

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-5/2015-16

Dated Kohima, the 6th June, 2015.

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,
Tuensang, Nagaland.

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

Date of hearing : 03.06.2015 at 12:00 PM.

Date of Decision : 06.06.2015.

Present:

1. Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001;
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland;
3. Smti. Keneingunuo Clara, District Transport Officer(E), Nagaland, Kohima.

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.

An applicant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001 had earlier submitted an RTI application vide letter No. S&A: MACT:UIIC/L-1336/RTI/2014 dated **17.10.2014** addressed to the District Transport Officer, Tuensang, Nagaland, alongwith an PIO bearing No. 80G 497706 fee of Rs. 50/- (Rupees fifty only) for the prescribed application fee and cost of information, seeking verification report of Driving Licence No. 40531/TV/T/2010 issued to Mr. Gurvinder Singh, S/o Shri. Amar Singh, r/o Village Chandiala Distt. SAS Nagar, Punjab and on the following points:-

1. *Date of deposit of driving licence fee with DTO, Tuensang, Nagaland and its Receipt No.*
2. *Certified Copy of driving test report of the applicant, Mr. Gurvinder Singh required before issue of Professional Driving Licence as per Motor Vehicles Act, 1988.*
3. *Certified Copy of the applicant, Mr. Gurvinder Singh S/o Shri. Amar Singh for issue of Driving Licence (Professional).*
4. *Complete Driving Licence verification report.*

Further, the above applicant had stated that as Mr. Gurvinder Singh S/o Shri. Amar Singh had been involved in a road accident to third party, he had requested to provide the complete information from Sl. No. 1 to 4 above under the RTI Act, 2005 to avoid writing to the First Appellate Authority/ SP, Vigilance & Anti-Corruption, Kohima to hold inquiry as the Driving Licence No. 40531/TV/T/2010 seemed to be fake/fraudulent in nature. A copy was also endorsed to

the Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001 and DO (Legal Cell), UICC, Mohali.

On not getting any information to the above RTI application dated **17.10.2014** even after the lapse of more than two(2) months, the applicant had submitted a **first appeal**, vide letter No. S&A:MACT:UICC/L-1336/2014 dated **19.12.2014**, addressed to the First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima stating that the complete information was required as Mr. Gurvinder Singh S/o Shri. Amar Singh had been involved in a road accident and criminal proceedings under various sections was on before the JMIC Court. Further, the Driving Licence No. 40531/TV/T/2010 a/c Mr. Gurvinder Singh S/o Shri. Amar Singh seemed to be fake or fraudulent in nature as he (Mr. Gurvinder Singh) had failed to explain the route to Tuensang, Nagaland and further doubted that the said Driving Licence had been fraudulently issued even without depositing the prescribed fee in the State exchequer, without application and without complying with the Test Report as per MV Act, 1988 before issuing Driving Licence to operate. Therefore, the applicant had requested to intervene and direct the District Transport Officer, Tuensang, Nagaland to provide the complete information listed from Sl. No. 1 to 4 of his RTI application dated 17.10.2014. The first appeal was sent to the FAA by Registered Post vide No. RP414217873IN dated **22.12.2014**.

On not getting any response from the First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima to his first appeal dated **19.12.2014**, the applicant had, vide letter No. S&A:MACT:UICC/L-1336/2014 dated **19.01.2015**, submitted a reminder to the First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima requesting to intervene and direct the District Transport Officer, Tuensang, Nagaland to provide the verification report of the Driving Licence No. 40531/TV/T/2010 a/c Mr. Gurvinder Singh, S/o Shri. Amar Singh, R/o Village Chandiala Distt. SAS Nagar, Punjab at the earliest.

The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/Appeal/302/2014/(29)/100-01 dated **27.01.2015** directed the District Transport Officer, Tuensang, Nagaland to furnish the information according to his RTI application dated 17.10.2014 **within 15 days** from the date of receipt of his letter directly to the applicant and under intimation to him. A copy was also enclosed to the applicant.

Referring to the letter No. TC/ESTT-RTI/Appeal/302/2014/(29)/205 dated **13.02.2015** of the First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima (a copy of which was not enclosed), the applicant(now appellent) had, vide letter No. S&A:MACT:UICC/L-1336/2014 dated **21.02.2015** wrote to the First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001 stating that since there was no response or information from the DTO, Tuensang, Nagaland even about four (4) months of submission of his RTI application dated 17.10.2014, and inspite of the time bound direction given by the FAA to furnish the information within 15 days, the DTO, Tuensang, Nagaland was trying to conceal the facts related to the verification of the Driving Licence No. 40531/TV/T/2010 a/c Mr. Gurvinder Singh, S/o Shri. Amar Singh. Further, he had requested the FAA to call for the records or hold an inquiry to yield the factual status of the Driving Licence No. 40531/TV/T/2010 a/c Mr. Gurvinder Singh, S/o Shri. Amar Singh and to put a halt to the corrupt practice of the DTO, Tuensang, Nagaland by minutely examining Sl. No. 1 to 4 of his RTI letter dated 17.10.2014, as there are a number of driving licences facing criminal charges and verification requests pending with the DTO, Tuensang, Nagaland such as:-

