

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-15/2014-15

Dated Kohima, the 13th April, 2015.

Appellant: Shri. Sunep Jamir,
Kohima,
Mobile No. 9856255336.

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

2) The Executive Engineer & PIO,
Mokokchung Division, PWD(R&B),
Mokokchung, Nagaland.

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

Date of hearing: 08.04.2015 (Wednesday) at 12:00 PM.

Date of Decision: 13.04.2015

Present:

1. Er. I. Meren Imchen, Executive Engineer & PIO, Mokokchung Division, PWD(R&B), Mokokchung, Mobile No. 9436264556.
2. The applicant(now appellant), Shri. Sunep Jamir, NCSU, Kohima, Mobile No. 9856255336.
3. Shri. Hokivi I. Achumi, KDCC, Mobile No. 9436616535.
4. Shri. Temjen Jamir, KDCC, Mobile No. 8974250288.
5. Shri. Joshua Semy, NCSU, Kohima, Mobile No. 9862082113.
6. Shri. Wamo Vicky Semy, NCSU, Kohima, Mobile No. 9774038519.

The Chief Engineer & First Appellate Authority, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima **did not appear** for the hearing.

FACT OF THE CASE

An applicant, Shri. Sunep Jamir, Kohima, Mobile No. 9856255336 had submitted a RTI application dated **06.08.2014** addressed to the PIO, Executive Engineer, Mokokchung Division, PWD(R&B), Mokokchung alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) in cash, seeking the following information:-

1. Detail balance amount remaining of the against below given contractors and MB Nos.
2. Latest payment if any, of the below given contractors and MB Nos. Give details alongwith sanction letter/payment order.

Sl. No.	Name of Contractor	MB No.
1	Likok	2538 P-20
2	Wokha Hume Pipe Industry	2348 P-12
3	Shimpo Construction	2647 P-15
4	I. Yanger Jamir, Modern Construction	2500 P-40
5	Flower Construction & Co. Dimapur	2582 P1-58
6	Alongba	2599 P-5
7	Lima Imsong	2571 P-28
8	Lima Imsong	2571 P-34
9	Puna	1675 P-113

The RTI application dated **06.08.2014** was received by the public authority on **13.08.2014** as evidenced on the body of the application.

The applicant had again submitted another RTI application dated **12.09.2014** addressed to the PIO, Executive Engineer, Mokokchung Division alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) in cash, requesting to furnish the details of payment made on February, 2013 to the firms/contractors from Sl. No. 1- 3 (a) in the enclosed list as Annexure-I and a Xerox copy of sanction letter/payment order of the same and also to furnish the details of NCSU payment list of July, 2014.

The RTI application dated **12.09.2014** was received by the public authority by Bendang, LDA as evidenced on the body of the application.

The applicant had preferred first appeal dated 29.10.2014 to the First Appellate Authority, Office of the Chief Engineer, NPWD, Nagaland, Kohima, stating that he had submitted two (2) RTI applications, however, the information furnished was **not satisfactory** and **irrelevant**.

The first appeal dated 29.10.2014 was received by the public authority on the same day i.e. 29.10.2014 as evidenced on the body of the first appeal.

The applicant(now appellant), had submitted a Second Appeal dated 12.01.2015 to the Commission, stating that he had filed **two(2)** RTI applications dated 06.08.2014 addressed to the PIO, Office of the Executive Engineer, Mokokchung Division, PWD (R&B), Mokokchung and another dated 12.09.2014 addressed to the PIO, Office of the Executive Engineer, Mokokchung Division and subsequent first appeal dated 29.10.2014 to the First Appellate Authority, Office of the Chief Engineer, NPWD, Nagaland, Kohima, however, the information furnished was **incomplete** and was not **in conformity** with the RTI sought.

The Commission has decided to hear the appeal, giving opportunity to the parties, on **25th February, 2015 (Wednesday) 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 31.01.2015 postponed the hearing which was scheduled on **25th February, 2015 (Wednesday) 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 12:00 PM.**

OBSERVATIONS AND FINDINGS:

The Chief Engineer & First Appellate Authority, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima **did not appear** for the hearing without any prior intimation, for which the Commission had taken serious view.

