

**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-28/2015-16

Dated Kohima, the 7<sup>th</sup> March, 2016.

Appellant: Mr. Devinder Sharma,  
A.I.I.I, Investigator & Loss Assessor,  
General Insurance Claims,  
Krishna Cottage,  
27-D, Dayal Bagh,  
Ambala Cantt, Haryana – 133001

Respondent(s) : 1) The Transport Commissioner & First Appellate Authority,  
Transport & Motor Vehicles Department,  
Nagaland, Kohima – 797001.  
  
2) The District Transport Officer & PIO,  
Office of the District Transport Officer,  
Wokha, Nagaland.

Public Authority : Office of the District Transport Officer, Wokha, Nagaland.

Date of first hearing : 20.01.2016 at 2:30 PM.

Date of first Decision : 25.01.2016

Date of second hearing : 18.02.2016 at 2:00 PM.

Date of second Decision : 07.03.2016.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001;
2. Shri. Myamo Jami, District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland;
3. Shri. Posunyi Puroh, UDA, Office of the District Transport Officer, Wokha, Nagaland.
4. Shri. Rikhyothung Lotha, Peon, Office of the District Transport Officer, Wokha, Nagaland.

The applicant(now appellant), Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001 **did not appear** for the hearing.

**FACT OF THE CASE.**

The Commission had, on 20.01.2016 at 2:30 PM heard the second appeal dated 29.11.2015 submitted by Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General

Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001 against the non-response of the First Appellate Authority & Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001 to his two first appeals vide No. S&A:DL VERI:UIIC/CRO/RTI/2015 dated 23.09.2015 and 28.11.2015, which was submitted against the non-receipt of the Driving Licence Verification Report of No. 81820/NW/NTV/09 issued on 16.07.2009 from the DTO & PIO, Wokha, Nagaland.

And after the hearing on 20.01.2016 at 2:30 PM, the Commission had passed an interim decision vide even No. dated 25.01.2016, reserving its decision in the next hearing on **18<sup>th</sup> February (Thursday), 2016 at 2:00 PM** in order to give opportunity of being heard to the two (2) staffs who had now become **'deemed PIOs'**.

### **OBSERVATIONS AND FINDINGS:**

Shri. Posunyi Puroh, UDA, Office of the District Transport Officer, Wokha, and Shri. Rikhyothung Lotha, Peon, Office of the District Transport Officer, Wokha, Nagaland had appeared before the Commission.

Shri. Posunyi Puroh, UDA, Office of the District Transport Officer, Wokha submitted that as he is in the Receipt and Despatch Section, he had received the RTI application dated 07.08.2015 on 13.08.2015 and the reply of the DTO & PIO, Wokha dated 18.08.2015 was handed over to the Peon to be sent to the applicant by post on the same day i.e. 18.08.2015. A photocopy of the Receipt and Despatch Registers were produced before the Commission.

Shri. Rikhyothung Lotha, Peon, Office of the District Transport Officer, Wokha submitted that on receipt of the letter (PIO's reply dated 18.08.2016) from the UDA, he had dropped/posted the letter in the Letter Box placed outside the Post Office, Wokha on the same day. He maintained that he used to post letters in the same letter box but there was no report of loss at any point of time in the past.

Shri. Posunyi Puroh, UDA and Shri. Rikhyothung Lotha, Peon, Office of the District Transport Officer, Wokha stated that as per the direction of the DTO & PIO, Wokha the information was posted using ordinary postal service at Wokha town. The PIO also submitted that all correspondences including RTI matters were posted by normal ordinary post. The PIO also submitted that on receipt of the RTI application dated 07.08.2015 on 13.08.2015, he had vide letter dated 18.08.2015 furnished the reply on the same day. However, since the applicant (now the appellant) had not received the first reply of the PIO which was posted on 18.08.2015, he had again sent his second reply dated 19.11.2015 to the applicant (now the appellant), which the applicant (now the appellant) had confirmed received of the information.

The Commission observed that since the first reply of the PIO dated 18.08.2015 which was posted by the Peon on the same day i.e 18.08.2015 was sent by ordinary post and not by registered or speed post, it was not possible to track or know that it had reached its destination. However, as per the submission of the DTO & PIO, the UDA and the Peon and also the records of the Licence Register and the Despatch Register produced as documentary evidences during the hearing, the Commission was convinced that the letter containing the information materials had been posted accordingly, though the applicant (now appellant) claimed of not having received any information from the PIO. The Commission was of the view that at this juncture, the PIO cannot be penalised and therefore, advised the PIO that in future, all RTI correspondences shall be sent by Speed Post or by registered post.

On the complaint of the applicant (now appellant) regarding query No. 4, since the PIO had furnished whatever information available in the office to the applicant (now appellant), the Commission has no intention to interfere in the functioning of the public authority.

**DECISION:**

On the above observations and findings, the Commission directs the District Transport Officer & PIO, Office of the District Transport Officer, Wokha to submit in sworn **affidavit** stating the reasons leading to posting of the letter **on or before 21<sup>st</sup> March, 2016**. The case shall be declared closed on receipt of the said affidavit from the PIO.

Decision pronounced in the presence of the respondents only on 18.02.2016 at 2:00 PM.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Myamo Jami, District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland, Mobile No. 9436010231.
3. Shri. Posunyi Puroh, UDA, Office of the District Transport Officer, Wokha, Nagaland, Mobile No. 9436613251.
4. Shri. Rikhyothung Lotha, Peon, Office of the District Transport Officer, Wokha, Nagaland, Mobile No. 9612782839.
5. The applicant(now appellant), Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-  
**BUKCHEM PHOM**  
Chief Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary