,
Wokha, Nagaland

Date & Time of first hearing: 18.05.2013 (Saturday) at 1:00 PM

Date & Time of second hearing: 28.06.2013 (Friday) at 1:00 PM

Date of first Interim Decision: 31.05.2013.

Date of second Interim Decision: 19.07.2013.

Present:

1. Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima.
2. Shri. Ihetto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland **was not present.**
3. The appellant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001, Mobile No. 09876140198 **was not present.**

FACT OF THE CASE:

The first hearing was held on 18.05.2013 (Saturday) at 1:00 PM, with the following:-

1. Shri. Elias T. Lotha, Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036 represented Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima.

2. Shri. A. Takomeren, Sr. Motor Vehicle Inspector & APIO, Office of the District Transport Officer, Motor Vehicle Department, Wokha, Nagaland, Mobile No. 9436403848 represented Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland.
3. The appellant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001, Mobile No. 09876140198.

During the first hearing held on 18.05.2013, the Commission had vide letter of even No. dated 31.05.2013 decided the following:-

1. The Commission directs that the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima make its position clear by coming out with a statement of declaration of either **“denial”** or **“admission”** to the appellant’s assertion specifying the reason thereof in the form of an **Affidavit** and produce the same in the next hearing which is fixed on **28th June, 2013 (Friday) at 1:00 P.M.** The case shall be decided depending on the production of the said affidavit.
2. The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima is cautioned to take RTI matters seriously considering the time limits stipulated in the RTI Act, 2005 and also on receipt of First appeals to hear such appeals and pass quasi-judicial orders in future.
3. The Commission recommends that the public authority streamline the issue of D/L vis-à-vis the Sarathi/Vahan software and also maintain proper and accurate records.

The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT/287/2012(Pt)/380 dated 26.06.2013 submitted to the Commission requesting for postponement of the hearing on 28.06.2013 to a later date, since Shri. Iheto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, Nagaland, who was on Medical Leave till 29.06.2013, would not be in a position to appear for the hearing scheduled on 28.06.2013. However, the Commission did not accept the request for postponement, since the letter was received only on the eve of the hearing date i.e. 27.06.2013.

The appellant had also, vide letter No. S&A:INV:UIIC:2013 dated 21.06.2013 submitted that he could not attend the hearing scheduled on 28.06.2013, but will accept the final decision of the Commission under the rules.

OBSERVATIONS:

The Commission clarifies that though in its Interim decision dated 31.05.2013 directed the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima to make its position clear by coming out with a statement of declaration of either **“denial”** or **“admission”** to the appellant’s assertion specifying the reason thereof in the form of an **Affidavit**, it is presumed that Shri. Iheto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, Nagaland, sign and produce the said Affidavit since he was the Issuing Authority of the Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 which was issued to Shri. Sahil Gori, S/o Shri. Rajesh Gori, Village – Post Office Sadhaura District, Yamunanagar, Haryana State.

However, since the DTO & PIO, Wokha was still on Medical Leave till 29.06.2013, the affidavit could not be submitted before the Commission during the hearing today.

Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima submitted that he would ensure that Shri. Iheto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, Nagaland submit the said affidavit within 10 days to the Commission.

DECISION (Second Interim):

The Commission decides that:-

1. as agreed by Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima, Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland, being the Issuing Authority of the said Driving Licence, **should sign and submit the affidavit** to the Commission **within 10 days**, from the date of receipt of this Commission's Decision.
2. Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland, appear in person before this Commission during the next hearing along with the copies of his leave records, Medical Certificate, etc.
3. The next hearing shall be held on **31.07.2013 at 2:30 PM.**
4. The Commission recommends that the public authority take certain actions to streamline the discrepancies in the process of issuing Driving Licences.

Decision pronounced on this day, the 28th June, 2013.

Copies be given to the parties:-

- i. Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima;
- ii. Shri. Iheto Achumi, District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland; and
- iii. The appellant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001.

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

(Bukchem Phom)
State Information Commissioner,
Nagaland, Kohima.

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.