During the hearing, the applicant submitted that the RTI application dated **06.08.2014**, was received by the public authority on **13.08.2014**, however, Er. I. Meren Imchen, Executive Engineer & PIO, Mokokchung Division, PWD(R&B), Mokokchung, submitted that he received it only on **19.08.2014**. And on receipt of the above RTI application, the EE & PIO submitted that he had furnished the information vide letter No. MKG/EE/PWD/(R&B)/EII-24/367 dated **21.08.2014** including the sanction letters and payment orders to the applicant, and copies were also produced before the Commission during the hearing. The applicant also submitted that he had received the information on **24.08.2014**.

However, the applicant submitted that since he had received unsatisfactory information, he had filed another RTI application dated **12.09.2014**. And again on receipt of the above second RTI application dated 12.09.2014 on **17.09.2014**, Er. I. Meren Imchen, Executive Engineer & PIO, Mokokchung Division, PWD(R&B), Mokokchung had, vide letter No. MKG/EE/PWD/(R&B)/EII-24/407 dated **19.09.2014** furnished the information to the applicant including the sanction letter/ payment order and NCSU payment list of July, 2014. Copies were also produced before the Commission during the hearing.

The applicant had submitted that since the information furnished was **not satisfactory** and **irrelevant**, he had preferred first appeal dated 29.10.2014 to the First Appellate Authority, Office of the Chief Engineer, NPWD, Nagaland, Kohima.

During the hearing, Er. I. Meren Imchen, Executive Engineer & PIO, Mokokchung Division, PWD(R&B), Mokokchung submitted that on **19.11.2014**, he had received a copy of the first appeal dated 29.10.2014 forwarded by Er. J. Talimeren Aier, Addl. Chief Engineer, PWD(R&B), Nagaland, Kohima, vide letter No. CE(R&B)/RTI/ESTT-87/2012-13 dated 05.11.2014 requesting him to furnish additional relevant documents and records pertaining to the subject to the applicant. A copy of the above letter was also produced before the Commission during the hearing. However, the Commission observed that the First Appeal should have been dealt by the First Appellate Authority by calling for a hearing of all the parties and pass quasi-judicial order, instead of simply shrugging off his responsibility by forwarding the First Appeal to his subordinate officer.

During the hearing, the applicant(now appellant) submitted that he was **not satisfied** with Sl. No. 1, 2 and 3 of query No. 2 since the month of payments and the amount received in the above two(2) replies do not tally. Further, the applicant(now appellant) submitted that since the balance were shown NIL in the reply to his first RTI application dated 06.08.2014, he filed the second RTI application dated 12.09.2014.

However, the PIO clarified that since there were two payments made in different months, the balance given for February, 2013 and that of July, 2014 were different. And regarding the difference in the balance amount, the PIO submitted that he had simply furnished the information to the applicant without checking what the Accounts branch had prepared. However, on receipt of the first appeal dated 29.10.2014 from the FAA, he had meticulously checked and found that there were some tabulation errors. The PIO owned responsibility for the errors and had requested for some more time so that the corrected figures can be given to the applicant.

And regarding **query No. 2**, the applicant(now appellant) submitted that he was not satisfied since he had not received the enclosures regarding the sanction letter/payment order. And in response, the PIO submitted that he had directed his staff in the Accounts Branch to enclose the photocopies of the Sanction and payment Orders in his reply to the applicant. However, he was not sure whether his staff had enclosed the photocopies of the Sanction and payment Orders. And the PIO admitted his lapses for not checking or verifying the above enclosures before furnishing to the applicant.

During the hearing, the applicant(now appellant) submitted that since he did not receive any enclosures regarding photocopies of the Sanction and payment Orders, he had contacted Shri. Bendang, the incharge of RTI in the office, however, Shri. Bendang told him that he had acted as per the instruction of the PIO for the enclosures.

DECISION:

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

- i. Since the First Appellate Authority, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima, did not appear before the Commission for the hearing without any prior intimation, the FAA is directed to submit an **explanation within 10 (ten) days** from the date of receipt of this Commission's decision for demeaning the status of the Commission by not appearing in the hearing without any prior information.
- ii. Er. I. Meren Imchen, Executive Engineer & PIO, Mokokchung Division, PWD(R&B), Mokokchung is directed to furnish **corrected information** to the applicant(now appellant) on or before **20.04.2015**, with a copy to the Commission.

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. The Chief Engineer & First Appellate Authority, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima.
2. Er. I. Meren Imchen, Executive Engineer & PIO, Mokokchung Division, PWD(R&B), Mokokchung, Mobile No. 9436264556.
3. The applicant(now appellant), Shri. Sunep Jamir, Kohima, Mobile No. 9856255336.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

BUKCHEM PHOM

State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Under Secretary