

NAGALAND INFORMATION COMMISSION

**Old Secretariat Complex,
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No. NIC/Appeal-1/2015-16

Dated Kohima, the 30th April, 2015.

Appellant: Shri. S. Lepzung Jamir,
Managing Director(NESMA) & Social Activist,
Tuli, Mokokchung,
Mobile No. 8729993847, email: nesmstuli@gmail.com

Respondent(s) : 1) The Engineer-in-Chief & First Appellate Authority,
NPWD, Nagaland, Kohima.
2) The Concerned 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.

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. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director, NESMA, C/o Nayangro, Assistant Superintendent, Vigilance Commission, Nagaland, Kohima, Mobile No. 8729993847.

FACT OF THE CASE

An applicant, Shri. S. Lepzung Jamir, Managing Director(NESMA) & Social Activist, Tuli, Mokokchung, Mobile No. 8729993847, email: nesmstuli@gmail.com, had submitted a RTI application dated 07.10.2014 addressed to the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only), seeking the following information:-

- i. Number of vacant post lying in the entire section of NPWD i.e. R&B, National Highway, Housing and Mechanical in the State of Nagaland from Grade I to Grade-IV.*
- ii. Post to be vacant through retirement of service during 2014-15 in the entire section of NPWD i.e. R&B, National Highway, Housing and Mechanical in the State of Nagaland from Grade I to Grade-IV.*
- iii. Fund sanction by the Central and State Government for various infrastructural and developmental works from 2013 to till date, by issuing withdrawal certificate received from Civil Deposit. And please give me in details about the fund released to the concerned district/ payment and receipt made to the contractor or local person and Utilisation Certificate for the fund released in district wise of Nagaland.*
- iv. Total amount of unspent balance under various sections after utilisation from 2013 to till date.*

Further, for **Sl. No. 1 and 2** above, the applicant desired that the information be furnished in the given format below:

Sl. No.	Name	Designation	Place of posting	Qualification	Date of birth	Date of entry into service	Date of retirement

Furthermore, the applicant desired that the information may be sent to C/o Nayangro, Assistant Superintendent, Vigilance Commission, Nagaland, Kohima.

The RTI application dated 07.10.2014 was received by the public authority on the same day i.e. 07.10.2014 as evidenced on the body of the RTI application. However, on not getting any information to his RTI application dated 07.10.2014 within the stipulated time frame of 30 days, the applicant had preferred **first appeal dated 12.12.2014** addressed to the First Appellate Authority & Engineer-in-Chief, NPWD, Nagaland, Kohima.

The first appeal dated 12.12.2014 was received by the public authority on the same day i.e. 12.12.2014 and a copy of receipt of the first appeal was enclosed. However, on not getting any information till date, the applicant (now appellant) had preferred a second appeal dated 13.03.2015 before this Commission.

And since there was no information furnished or received till date even after filing of the first appeal, and there is no record of hearing of the first appeal, the Commission has decided to hear the appeal, giving opportunity to the parties, **28th April, 2015 (Tuesday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS:

During the hearing on 28.04.2015 at 1:30 PM., Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that on the transfer of the former PIO, he took charge only in the month of January, 2015. However, the information was furnished on **19.01.2015**, but only for **Sl. No. 1 and 2**, since Sl. 3 and 4 are dealt by the respective Offices of the Chief Engineers.

The applicant(now appellant) had also submitted that he was **satisfied** with the information so received for **Sl. No. 1 and 2**. However, the applicant(now appellant) submitted that since the Engineer-in-Chief, NPWD, Nagaland, Kohima is the head of all the Offices of the Chief Engineers, he had assumed that the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima would have endorsed or transferred his RTI application to the other Offices of the Chief Engineers and directing them to furnish the information.

The Commission observed that the information was furnished after **104 days** from the date of receipt of the RTI application on 07.10.2014 i.e there was a delay of **74 days**. Also, while furnishing the information for Sl. 1 and 2, Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima could have given the reasons for furnishing partial information to the applicant(now appellant).

And regarding the information at **Sl. 3 and 4**, Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that since it would be a tedious task and would take several months to collect the information from all the respective five (5) Offices of the Chief Engineers, it was suggested that if the applicant(now appellant) could approach the respective Offices of the Chief Engineers in order to get the information sought.

Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima had also submitted that the Office of the Engineer-in-Chief, NPWD, Nagaland, functions as an administrative office only and does not execute any development works unlike the respective Offices of the Chief Engineers. Further, he explained that since funds are given directly to the Offices of the Chief Engineers and that the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima may or may not receive copies of the sanction orders, all the records are not available with the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima. Furthermore, he had also expressed the problem of giving Utilisation Certificates for all the petty works.

The Commission also observed that since the applicant had asked for a very generalised information at **Sl. 3 and 4** and not specific infrastructural and developmental works and that the public authority had also explained and expressed their difficulties in collecting from all the five (5) Offices of the Chief Engineers and providing voluminous information, it was not practical or realistic. Moreover, the Commission made its stand clear that the applicant was not restricted but free to ask information, however, due to the difficulties explained above, the applicant was

advised to file separate RTI applications in the respective Offices of the Chief Engineers with specified works in order to get the right information faster and easier, for which the applicant(now appellant) had also obliged with the above explanation.

Since there was no information furnished or received till date even after filing of the first appeal, and there was no record of hearing of the first appeal, the Commission enquired the reasons for not acting on the first appeal by the FAA.

In response, Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima submitted that on receipt of the first appeal dated 12.12.2014, he had endorsed it to the PIO for discussion. However, due to the transfer of the PIOs, hearing of the first appeal could not be held. Moreover, when the new PIO took charge, the PIO did not remind him of the RTI case.

INTERIM DECISION:

On the above observations and findings, the Commission decided that since there were changes of several PIOs when the RTI application was received and delay in furnishing the information, the Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima is directed to furnish to the Commission **within one(1) week, the list of names of PIOs** involved in handling this particular appeal case alongwith the copy of the information furnished for **Sl. No. 1 and 2** to the applicant (now appellant).

The Commission reserved its decision for the next hearing which shall be notified later.

Decision pronounced in presence of all parties present on 28.04.2015.

Copy be given to:-

1. The P.P.S to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC.
3. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, Mobile No. 9436011574.
4. Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
5. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director, NESMA, C/o Nayangro, Assistant Superintendent, Vigilance Commission, Nagaland, Kohima, Mobile No. 8729993847.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner

(BUKCHEM PHOM)
State Information Commissioner