

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-9/2014-15

Dated Kohima, the 16th March, 2015.

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

Respondent(s): 1) The Chief Engineer & FAA,
PWD (Housing),
Nagaland, Kohima.

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

Public Authority: Office of the Chief Engineer,
PWD (Housing),
Nagaland, Kohima.

Date of first hearing : 29.10.2014 at 2:30 PM.

Date of first Decision : 03.11.2014.

Date of second hearing : 10.03.2015 at 12:30 PM.

Date of Decision : 16.03.2015.

Present:

1. Er. O. N. Ngully, Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima, Mobile No. 9436011034.
2. Er. R. Temsu Temjen, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima, Mobile No. 9436006752.
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.

FACT OF THE CASE

The Commission had, on 29.10.2014 at 2:30 PM. heard the Second Appeal dated 24.07.2014 submitted by an applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300 against the non-satisfaction with the response of the First Appellate Authority, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima to his first appeal dated 17.07.2014 and which was submitted against the partial information furnished by the Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima to his RTI application dated NIL.

The first hearing was held on 29.10.2014 at 12:30 PM. with the following:-

1. Er. Chanbemo Lotha, Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima.
2. Er. Takuyangba, S.E & APIO, PWD (Housing), Nagaland, Kohima represented Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima.
3. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.

And after hearing the parties on 29.10.2014, the Commission had passed decision vide even No. dated **03.11.2014**.

And in compliance to the decisions of the Commission dated 03.11.2014, the New PIO, Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPWD/E-IN-C/PIO-RTI/2010-2011 dated **29.01.2015** furnished the information concerning Seniority List of Grade IV employees of the Housing Department under NPWD to the applicant(now the appelland) and with a copy to this Commission.

On receipt of the above information furnished by the New PIO, Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, the applicant(now the appelland) had, vide letter dated **03.02.2015** submitted a complaint to this Commission stating that he had received **partial information** since **only** the Seniority List of Grade IV employees of the Housing Department under NPWD were received and that too **after more than 2 (two) months** of receipt of the Commission's Decision on 03.11.2014, which was in contravention to this Commission's Decision dated 03.11.2014 to furnish the information **within one (1) month** from the date of receipt of the Decision.

Further, 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, Er. Longzochang, Deputy Chief Engineer & PIO, 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 appelland) 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, the applicant(now the appelland) 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 has decided to hear the appeal, giving opportunity to the parties, on **10th March, 2015 (Tuesday) at 12:30 PM.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS

During the hearing on 10.03.2015 at 12:30 PM., the applicant(now the appelland) 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 appelland). 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. R. Temsu Temjen, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima had also submitted that he had taken charge recently, and further added that there are seven (7) Working Divisions headed by Executive Engineers and the Seniority List for the **52 employees** may be for all the Divisions including the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima.

However, the applicant (now appelland) submitted that he had asked only for the Seniority List of the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima and not the Division Offices. Further, he pointed out that some employees who were promoted few years

ago, their names were not found in the Seniority List. Furthermore, he submitted that comparing with the appointment and promotion orders, there was mismatch records with the number of employees in the Seniority List.

In response, 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 had observed that the PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima had collected the Commission's Decision dated 03-11-2014 only on 25.11.2014 i.e. **after 22 days** from the date of issue of the Decision on 03-11-2014. And that the compliance to the Commission's Decision which should have been submitted **within one (1) month** from the date of receipt of the Decision dated 03.11.2014, was, however, submitted on 29-01-2015 after **65 days** from the date of receipt of the decision on 25.11.2014. Moreover, in the last decision of the Commission dated 03.11.2014, the Office of the Engineer-in-Chief, Nagaland, Kohima was directed **to write** to the Department of Works & Housing, Nagaland, Kohima to furnish the seniority list of **all Gazetted Officers** under NPWD, however, the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had submitted that he had **personally collected** from the Department of Works & Housing, Nagaland, Kohima. 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 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. Er. O. N. Ngully, Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima, Mobile No. 9436011034.
2. Er. R. Temsu Temjen, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima, Mobile No. 9436006752.
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.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner

(BUKCHEM PHOM)
State Information Commissioner