

NAGALAND INFORMATION COMMISSION
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Nagaland, Kohima - 797001.
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No. NIC/Appeal-33/2015-16

Dated Kohima, the 26th August, 2016.

Subject: Closing Order of Appeal case.

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission had, on 14.01.2016 received a second appeal vide No. S&A:UIIC/Appeal/RTI/DO-II/2015 dated 05.01.2016 from Devinder Sharma, AIII, Investigator & Loss Assessor, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt – 133001, Haryana stating that he did not get satisfactory information from the District Transport Officer & PIO, Zunheboto, Nagaland to his RTI application vide No. S&A:DL:VERI:UIIC/CRO/RTI/2015 dated 02.06.2015 within the stipulated time frame and inspite of his first appeal to the FAA submitted vide No. S&A:DL VERI:UIIC/CRO/RTI/2015 dated **24.07.2015** and several correspondences.

AND WHEREAS, the above applicant had earlier submitted an RTI application vide No. S&A:DL:VERI:UIIC:CRO/RTI/2015 dated **02.06.2015** addressed to the PIO, District Transport Officer, District – Zunheboto, Nagaland alongwith an IPO No. 86G 539560 for Rs. 50/- (Rupees fifty only) towards the prescribed application fee and cost of information seeking the following information:-

- i. *Date of deposit of driving licence No.18011/FR/Z/2010 valid upto 01.03.2016 fee with DTO, District Zunheboto, Nagaland and certified copy of its Receipt No. with amount.*
- ii. *Certified copy of driving test report of applicant, Mr. Balbir Singh, S/o Sh. Balkar Singh, R/o Village- Dera Ram Puar, District- Kaithal, Haryana required before issue/renewal of DL (Professional) as per MV Act, 1988.*
- iii. *Certified copy of the applicant, Mr. Balbir Singh, S/o Sh. Balkar Singh for renewal of Driving Licence.*
- iv. *Complete renewed driving licence verification report valid upto 01.03.2016.*

The applicant had sent the above RTI application enclosing a photocopy of the above DL by Speed Post bearing No. EH564273195IN.

AND WHEREAS, on not getting any response from the DTO & PIO, Zunheboto to his RTI application, the applicant had sent by Speed Post bearing No. EH382200675IN dated 29.07.2015 a first appeal vide letter No. S&A:DL VERI:UIIC/CRO/RTI/2015 dated **24.07.2015** addressed to the First Appellate Authority & Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001 stating that the verification of the DL was required by the police/court/insurer to proceed further with the reported claim.

AND WHEREAS, the First Appellate Authority & Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001 had, vide letter No. TC/ESTT-RTI/APPEAL/302/2014(61)/1511-12 dated **17.08.2015** directed the DTO & PIO, Zunheboto to furnish the information regarding the verification report which was required for insurance claim to the applicant directly and under intimation to his office since there was no response till then.

AND WHEREAS, on not getting any response, the applicant (now the appellant) had again, vide letter No. S&A:DL VERI:UIC:CRO/RTI/2015 dated 24.09.2015 informed the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima that inspite of his direction to the DTO & PIO, Zunheboto, Nagaland to furnish the information, he had not received the information till date.

AND WHEREAS, meanwhile, the applicant had stated that in the second week of October 2015, he had received a phone call from the DTO & PIO, Zunheboto requesting for a fresh RTI application since the earlier RTI was misplaced. And as requested and on goodwill, the applicant had again sent by Speed Post bearing No. EH672500223IN dated 19.10.2015 a RTI application vide letter No. S&A:DL VERI:UIC:CRO/RTI/2015 dated 16.10.2015 seeking the same information for the second time alongwith IPO bearing No. 88G 073861 for Rs. 50/- (Rupees fifty only) towards the prescribed application fee and cost of information.

AND WHEREAS, in response, the DTO & PIO, Zunheboto had, vide letter No. DTO-Z/RTI Act-2005/2015-16 dated 30.11.2015 furnished to the applicant stating that the driving licence No.18011/FR/Z/2010 has not been converted to smart card (Sarathi application) and further information as per the notification of the transport Commissioner, Nagaland that any driving licence other than smart card shall be treated as cancelled and invalid. And a copy of the O.M No. TC-23/MV/2007(Pt-I)/22-25 dated 12.01.2015 was enclosed.

AND WHEREAS, on receipt of the above reply of the DTO & PIO, Zunheboto, the applicant had again sent by Speed Post bearing No. EH580747380IN dated 10.11.2015, a letter No. S&A: MACT:UIC/DO-II/RTI/2015 dated 07.11.2015 addressed to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima stating that the verification report of the DL sent by the DTO & PIO, Zunheboto was no near to his request.

AND WHEREAS, on receipt of the above second appeal, the Commission had, vide No. NIC/Appeal-33/2015-16 dated 09.02.2016 decided that since the first appeal was not heard, the first appeal be taken up by the First Appellate Authority by hearing the parties i.e. the applicant and the PIO concerned and pass decision within **45 days** from the date of receipt of the directive. And after the hearing of the first appeal, a copy of the decision on the first appeal be submitted to the Commission.

AND WHEREAS, in compliance to the directive of the Commission dated 09.02.2016, Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/APPEAL/302/2014(61)/318-20 dated 04.03.2016 issued notice for a hearing on 18.03.2016 at 1:00 PM in the Office of the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima to hear the appeal, giving opportunity of being heard to the applicant (now appellant) and the DTO & PIO, Zunheboto with all the relevant documents.

AND WHEREAS, the applicant (now appellant) had, vide letter No. S&A:Appeal/RTI/DO-II/2015 dated 20.04.2016 informed the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima regarding his inability to attend the hearing on 18.03.2016 due to prevailing law and order situation in Assam and Nagaland States.

AND WHEREAS, the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima had, on 18.03.2016 at 1:00 PM heard the first appeal

case with the District Transport Officer & PIO, Zunheboto only since the applicant (now appellant) could not appear for the hearing as informed. During the hearing, the DTO & PIO, Zunheboto had submitted sworn affidavit dated 08.06.2016 stating that there was **no such record** of driving licence No.18011/FR/Z/2010 available with the office.

AND WHEREAS, basing on the submission of the DTO & PIO, Zunheboto, since there was **no such records** of driving licence No.18011/FR/Z/2010 available in the office of the DTO, Zunheboto, the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/APPEAL/302/2014(61)/1203-06 dated 22.06.2016 passed an *ex parte* decision **closing** the appeal case as the first appeal could not be prolonged.

AND WHEREAS, since the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima had **closed** the appeal case, and that the Commission had also agreed with the above decision of the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima dated 22.06.2016, the Commission had also decided to declare this **appeal case as closed**.

NOW THEREFORE, it is notified to the following parties that the appeal case is hereby declared **closed**:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima.
2. Shri. Yansaromo Jami, District Transport Officer & PIO, Office of the District Transport Officer, Zunheboto, Nagaland.
3. The applicant(now appellant), Mr. Devinder Sharma.

Sd/-

TOSHI AIER, (IAS Retd.)

Chief Information Commissioner

Dated Kohima, the 26th August, 2016.

No. NIC/Appeal-33/2015-16

Copy to:-

1. The 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. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036.
4. Shri. Yansaromo Jami, District Transport Officer & PIO, Office of the District Transport Officer, Zunheboto, Nagaland.
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.

(WORHONTHUNG EZUNG)

Secretary