

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex,

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Nagaland, Kohima - 797001.

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No. NIC/Appeal-4/2015-16

Dated Kohima, the 30th April, 2015.

Appellant: Sashimongla Jamir,
Room No. B2, Basement,
West Road Mall,
Jail Colony, Kohima – 798601,
Nagaland,
Mobile No. 8119849915

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 : 29.04.2015 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), Ms. Sashimongla Jamir, Room No. B2, Basement, West Road Mall, Jail Colony, Kohima, Nagaland, Mobile No. 8119849915, and
4. The RTI applicant, Ms. Mhayani Kikon, Advocate, Mobile No. 9856337015.
5. Shri. Supongwati Walling, Advocate, Mobile No. 8119849917.

FACT OF THE CASE

An applicant, an RTI application dated **10.10.2014** was filed by Ms. Mhayani Kikon, Advocate, Mobile No. 9856337015 addressed to the PIO, Roads & Bridges, Office of the Engineer-in-Chief, NPWD, Kohima, Nagaland, alongwith the prescribed application fee of Rs. 10/- (Rupees ten only), seeking information regarding the latest/current list of the application for appointment on compassionate ground to the post of 'S.A' under the Roads & Bridges public authority.

The RTI application dated **10.10.2014** was received by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, vide Receipt No. 3052 dated **13.10.2014** as evidenced on the body of the RTI application.

However, on not getting any information to the above RTI application dated 10.10.2014 within the stipulated time frame of 30 days, another applicant, Sashimongla Jamir, Advocate, Mobile No. 8119849915 had submitted a **reminder letter dated 03.02.2015** addressed to the PIO, Office of the Engineer-in-Chief, (R&B) NPWD, Kohima, Nagaland, requesting to furnish the information which was mentioned in the RTI application dated 13.10.2014 at the earliest.

And the reminder letter dated 03.02.2015 was received by one UDA on the same day i.e. **03.02.2015** as evidenced on the body of the reminder letter.

On not getting any information to the above RTI application dated 10.10.2014 and the reminder letter dated 03.02.2015, Sashimongla Jamir, Advocate, had submitted **first appeal dated 26.02.2015** addressed to the First Appellate Authority, NPWD, Nagaland, Kohima, stating that despite having verbally reminded the PIO on several occasions no information whatsoever have been furnished till date nor any reasons to furnish the information were intimated.

The **first appeal dated 26.02.2015** was received by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, vide Receipt No. 863 dated **26.02.2015** as evidenced on the copy of the body of the first appeal.

However, on not getting any information till date even after filing the first appeal, the applicant (now appellant) had preferred a second appeal dated **09.04.2015** before this Commission.

Since there was no response from the First Appellate Authority, NPWD, Nagaland, Kohima to her first appeal dated 26.02.2015 which was submitted against the non-response of the PIO, Roads & Bridges, Office of the Engineer-in-Chief, NPWD, Kohima, Nagaland to her RTI application dated 10.10.2014, and there was no record of hearing of the first appeal, the Commission has decided to hear the appeal, giving opportunity to the parties on **29th April, 2015 (Wednesday) at 1:30 PM**, in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS:

The Commission observed that the RTI application dated 10.10.2014 was filed by an applicant, **Ms. Mhayani Kikon**, Advocate, Mobile No. 9856337015 while the subsequent reminder letter dated 03.02.2015, first appeal dated 26.02.2015 and the second appeal dated 09.04.2015 enclosing the RTI application dated 10.10.2014 filed by an applicant, Ms. Mhayani Kikon, Advocate were submitted by another applicant, **Ms. Sashimongla Jamir**, Advocate, Mobile No. 8119849915. And during the hearing on 29.04.2015 at 1:30 PM, on the inquiry by the Commission, the RTI applicant, **Ms. Mhayani Kikon**, Advocate submitted that after filing the RTI application dated 10.10.2014, since she went on leave for **four (4) months**, she had entrusted her colleague, **Ms. Sashimongla Jamir**, Advocate to follow up the RTI matter.

The Commission observed that had the reasons or both the names of the applicants were mentioned in the RTI application, though either of the two applicants filed first appeal or the second appeal, there would not have been the confusion.

During the hearing, Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that the RTI application dated 10.10.2014 was received by his previous predecessor who went on transfer. Another officer was posted, but again he was transferred out within two(2) months. And Er. Longzochang, Deputy Chief Engineer submitted that he took charge as the **third and present PIO** only in the month of January, 2015.

However, the Commission observed that even if the present PIO, Er. Longzochang, Deputy Chief Engineer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima did not receive the RTI application dated 10.10.2014, he could have acted on it after he took charge in the month of January, 2015 when a **reminder letter** dated 03.02.2015 enclosing the RTI application dated 10.10.2014 was submitted by the applicant.

Further, Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that since all his staffs were heavily engaged in compiling information relating to another RTI reply, he could not attend to the present RTI case. He had also submitted that, though late, the information was readied for issue **on 15.04.2015**, however, on the same day, since he had received the Notice for hearing from the Commission, he did not furnish the information to the applicant (now appellant). The PIO had also produced a copy of the information before the Commission during the hearing. However, the Commission observed that the excuse for not providing the information due to engagement in another RTI reply or on receipt of the Notice for hearing from the Commission was **not tenable**.

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 26.02.2015 on the same date i.e. 26.02.2015, he had endorsed it to the PIO for immediate discussion. However, due to the several changes of the PIOs, the discussion could not be held.

INTERIM DECISION:

On the above observations and findings, since the FAA had not acted on the first appeal dated 26.02.2015, the Commission directs Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima to hear the first appeal dated 26.02.2015 by holding a hearing of the PIO and the applicants (now appellants) and furnish the information to the applicant (now appellant) **within 10 (ten) days** from the date of receipt of this Commission's decision, and with a copy to this Commission.

And on receipt of the compliance report, the Commission shall fix the next date of hearing.

Decision pronounced in presence of all parties present on 29.04.2015.

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. The applicant (now appellant), Ms. Sashimongla Jamir, Room No. B2, Basement, West Road Mall, Jail Colony, Kohima, Nagaland, Mobile No. 8119849915.
4. The RTI applicant, Ms. Mhayani Kikon, Advocate, Mobile No. 9856337015.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner

(BUKCHEM PHOM)
State Information Commissioner