

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-29/2015-16

Dated Kohima, the 3rd September, 2016.

Subject: Closing Order of Appeal case.

WHEREAS under Section 19 of the Right to Information Act, 2005, and in accordance to the Nagaland State Information Commission (Appeal Procedure) Rules, 2005, the Nagaland Information Commission had heard for the fifth time on 27.07.2016 at 11:30 AM the Second Appeal dated 14.12.2015 submitted by Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123, against the non-response of the PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima to his RTI Application dated 07.08.2015 and the incomplete information furnished by the FAA & Chief Engineer, PWD (R&B), Nagaland, Kohima in response to his first appeal dated 28.09.2015.

AND WHEREAS, the Commission had, in five (5) hearings held on (i) 22.01.2016 at 12:30 PM, (ii) 18.02.2016 at 1:00 PM, (iii) 11.03.2016 at 2:00 PM, (iv) 19.04.2016 at 11:00 AM and (v) 27.07.2016 at 11:30 AM passed decisions vide even No. dated 25.01.2016, 27.02.2016, 18.03.2016, 06.05.2016 and 06.08.2016 respectively.

AND WHEREAS, in compliance to the decision of the Commission dated 06.08.2016, Er. Limadongdang, Addl. Chief Engineer & PIO (now) and former SE (Design) & APIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima had, vide letter No. CE(R&B)/TB-III/RTI/2015-16/162 dated 05.08.2016 submitted the **consolidated list** of the dates of receipt and reply by the deemed PIOs and the PIO, including the copies of the formats filled up by the concerned Divisional Engineers and the letters showing the dates of receipt by the Divisions and dates of submission of the information to the PIO, Office of the Chief Engineer PWD(R&B), Nagaland, Kohima.

AND WHEREAS, also in compliance to the decision of the Commission dated 06.08.2016, Er. Nimo Kath, Executive Engineer, PWD(R&B), Phek Division had, vide letter No. EE/RTI/R&B/PRN/2015-16 dated 19.08.2016 submitted to the Commission that his reply to the **explanation** for failure to appear for the hearing on 27.07.2016 at 11:30 AM was on account of health problems and had enclosed a copy of Medical Certificate. Also, Er. Y. Vikheto Aye, Executive Engineer, PWD(R&B), Aghunato Division had, vide letter No. EE/R&B/AGTO/RTI/CRSPNDG dated 13.08.2016 submitted to the Commission that his reply to the **explanation** for failure to appear for the hearing on 27.07.2016 at 11:30 AM was due to road blockade by one Truck in a landslip between Asukhomi and Zunheboto.

AND WHEREAS, the Commission had accepted the above **explanations** regarding the failure to appear for the hearing on 27.07.2016 at 11:30 AM submitted by the Executive Engineers, PWD(R&B) of Phek and Aghunato Divisions.

AND WHEREAS, further, Er. Limadongdang, Addl. Chief Engineer & PIO (now) and former SE (Design) & APIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima had, vide letter No. CE(R&B)/TB-III/RTI/2015-16/169 dated 22.08.2016 submitted to the Commission a **detailed report on the sequence of events** leading to the delay in furnishing the information to the applicant (now appellant).

AND WHEREAS, basing on the above **detailed report on the sequence of events**, since the PIO had given 4th week of September, 2015 i.e. **24.09.2015** (last working day of September, 2015) as the deadline to furnish the information to the applicant (now appellant), and on examination of the above **consolidated list**, the Commission observed that **four (4) Divisions** namely, **Tseminyu, Wokha, Baghty and Phek** had submitted the information to the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima only after the above deadline and hence contributed to the overall delay in furnishing the information to the applicant (now appellant).

AND WHEREAS, on the above observations and findings, the Commission decided that under Section 20(1) of the RTI Act, 2005, the following Executive Engineers of the four (4) Divisions are liable for penalty @ Rs. 250/- (Rupees two hundred and fifty only) for contributing to

the delay in furnishing the information to the applicant(now appellant). The penalty amount calculated on the number of days of delay for each Division is shown below:-

Sl. No.	Name of PIO/deemed PIO	Division	Date of reply/ furnishing to the PIO, Chief Engineer's Office, PWD(R&B), Nagaland, Kohima	No. of days of delay after the deadline on 24.09.2015 given by the PIO	Penalty amount @ Rs. 250/-
1	Er. V. Khekato Assumi, Executive Engineer	Tseminyu	28.09.2015	4 days	Rs. 1000.00
2	Er. Mhathung Kikon, Executive Engineer	Wokha	27.09.2015	3 days	Rs. 750.00
3	Er. N. Kikheto Swu, Executive Engineer	Baghty	30.10.2015	36 days	Rs. 9000.00
4	Er. Abija Khing, Executive Engineer	Phek	10.11.2015	47 days	Rs. 11,750.00
				Total:	Rs. 22,500.00

AND WHEREAS, each Executive Engineer of the above four (4) Divisions shall deposit the penalty amounts within **fourteen (14) days** from the date of receipt of this Commission's order. The penalty fines 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 of the treasury challans to this Commission:-

- 0070 – Other Administrative Services
- 60 – Other Services
- 118 – Receipts under RTI Act, 2005.

NOW THEREFORE, with the deposit of the penalty amounts by the Executive Engineers of the above four (4) Divisions, the Commission dispose off the appeal case, since the applicant (now the appellant) had earlier letter dated 20.04.2016 submitted satisfaction with the information.

Sd/-

TOSHI AIER, IAS (Retd.)

Chief Information Commissioner

Dated Kohima, the 3rd September, 2016.

No. NIC/Appeal-29/2015-16

Copy to:-

1. Er. J. Talimeren Aier, Chief Engineer & First Appellate Authority, Office of the Chief Engineer, PWD(H), and former Addl. Chief Engineer & PIO, PWD(R&B), Nagaland, Kohima, Mobile No. 9436000848.
2. Er. K. Rhetso, Chief Engineer & First Appellate Authority, PWD(R&B), Nagaland, Kohima, Mobile No. 9436000966.
3. Er. Limadongdang, Addl. Chief Engineer & PIO and former SE (Design) & APIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima, Mobile No. 9436005527.
4. Er. V. Khekato Assumi, Executive Engineer & PIO, PWD(R&B), Tseminyu Division, Mobile No. 8132038719.
5. Er. Abija Khing, Executive Engineer & PIO, PWD(R&B), Phek Division, Mobile No. 8974507868.
6. Er. N. Kikheto Swu, Executive Engineer & PIO, PWD(R&B), Baghty Division, Mobile No. 9402918190.
7. Er. Mhathung Kikon, Executive Engineer & PIO, PWD(R&B), Wokha Division, Mobile No. 9436426879.
8. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima.
9. The applicant (now the appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.
10. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
11. Office Copy.

(WORHONTHUNG EZUNG)

Secretary