

**NAGALAND INFORMATION COMMISSION**

**Old Secretariat Complex,**

**Post Box No. 148**

**Nagaland, Kohima - 797001.**

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No. NIC/Appeal-9/2014-15

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

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

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

2) Er. O. N. Ngully,  
Addl. Chief Engineer & PIO,  
Office of the Chief Engineer,  
PWD (Housing),  
Nagaland, Kohima.

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

Date of hearing: 29.10.2014 at 2:30 PM.

Date of Decision: 03.11.2014.

Present:

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.

**FACT OF THE CASE**

An applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, had submitted a RTI application dated NIL, addressed to the PIO, Chief Engineer (NPWD) Housing Office, Nagaland, Kohima alongwith the prescribed fee of Rs. 10/- paid in cash requesting for a Xerox copy of Seniority list of (latest) regular employees both Gazetted and non-gazetted under the office of Chief Engineer, PWD (Housing), Nagaland, Kohima as per section 3 (1) and section 3 (2) of the Nagaland Retirement from Public Employment (Second Amendment) Act 2009 and in terms of Government of Nagaland, P&AR department Notification No. AR-3/GEN-174/2007 (Pt) dated 7<sup>th</sup> August, 2009.

The above RTI application dated NIL was received by the Public Authority on 25.04.2014 as evidenced on the body of the copy of the above RTI application dated NIL.

In response to the above RTI application dated NIL, Er. O. N. Ngully, Addl. Chief Engineer & PIO, PWD (Housing), Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima had vide letter No. CE(H)/ESTT-212/2013/1190-91 dated 29.05.2014 forwarded the RTI application dated NIL to the Engineer-in-Chief, NPWD, Nagaland, Kohima on the ground that the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima was unable to furnish all the required information since NPWD Department maintains the common seniority list of all

the Gazetted officers and non-Gazetted staffs descending from UDA, LDA, Typist, Steno, Tracer, SO and Draftsman.

Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima had, vide letter No. CE(H)/ESTT/2012-2013 dated 01.07.2014 furnished the seniority list of regular employees (Non gazetted) excluding ministerial staff under the establishment of the Chief Engineer PWD (Housing), Nagaland, Kohima to the applicant.

On being not satisfied with the information so received from Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima, the applicant preferred First Appeal dated 17.07.2014 before the Appellate Authority, Chief Engineer PWD (Housing) Office, Nagaland, Kohima, requesting to furnish the remaining seniority list of both Gazetted and Non-Gazetted staffs.

The above First Appeal dated 17.07.2014 was received by the Public Authority on 21.07.2014 as evidenced on the body of the copy of the above First Appeal dated 17.07.2014.

In response to the First Appeal dated 17.07.2014, Er. Chanbemo Lotha, Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima had, vide letter No. CE/(H)/ESTT/212-2013(RTI) dated 21.07.2014, informed the applicant(now appelland) that the Seniority list of Gazetted Officers are maintained by the Government i.e, Department of Works & Housing, Nagaland and the Seniority List of Non-Gazetted staffs are maintained by the Office of the Engineer-in-Chief, Nagaland. Further, the Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima stated that whatever Seniority lists are maintained by the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima have been furnished by the PIO concerned, and the applicant(now appelland) was further requested to seek the Seniority List of Gazetted officers from the Department of Works & Housing, Nagaland, Kohima and the Seniority List of Non-Gazetted staff from the office of the Engineer-in-Chief, Nagaland, Kohima.

However, on being not satisfied with the above response of the Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima to his First Appeal dated 17.07.2014, which was subsequently 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 applicant(now appelland) had preferred a Second Appeal dated 24.07.2014 before this Commission, stating that since he was directed to collect the Seniority List of Gazetted officers from the Department of Works & Housing, Nagaland and the Seniority List of Non-Gazetted staff from the Office of the Engineer-in-Chief, Nagaland, he questions how far it is justified as per Section 6 (3) of RTI Act, 2005 and requests the Commission to take necessary action as per Section 20 (1) RTI Act, 2005.

The Commission has decided to hear the appeal, giving opportunity to the parties, on **28<sup>th</sup> October, 2014 (Tuesday) at 1:30 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 24.10.2014 rescheduled the hearing on **29<sup>th</sup> October, 2014 (Wednesday) at 2:30 PM**.

### **OBSERVATIONS AND FINDINGS**

During the hearing held on 29.10.2014 at 2:30 PM, Er. Chanbemo Lotha, Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima informed that Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima could not appear for the hearing due to serious ill-health. However, Er. Takuyangba, S.E & APIO, PWD (Housing), Nagaland, Kohima represented the PIO on behalf of Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima.

Er. Chanbemo Lotha, Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima maintained that the Seniority list of Gazetted Officers are maintained by the Government i.e, Department of Works & Housing, Nagaland, Kohima and whereas **a common Seniority List** of Grade III and IV (Non-Gazetted) staffs of all its subordinate wings/offices viz. PWD(Roads & Bridges), PWD(Housing), PWD(National Highways), PWD(Planning & Design) and PWD(Mechanical) are maintained by the Office of the Engineer-in-Chief, Nagaland, Kohima.

Hence, the applicant(now appellant) was advised to approach the proper public authorities i.e. Department of Works & Housing, Nagaland, Kohima and Office of the Engineer-in-Chief, Nagaland, Kohima.

Further, the Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima stated that whatever information furnished to the applicant(now appellant) was not correct since the information furnished was not the common Seniority List but only an extract of the Incumbency List available in his public authority, i.e. Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima. However, the delay in furnishing the above information, though incorrect to the applicant(now appellant) was not intentional, but due to the fact that as per the procedure, every correspondences from the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima to the Department of Works & Housing, Nagaland, Kohima will have to first route through the Office of the Engineer-in-Chief, Nagaland, Kohima and not directly to the Department of Works & Housing, Nagaland, Kohima, and also due to the serious ill-health of Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima.

The Commission accepted the clear explanation of the Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima in maintaining of the records, particularly the Seniority list of Gazetted Officers and Non-Gazetted staffs.

The Commission also appreciated the prompt response of the Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima on the First Appeal dated 17.07.2014 which was received on 21.07.2014 and replied on **21.07.2014**.

The Commission observed that on receipt of the RTI application dated NIL on **25.04.2014**, when Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima had, vide letter No. CE(H)/ESTT-212/2013/1190-91 dated 29.05.2014 forwarded the RTI application dated NIL to the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima requesting for the seniority lists of all the Gazetted officers and non-Gazetted staffs, the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima should have furnished the seniority lists of all Non-Gazetted staffs, and also, as per the procedure and norms explained above, the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima should have transferred the RTI application dated NIL to the Department of Works & Housing, Nagaland, Kohima, to furnish the seniority lists of all the Gazetted officers.

The Commission also observed that the applicant(now appellant) was not satisfied with the information since partial information was furnished by Er. O. N. Ngully, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima, vide letter No. CE(H)/ESTT/2012-2013 dated 01.07.2014 as the information contained only the seniority list of regular employees (Non gazetted) **excluding ministerial staff** under the establishment of the Chief Engineer PWD (Housing), Nagaland, Kohima.

### **DECISION:**

On the above observations and findings, the Commission decides that since the RTI application dated NIL had already been transferred by the Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima to the Office of the Engineer-in-Chief, Nagaland, Kohima vide letter No. CE(H)/ESTT-212/2013/1190-91 dated 29.05.2014 and also vide letter No. CE(H)/ESTT/212-2013(RTI) dated 21.07.2014:-

1. the Office of the Engineer-in-Chief, Nagaland, Kohima shall furnish the seniority list of **all Non gazetted including ministerial staff** under NPWD **within one (1) month** from the date of receipt of this Commission's Decision to the applicant(now the appellant) and with a copy to this Commission.
2. the Office of the Engineer-in-Chief, Nagaland, Kohima shall write to the Department of Works & Housing, Nagaland, Kohima to furnish the seniority list of **all Gazetted Officers** under NPWD, and that the Department of Works & Housing, Nagaland, Kohima shall furnish the seniority list of **all Gazetted Officers** under NPWD **within**

**one (1) month** from the date of receipt of this Commission's Decision to the applicant(now the appellant) and with a copy to this 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 29.10.2014.

Copy be given to:-

1. The Engineer-in-Chief, NPWD, Nagaland, Kohima.
2. The Chief Engineer & FAA, PWD (Housing), Nagaland, Kohima.
3. The Addl. Chief Engineer & PIO, Office of the Chief Engineer, PWD (Housing), Nagaland, Kohima.
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.

**Sd/-**  
**KEVININO P. MERU**  
Chief Information Commissioner,  
Nagaland.

Authenticated by:-

**(SOYIMNA AIER KOZA)**  
Secretary  
Nagaland Information Commission