

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
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No. NIC/Appeal-8/2014-15

Dated Kohima, the 3<sup>rd</sup> November, 2014.

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

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

2) Er. K. Rhetso,  
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 hearing: 29.10.2014 at 11:00 AM.

Date of Decision: 03.11.2014.

Present:

1. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
2. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.

Er. Peter Solo, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima had requested for exemption on health grounds and hence could not appear for the hearing.

**FACT OF THE CASE**

An applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, had submitted a RTI application dated 23.05.2014 addressed to the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima alongwith the prescribed fee of Rs. 10/- paid in cash seeking information on the following three (3) queries:-

1. In terms of section 3 (1) and section 3 (2) of the Nagaland Retirement from Public Employment (Second Amendment) Act 2009 which comes into effect from 31<sup>st</sup> Oct 2009 and in terms of Govt. of Nagaland, P&AR department Notification NO.AR-3/CEN-174/2007(Pt) dated 7<sup>th</sup> Aug 2009, how many employees retired on completion of 60 (sixty) years of age/or retired on completion of 35 (thirty five) years of length of service under the establishment of NPWD i.e, Housing, R&B, Mechanical and Engineer-in-Chief till date? Kindly issue the information in

details with name, designation, date of retirement and under which establishment/division he/she was employed.

2. Kindly provide me the name, designation and place of posting of the appointed against the vacant post caused due to retired or superannuation/length of service or death and indicate whether the appointment is a fresh appointment or work charge employees.
3. What is the procedure of regularizing of work charged employees? Kindly issue me the order if there is any. And whether the order is following or not.

The above RTI application dated 23.05.2014 was received by the Public Authority i.e Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima vide Receipt No. 1309 dated 23.05.2014 as evidenced on the body of the copy of the above RTI application dated 23.05.2014.

However, on not getting any information from the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima within the stipulated time frame of 30 days, the applicant had preferred a First Appeal dated 01.07.2014 before the First Appellate Authority, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima. The above First Appeal dated 01.07.2014 was received by the Public Authority i.e Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima vide Receipt No. 1774 dated 01.07.2014 as evidenced on the body of the copy of the above First Appeal dated 01.07.2014.

In response to the RTI application dated 23.05.2014, Er. Peter Solo, Engineer-in-Chief, NPWD, Nagaland, Kohima had vide letter No. NPWD/E-IN-C/PIO-RTI/2010-2011 dated 15.07.2014 furnished the details concerning Retirement/ Appointment/Promotion of Gazetted Officers under NPWD.

However, on receipt of the information, the applicant preferred a Second Appeal dated 23.07.2014 before this Commission, stating that the information furnished by the FAA was **unsatisfactory and incomplete** since the reply given was for Query No. 1 only and no information were furnished with respect to Query Nos. 2 and 3. Further, the applicant (now appellant) also submitted that the reply to Query No. 1 was only for Gazetted Officers whereas the non- Gazetted part was not furnished.

Since there was no response from the First Appellate Authority, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima to the first appeal dated 01.07.2014 and which was submitted against the unsatisfactory and incomplete information furnished by the PIO to his RTI application dated 23.05.2014, the Commission has decided to hear the appeal, giving opportunity to the parties, on **28<sup>th</sup> October, 2014 (Tuesday) at 12:00 Noon** 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 24.10.2014 rescheduled the hearing on **29<sup>th</sup> October, 2014 (Wednesday) at 11:00 AM.**

### **OBSERVATIONS AND FINDINGS**

The Commission accepted the request for exemption in the hearing on health grounds submitted by Er. Peter Solo, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima vide letter No. NPWD/E-in-C/RTI/2010-11 dated 28.10.2014.

The Commission observed that on receipt of the RTI application dated 23.05.2014, on the same day i.e 23.05.2014, some information was furnished on 15.07.2014, which the applicant (now appellant) submitted were **unsatisfactory and incomplete**. Also there was no hearing of the first appeal conducted by the FAA.

During the hearing on 29.10.2014 at 11:00 AM, Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima informed that the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima maintains the seniority records of all the Non-gazetted i.e Grade III and IV staffs of its subordinate wings/offices viz. PWD(R&B), PWD(Housing), PWD(National Highways) and PWD(Planning & Design), and hence can be furnished. However, as per the present arrangement, since the records of the PWD(Mechanical) are maintained separately by the PWD(Mechanical) and not by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, he had to obtain it from the PWD(Mechanical) to furnish the information to the applicant. And since he had to collect the information pertaining to PWD(Mechanical) from the PWD(Mechanical), the PIO requested the Commission for more time i.e. atleast for about 15(fifteen) days, which the Commission agreed.

Besides, the above explanation, Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima also submitted that on receipt of the RTI application dated 23.05.2014 on 26.05.2014, he had endorsed the RTI application to all the branches. However, since the Dealing Assistant was on leave, the matter could not be processed on time. The PIO also submitted that due to frequent transfer and posting of the staffs, correct information could not be compiled and for which he admitted his failure before the Commission for his inability in furnishing it to the applicant (now appellant) on time.

The applicant (now appellant) also accepted the difficulties explained by the Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima for the delay in furnishing the information.

Since some information was furnished to the applicant (now appellant) earlier, and that the Commission accepted the difficulties explained by the PIO for the delay in furnishing the information and also agreed with the request of the PIO to furnish the complete information **within 15 days**, the Commission took a lenient view and did not impose any penalty on the PIO.

The Commission cautioned the public authority that in future, RTI matters be taken seriously and disposed off promptly, and had suggested to have an RTI Cell to deal with RTI matters.

### **DECISION:**

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

1. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima shall, after collecting the remaining information from the PWD(Mechanical), furnish the complete information to the applicant (now appellant) **free of cost** and **within 15 days** from the date of receipt of this Commission's Decision, with a copy to this Commission.

2. On receipt of the information from Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, the applicant (now appellant) shall inform the Commission about his satisfaction or non-satisfaction of the information so received within **one (1) week** of receipt of the information.

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 29.10.2014.

Copy be given to:-

1. The Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima.
2. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
3. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office Copy.

**(KEVININO P. MERU)**  
Chief Information Commissioner,  
Nagaland.