

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-8/2014-15

Dated Kohima, the 23rd July, 2015.

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

Respondent(s): 1) The Engineer-in-Chief & FAA,
NPWD,
Nagaland, Kohima.

2) The Deputy Chief Engineer & PIO,
Office of the Engineer-in-Chief,
NPWD, Nagaland, Kohima.

Public Authority: Office of the Engineer-in-Chief,
NPWD,
Nagaland, Kohima.

Date of first hearing : 29.10.2014 at 11:00 AM.

Date of first Decision : 03.11.2014.

Date of second hearing : 12.02.2015 at 11:00 AM.

Date of second Decision : 24.02.2015.

Date of third hearing : 14.07.2015 at 1:30 PM.

Date of third Decision : 23.07.2015.

Present:

1. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima.
2. Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
3. Shri. T. Soyah, Legal Officer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9856236871.
4. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.

FACT OF THE CASE

The Commission had, on 12.02.2015 at 11:00 AM. heard the Second Appeal dated 23.07.2014 for the **second time** submitted by an applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300 against the non response of the First Appellate Authority, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima to his first appeal dated 01.07.2014 which was submitted against the unsatisfactory and incomplete information furnished by the PIO to his RTI application dated 23.05.2014.

And after hearing the parties on 12.02.2015 at 11:00 AM, the Commission had passed decision vide even No. dated **24.02.2015**.

In compliance to the **point No. 1** of the second decision of the Commission dated 24.02.2015, Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPWD/E-in-C/RTI/2010-11/03 dated **09.04.2015** furnished the information pertaining to Query No. 1 & 2 to the applicant (now appellant).

However, on receipt of the information so furnished to him free of cost, the applicant (now appellant) had, vide complaint letter dated **23.04.2015** submitted to the Commission that the information furnished on **Query No. 1** was the same old unsatisfactory information which was earlier given on 03.11.2014, and hence **not satisfied**. And regarding **Query No. 2**, the applicant (now appellant) submitted that since many employees names are still missing who were appointed between October, 2009 to July, 2014, the information so furnished was **incomplete**.

Further, the applicant (now appellant) also submitted that since the Department had consumed his time and energy for almost one (1) year by giving him **incorrect** and **incomplete** information, he had requested the Commission **to extend relief**.

The Commission has decided to hear the appeal, giving opportunity to the parties, on **23rd June, 2015 (Tuesday) at 2:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**.

However, due to unavoidable circumstances, the Commission had, vide letter of even No. dated 05.06.2015 that re-scheduled the hearing from **23rd June, 2015 (Tuesday) at 2:30 PM** to **24th June, 2015 (Wednesday) at 2:30 PM**.

However, due to the ill-health of the Chief Information Commissioner, Nagaland, the Commission had notified vide its letter of even No. dated 24.06.2015 that the hearing which was earlier scheduled on **24th June, 2015 (Wednesday) at 2:30 PM** was postponed to a later date. The new date of hearing shall be notified later.

And the Commission had, vide its letter of even No. dated 01.07.2015 notified that the hearing on **24th June, 2015 (Wednesday) at 2:30 PM** which was earlier postponed was now scheduled on **14th July, 2015 (Tuesday) at 1:30 PM**.

OBSERVATIONS AND FINDINGS

During the hearing on 14.07.2015 at 1:30 PM, on being asked by the Commission to prove the missing names of employees who were appointed between October, 2009 to July, 2014, the applicant (now appellant) submitted that during discussions with the public authority on several occasions, he had pointed out that appointment orders of some employees were given but their names did not appear in the list of employees furnished to him.

Shri. T. Soyah, Legal Officer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had submitted that whatever information available had been furnished to the applicant (now appellant).

Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, had also submitted that during two (2) meetings with the applicant (now appellant), they had detected several names of employees whose appointment orders, regularisation orders or promotion orders were never issued from the office of the Engineer-in-Chief, NPWD or found in their office

records, and hence considered as fake. And in this regard, the FAA had informed the Commission that he had already written to the government and the decision of the Government is awaited.

The Commission had appreciated the applicant (now appellant) in helping the public authority in detecting the anomalies and fake orders for appointment, regularisation and promotion.

The Commission observed that on receipt of the RTI application dated 23.05.2014, on the same day i.e 23.05.2014, vide Receipt No. 1309 dated 23.05.2014 as evidenced on the body of the copy of the above RTI application, the information was furnished to the applicant only on **15.07.2014** i.e. after 53 days of the receipt of the RTI application dated 23.05.2014. Hence, excluding the 30 days for the PIO to furnish information, there was a delay of 53 - 30= **23 days**. And the period from the date of receipt of the RTI application on 23.05.2014 to the date of furnishing the information on 15.07.2014 pertains to the tenure of Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

Considering the difficulties explained by Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima for the delay in furnishing the information and also assurance to furnish the complete information **within 15 days**, during the first hearing on 29.10.2014, the Commission took a lenient view and did not impose any penalty on him. And in compliance to the decision of the Commission dated 03.11.2014, the information was furnished to the applicant (now appellant) within 15 days, however, the applicant (now appellant) complained of unsatisfactory and incomplete information.

The Commission had observed that as submitted by the applicant (now appellant), the public authority had consumed his time and energy for almost one (1) year by giving him incorrect and incomplete information, and had also given partial and different information every time he visited the office. The applicant (now appellant) had also submitted that he had received some information after filing his first appeal dated 01.07.2014, while some Information were furnished after filing his second appeal dated 23.07.2014 and some information were received only after the hearings. Hence, the Commission is compelled to retract its earlier view and decided to impose a penalty on Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

And regarding the claim for compensation or extending of relief by the applicant (now appellant), since the Commission was not convinced with the submission of the applicant (now appellant) and in the absence of sufficient evidences, the Commission declined the request of the applicant (now appellant).

DECISION:

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

1. Under Section 20(1) of the RTI Act, 2005, the Commission impose a penalty for the delay of **23 days** in furnishing the information @ Rs. 250.00 amounting to a total of **Rs. 5,750.00** (Rupees five thousand seven five hundred and fifty only) on Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima now presently posted as Addl. Chief Engineer, PWD, Mokokchung for contributing to the delay in furnishing the information to the applicant(now appellant).

The penalty amount shall be paid within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fine shall be deposited into the government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland

Information Commission, Nagaland, Kohima under the Head of Account given below, with a copy to this Commission:-

0070 - Other Administrative Services,
60 - Other Services
118 – Receipts under RTI Act, 2005.

2. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima is directed to submit copies of the letters written to the government regarding fake orders for appointments, regularisation and promotion.
3. Under Section 25(5) of the RTI Act, 2005, the Commission recommends that the Government of Nagaland initiate appropriate action in regard to the above fake orders for appointments, regularisation and promotions under NPWD.

This appeal case shall be declared closed only after the receipt of the above compliances.

Decision pronounced in presence of all parties present on 14.07.2015.

Copy be given to:-

1. The Commissioner & Secretary, Works & Housing Department, Government of Nagaland, Kohima for compliance to point No. 3 of this Decision.
2. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, Mobile No. 9436011574.
3. Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima. Presently, the Addl. Chief Engineer, PWD, Mokokchung. Mobile No. Mobile No. 9436000966.
4. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
5. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-
KEVININO P. MERU
Chief Information Commissioner

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Deputy Secretary