

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
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No. NIC/Appeal-14/2014-15

Dated Kohima, the 10th April, 2015.

Appellant: C. Narender Mohan Sharma,
Advocate,
Office: Chamber No. 123,
District Courts,
Bhiwani-127021,
Haryana

Respondent(s): 1) The Transport Commissioner & First Appellate Authority,
Transport & Motor Vehicles Department,
Nagaland, Kohima.

2) The District Transport Officer & PIO,
Zunheboto, Nagaland.

Public Authority: Transport & Motor Vehicles Department,
Nagaland, Kohima.

Date of hearing: 08.04.2015 (Wednesday) at 1:30 PM.

Date of Decision: 10.04.2015.

Present:

1. Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima.
2. Shri. Elias T. Lotha, Joint Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima.
3. Shri. M. Longkumer, M.V.I & APIO, Office of the District Transport Officer, Zunheboto, Nagaland.

The District Transport Officer & PIO, Zunheboto, Nagaland and the applicant(now appellant), C. Narender Mohan Sharma, Advocate, Office: Chamber No. 123, District Courts, Bhiwani-127021, Haryana **did not appear** for the hearing.

FACT OF THE CASE

An applicant, C. Narender Mohan Sharma, Advocate, Office: Chamber No. 123, District Courts, Bhiwani-127021, Haryana had submitted a RTI application dated 21.07.2014, addressed to the PIO-cum-District Transport Officer, Zunheboto, Nagaland, alongwith an application fee of Rs. 50/- paid vide IPO No. 80G 490378 dated 19.07.2014, requesting to verify the D/L bearing No. 23730/TV/NZ/07. Date of issue: 04.10.2007 in the name of Mandeep Singh Dhanak S/O Bir Singh Dhanak, R/O D.C. Hill, Zunheboto (Nagaland) and

P/A village/ P.O : Dhanimahu, P.S. Tosham district, Bhiwani (Haryana) authorized to drive 2WH/LMV/MMV/HMV only valid upto 03.10.2010 and also to verify the Date of Birth of D/L holder as per record. A photocopy of the D/L was also enclosed.

On not receiving any reply to the RTI application dated 21.07.2014 from the concerned PIO within the stipulated period of 30 (thirty) days, the applicant had filed a First Appeal dated NIL addressed to the Transport Commissioner & First Appellate Authority, Zunheboto, Nagaland. However, it was observed that the First Appeal dated NIL was wrongly addressed to the Transport Commissioner & First Appellate Authority, Zunheboto, Nagaland instead of Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima.

On not receiving any response to his First Appeal dated NIL till date, the applicant(now appellant) had filed a Second Appeal dated NIL before this Commission stating that there was no response from the Transport Commissioner & First Appellate Authority, Nagaland, to his first appeal dated NIL which was submitted against the non-response of the District Transport Officer & PIO, Zunheboto, Nagaland to his RTI application dated 21.07.2014. However, in his Second Appeal, the applicant(now appellant) had submitted that the First Appeal was filed on 16.09.2014, though there was no date mentioned on the body of his First Appeal.

AND WHEREAS, the Commission has decided to hear the appeal, giving opportunity to the parties, on 24th February, 2015 (Tuesday) at 12:30 PM in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

However, due to some unavoidable circumstances, the Commission had, vide letter of even No., dated 20.02.2015 postponed the hearing which was scheduled on 24th February, 2015 (Tuesday) at 12:30 PM to a later date.

And the Commission had, vide letter of even No., dated 24.03.2015 notified that the hearing was now rescheduled on 08th April, 2015 (Wednesday) at 1:30 PM.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant) did not appear for the hearing without any prior intimation to the Commission.

During the hearing, Shri. M. Longkumer, M.V.I & APIO, Office of the District Transport Officer, Zunheboto, Nagaland submitted that since the concerned PIO could not attend the hearing due to recent transfer and posting of the DTO & PIO, he represented the DTO & PIO, Zunheboto during the hearing. Further, he submitted that the information was furnished to the applicant vide letter No. DTO-Z/RTI/2013-14/541 dated 08.08.2014 and a photocopy of the information so furnished and the Despatch Register where the letter issued for despatch was recorded was produced before the Commission. However, the M.V.I & APIO, Office of the District Transport Officer, Zunheboto, Nagaland submitted that it is not known by which mode the letter was despatched, for which he had to verify from the office peon.

Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had also submitted that the first appeal dated NIL was never received by him since it was wrongly addressed to the Transport Commissioner & First Appellate Authority, Zunheboto, Nagaland. He further, stated that in future, all correspondences relating to RTI matters shall be accompanied by an Acknowledgement Card and shall be sent by Speed Post or Registered Post and not by ordinary post.

DECISION:

On the above observations and findings, the Commission decides that since there is no proof or evidence that the information had been sent to and received by the applicant, except the photocopy of the Despatch Register, the PIO/APIO shall file an **Affidavit within one(1) week**, stating the means of channel or services used to furnish the information to the applicant.

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 08.04.2015.

Copy be given to:-

1. Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436000154.
2. The District Transport Officer & PIO, Zunheboto, Nagaland.
3. Shri. M. Longkumer, M.V.I & APIO, Office of the District Transport Officer, Zunheboto, Nagaland, Mobile No. 9615936020.
4. The applicant(now appellant), C. Narender Mohan Sharma, Advocate, Office: Chamber No. 123, District Courts, Bhiwani-127021, Haryana.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. Office Copy.

Sd/-

BUKCHEM PHOM

State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Under Secretary