

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-12/2014-15

Dated Kohima, the 16th March, 2015.

Appellant: Shri. Vikheto Zhimomi,
P.R Hill Colony,
Kohima,
Mobile No. 9615115300, 9089896123

Respondent(s): 1) The Chief Engineer & First Appellate Authority,
PWD(R&B),
Nagaland, Kohima.

2) The concerned PIO,
Office of the Chief Engineer,
PWD(R&B),
Nagaland, Kohima.

Public Authority: Office of the Chief Engineer,
PWD(R&B),
Nagaland, Kohima.

Date of first hearing : 13.11.2014 at 12:00 PM.
Date of first Decision : 15.11.2014

Date of second hearing : 10.03.2015 at 1:30 PM.
Date of second Decision : 16.03.2015.

Present:

1. Er. J. Talimeren Aier, Additional Chief Engineer & PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima, Mobile No. 9436000848.
2. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045..
3. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.

The Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima did not appear for the hearing.

FACT OF THE CASE

The Commission had, on 13.11.2014 at 12:00 PM. heard the Second Appeal dated 03.09.2014 submitted by an applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123 against the non receipt of any information or response from the Chief Engineer & First Appellate Authority, PWD(R&B), Nagaland, Kohima to his first appeal dated 03.07.2014 and which was submitted against the non-response of the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima to his RTI application dated 23.05.2014.

The first hearing was attended by the following:-

1. Er. D. Mero, Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
2. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
3. Shri. Saji Joseph, P. S to Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
4. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.

The Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima and the concerned PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima did not appear for the hearing.

And after hearing the parties on 13.11.2014 at 12:00 PM, the Commission had passed decision vide even No. dated **15.11.2014**, wherein the PIO was directed to furnish the information to the applicant(now the appellant) and with a copy to this Commission within **30(thirty) days** from the **date of issue** of the Commission's Decision on 15.11.2014.

However, the public authority had collected the above Commission's Decision dated 15.11.2014 only on **20.01.2015 i.e. after 66 days** from the **date of issue** of the Commission's Decision on 15.11.2014.

Referring to No. NIC/Appeal-9/2014-15/467 dated 03.11.2014 and No. NIC/Appeal-12/2014-15/480 dated 15.11.2014, the new PIO, Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPW/E-IN-C-RTI/2010-11/581 dated **24.02.2015** furnished the **Tentative Seniority List of all Gazetted Officers** under NPWD and **all Non gazetted including ministerial staff** under NPWD to the applicant(now the appellant) and with a copy to this Commission.

On receipt of the above information from Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, since the applicant(now the appellant) had, vide letter dated **02.03.2015** submitted a complaint to this Commission stating that he was not satisfied with the information so received since the information were **incorrect**, the Commission had decided to hear the appeal, giving opportunity to the parties, on **10th March, 2015 (Tuesday) at 1:30 PM.**

OBSERVATIONS AND FINDINGS:

During the hearing on 10.03.2015 at 1:30 PM., the applicant(now the appellant) pointed out that since the Seniority List of the Ministerial Staff furnished vide letter No. NPWD/E-IN-C/PIO-RTI/2010-2011 dated **29.01.2015** contained only **14 employees**, whereas in the subsequent information furnished vide letter No. NPW/E-IN-C-RTI/2010-11/581 dated **24.02.2015** contained **52 employees**, the information furnished was incorrect.

Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had submitted that he took charge of his new assignment only on 15.01.2015 since his predecessor who was the then PIO was transferred out. Further, he submitted that whatever information he received from all the offices of the five (5) Chief Engineers including the Office of the Engineer-in-Chief, Nagaland, Kohima had been furnished to the applicant (now appellant). However, he clarified that the **14 employees** may be for the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima, whereas the **52 employees** may be for all the offices of the five (5) Chief Engineers including the Office of the Engineer-in-Chief, Nagaland, Kohima.

Er. J. Talimeren Aier, Additional Chief Engineer & PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima submitted that since all the records of seniority list for Non-Gazetted staffs are maintained solely by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, the RTI application dated 23.05.2014 was transferred to the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima on the same day.

However, the applicant (now appellant) pointed out that some employees who were promoted few years ago, their names were not found in the Seniority List. Further, he submitted that comparing with the appointment and promotion orders, there was mismatch records with the number of employees in the Seniority List.

Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had submitted that regarding the seniority list of **all Gazetted Officers** under NPWD, he had **personally collected** from the Department of Works & Housing, Nagaland, Kohima, whereas regarding the seniority list of **all Non gazetted including ministerial staff** under NPWD, the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPWD/E-in-C/RTI/2010-11 dated 25.02.2015 written to all the offices of the Chief Engineers and the Divisions under NPWD to submit the information **by 20.04.2015**. However, the Commission did not receive a copy the above mentioned letter.

The Commission pointed out that as per its Decision dated 15.11.2014, compliance should have been submitted **within 30 (days)** from the **date of issue** (and not from the **date of receipt**) of the Decision on 15.11.2014. However, the public authority had collected the Commission's Decision dated 15.11.2014 only on **20.01.2015 i.e. after 66 days** from the **date of issue** of the Commission's Decision on 15.11.2014, and hence there was a delay of **101 days** in submitting compliance to the Commission's decision dated 15.11.2014. Hence, the Commission observed that the public authority was not serious about RTI matters and took a serious view.

The Commission also observed that since the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had furnished only **Tentative Seniority List** with no signatures of the competent/controlling authority on the seniority list of all the Gazetted Officers and the Non gazetted staff including ministerial staff under NPWD furnished to the applicant (now appellant) and that too **incorrect** as pointed out by the applicant (now appellant), the Commission did not accept the information.

The Commission further observed that Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima should have complied to the decision of the Commission separately and not mixed up or confused with the two separate appeal cases viz. No. NIC/Appeal-9/2014-15/467 dated 03.11.2014 and No. NIC/Appeal-12/2014-15/480 dated 15.11.2014.

DECISION:

On the above observations and findings, the Commission decides that:-

1. Since the Commission had not received a copy of the letter No. NPWD/E-in-C/RTI/2010-11 dated 25.02.2015 which was written to all the offices of the Chief Engineers and the Divisions under NPWD to submit the information **by 20.04.2015**, Er. Longzochang, Deputy Chief Engineer & PIO, Office of the

Engineer-in-Chief, NPWD, Nagaland, Kohima is directed to submit copy of the above mentioned letter to this Commission.

2. Since the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPWD/E-in-C/RTI/2010-11 dated 25.02.2015 written to all the offices of the Chief Engineers and the Divisions under NPWD to submit the information **by 20.04.2015**, on receipt of the information from all the offices of the Chief Engineers and the Divisions, the PIO shall compile and furnish the correct information to the applicant (now appellant) **by 31.05.2015** and with a copy to this Commission.
3. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima shall submit an **undertaking** to this Commission stating that the latest seniority list of all employees under NPWD shall be furnished by 31.05.2015.

This appeal case shall be closed only after compliance to this Commission's Decision is received.

Decision pronounced in presence of all parties present on 10.03.2015.

Copy be given to:-

1. The Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima.
2. Er. J. Talimeren Aier, Additional Chief Engineer & PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima, Mobile No. 9436000848.
3. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045..
4. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner