

**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-1/2015-16

Dated Kohima, the 10<sup>th</sup> September, 2015.

Appellant: Shri. S. Lepzung Jamir,  
Managing Director(NESMA) & Social Activist,  
Tuli, Mokokchung,  
Mobile No. 8413946471, email: nesmstuli@gmail.com

Respondent(s) : 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.

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

Date of hearing : 28.04.2015 at 1:30 PM.  
Date of Interim Decision : 30.04.2015.

Date of second hearing : 14.07.2015 at 2:30 PM.  
Date of Decision : 21.07.2015

Date of hearing : 08.09.2015 at 12:00 PM.  
Date of Decision : 10.09.2015

Present:

1. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, Mobile No. 9436011574.
2. Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
3. Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, now presently the Addl. Chief Engineer, PWD, Mokokchung Mobile No. 9436000966.
4. Er. Limanaro, the then Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima and now presently posted as Superintending Engineer, PWD(R&B), Circle-II, Nagaland, Kohima, Mobile No. 9436000949.

**FACT OF THE CASE**

The Commission had, on 14.07.2015 at 2:30 PM. heard the Second Appeal dated 13.03.2015 received from Shri. S. Lepzung Jamir, Managing Director(NESMA) & Social Activist, Tuli, Mokokchung, Mobile No. 8729993847, email: nesmstuli@gmail.com, against

the non-receipt of any information from the Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima to his First Appeal dated 12.12.2014 which was submitted against the non-reply by the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima to his RTI application dated 07.10.2014.

And after hearing the parties on 14.07.2015 at 2:30 PM, the Commission had passed decision vide even No. dated 21.07.2015, wherein basing on the tenures of the former PIOs submitted vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated 30.04.2015 penalties were imposed on the following two (2) former PIOs for contributing to the delay in furnishing the information to the applicant as shown below:-

Sl. No.	PIOs	No. of days of delay	Amount of penalty @ Rs. 250.00 per day of delay.
1	Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, now presently the Addl. Chief Engineer, PWD, Mokokchung	30 days	Rs. 7500.00
2	Er. Limanaro, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima	44 days	Rs. 11,000.00
	<b>Total:</b>	<b>74 days</b>	<b>Rs. 18,500.00</b>

However, Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, and now presently the Addl. Chief Engineer, PWD(R&B), Mokokchung had, vide letter No. ACE/MKG/RTI-1/2015 dated 31.07.2015 submitted that his tenure as Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima given by Er. Longzochang, Deputy Chief Engineer & PIO vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated 30.04.2015 **was not correct** and hence requested the Commission to review its decision. Er. K. Rhetso had also enclosed copies of his certificate of transfer charge wherein he had handed over charge of the Deputy Chief Engineer, NPWD, Nagaland to Er. Dikhrolo Mero on **21.11.2014** and also taking over charge of the Addl. Chief Engineer, PWD(R&B), Mokokchung on **22.11.2014**.

And since the Commission had, in its decision dated 21.07.2015 **closed** the appeal case as the applicant(now appellant) had submitted **satisfaction** with the information so received, the Commission had decided to hear the complaint with only the respondents, giving opportunity of being heard on **8<sup>th</sup> September, 2015 (Tuesday) at 12:00 PM** with the following:-

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. Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, and now presently the Addl. Chief Engineer, PWD, Mokokchung.
4. Er. Limanaro, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

### **OBSERVATIONS AND FINDINGS:**

The Commission accepted the request of Er. K. Rhetso to review its decision since his tenure as Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima given earlier vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated 30.04.2015 and on which penalty was calculated was not correct.

During the hearing, Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima had submitted that the tenure of the following officers/PIOs/deemed PIOs which fall during the period between the receipt of the RTI application on 07.10.2014 till the date of furnishing the information on 19.01.2015 were:-

- i. Er. K. Rhetso from 07-10-2014 to 21-11-2014;
- ii. Er. D. Mero from 22-11-2014 to 04-12-2014;
- iii. Er. Limanaro from 05-12-2014 to 15-01-2015; and
- iv. Er. Longzochang from 16-01-2015 to 19-01-2015.

On scrutiny of the transfer of charge certificates submitted by Er. K. Rhetso, the Commission had also observed that since Er. K. Rhetso had handed over the charge to Er. Dikhrolo Mero on **21.11.2014 (AN)**, the number of days of delay calculated from the date of receipt of the RTI application dated 07.10.2014 on the same day i.e. **07.10.2014** to the date of handing over charge by Er. K. Rhetso on 21.11.2014 was 45 days. However, excluding the 30 days for the PIO to furnish information, the number of days of delay works out to be 45 – 30 = **15 days**. And further, the responsibility for the days of delay effective from 22.11.2014 to 04.12.2014 i.e for **12 days** till the date of taking of charge by Er. Limanaro on 05.12.2014 lie on Er. D. Mero, Engineer-in-Chief & FAA, NPWD who now became **deemed PIO**.

Er. Longzochang, Deputy Chief Engineer & the present PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPWD/ENC/PIO-RTI/2010-11 dated 08.09.2015 informed the Commission that Er. Limanaro, the then Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima and now presently posted as Superintending Engineer, PWD(R&B), Circle-II, Nagaland, Kohima had already deposited the penalty amount of Rs. 11,000.00 (Rupees eleven thousand only) vide treasury challan No. 43 dated 24.08.2015.

Since there was no objection from Er. Limanaro and that she had already deposited the penalty amount, the Commission did not find any need for review of the penalty imposed on her.

### **DECISION**

On the above observations and findings, the Commission had decided to review the penalty imposed under Section 20(1) of the RTI Act, 2005 in its earlier decision dated 21.07.2015 as under:-

- i) Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, now presently the Addl. Chief Engineer, PWD, Mokokchung for contributing to the delay of **now 15 days** @ Rs. 250.00 amounting to **Rs. 3750.00** instead of Rs. 7500.00 for 30 days; and

- ii) Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, for contributing to the delay of **12 days** @ Rs. 250.00 amounting to **Rs. 3000.00.**

The above penalty amounts 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.

Decision pronounced on this day, 08.09.2015.

Copy be given to:-

1. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, Mobile No. 9436011574.
2. Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
3. Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, now presently the Addl. Chief Engineer, PWD, Mokokchung Mobile No. 9436000966.
4. Er. Limanaro, the then Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima and now presently posted as Superintending Engineer, PWD(R&B), Circle-II, Nagaland, Kohima, Mobile No. 9436000949.
5. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director, NESMA, C/o Nayangro, Assistant Superintendent, Vigilance Commission, Nagaland, Kohima, Mobile No. 8413946471.
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

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Deputy Secretary