- i. Driving Licence No. 25100/NTV/T/2011 a/c Mr. Sunil, S/o Shri. Zile Singh, VPO Dublana, Distt. Mahdendragarh, Haryana.
- ii. Driving Licence No. 2705/TV/T/09 a/c Mr. Sunil K. Sharma, S/o Shri. Telu Ram, VPO Nigdu, Distt. Karnal, Haryana.
- iii. Driving Licence No. 20060/TV/T/2011 a/c Mr. Ikram, S/o Shri. Islam, R/o # 531, Sadakpur Distt. Yamunanagar and subsequent renewal No. 30020/TV/T/2011.
- iv. Driving Licence No. 16229/TV/T/2008 dated 11.03.2008 and renewal on 11.01.2011 a/c Mr. Mukesh Kumar, S/o Shri. Chimam Lal, R/o Village Unhdhian, Distt. Bharatpur, Rajasthan.
- v. Driving Licence No. 25888/NTV/T/2011 a/c Mr. Naresh Kumar, S/o Shri. Karam Chand, r/o Village Majri, Distt. Mohali, Punjab.
- vi. Driving Licence No. 37755/TV/T/2010 a/c Mr. Sandeep Saini, S/o Shri. Gurdial Singh, r/o Village Amartgarh Majhara, Distt. Kurukshetra, Haryana.

vii. Driving Licence No. 44708/TV/T/2010 a/c Mr. Yuvraj, S/o Shri. Hari Krishan, VPO Khandaghat, Distt. Solan, Himachal Pradesh.

On not getting any information till date even after filing the first appeal, the applicant (now appellant) had preferred a second appeal vide letter No. S&A:MACT:UIIC/L-1336/2014 dated **28.03.2015** before this Commission, stating that he did not receive any information till date to his RTI application vide letter No. S&A: MACT:UIIC/L-1336/RTI/2014 dated **17.10.2014** from the DTO, Tuensang, Nagaland, and even after the Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/Appeal/302/2014/(29)/100-01 dated **27.01.2015** in response to the **first appeal**, vide letter No. S&A:MACT:UIIC/L-1336/2014 dated **19.12.2014**, directed the DTO, Tuensang, Nagaland to furnish the information directly to the applicant within 15 days from the date of receipt of his letter and under intimation to him.

And the Commission had, vide its Notice of even No. dated 01.05.2015 notified to hear the appeal, giving opportunity of being heard to all the parties, on **3rd June, 2015 (Wednesday) at 12:00 PM.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima** and also directed to **bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

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, Tuensang, Nagaland;
3. 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.

OBSERVATIONS AND FINDINGS:

The applicant(now appellant) did not appear for the hearing.

The Commission had, on **01.06.2015** received a letter No. S&A: MACT:UIIC/L-1336/2014 dated 28.03.2015 from the applicant(now appellant) stating that there was an intentional delayed reply to his RTI application dated 17-10-2014 by the DTO & PIO, Tuensang which had resulted into burdening of the United India Insurance Co. Mohali, Punjab with a court award of Rs. 19,61,000.00 alongwith 9% p.a. interest on 05.01.2015, despite of the fact that the DTO & PIO, Tuensang had vide letter dated 26.03.2015 declared the Driving Licence No. 40531/TV/T/2010 issued to Mr. Gurvinder Singh, S/o Shri. Amar Singh, r/o Village Chandiala Distt. SAS Nagar, Punjab **as a fake one after a period of about five (5) months.** And since the said Driving Licence was declared as fake, the applicant(now appellant) had **requested to close the case** against the DTO & PIO, Tuensang. However, since due to the inordinate delay of about five (5) months on the part of the DTO & PIO, Tuensang in replying to his RTI application dated 17-10-2014 which had resulted into burdening of the insurer (United India Insurance Co. Mohali, Punjab) with a court award of Rs. 19,61,000.00 alongwith 9% p.a. interest, the applicant(now appellant) appealed to the Commission to suitably burden the DTO & PIO, Tuensang with heavy costs besides a caution to attend to RTI matters well within the time limits. And had enclosed copies of the court order and a reply of the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima vide letter No. TC/Estt-RTI/Appeal/302/2014(29)/635-36 dated 08.04.2015 informing the applicant(now appellant) that the DTO & PIO, Tuensang had already responded vide letter No. DTO-T/MV/21/08/21 dated 17.03.2015 and No. DTO-T/MV/21/08/42 dated 26.03.2015. However, copies of the letter No. DTO-T/MV/21/08/21 dated 17.03.2015 and No. DTO-T/MV/21/08/42 dated 26.03.2015 of the DTO & PIO, Tuensang were not found enclosed.

During the hearing, Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland, Mobile No. 9436002514 submitted that on transfer, he took the charge as the District Transport Officer, Tuensang on **27.03.2015.** Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang submitted that the RTI application dated 17.10.2014 was received only **on 25.03.2015** due to the prevailing law & order situation in Tuensang from December, 2014 to March, 2015 where curfew was imposed paralysing all offices and normal life. Further, he submitted that Shri. Yaongsanglee, the former DTO & PIO, Tuensang, had already furnished the information to the applicant(now appellant) on **26.03.2015.** Copy

of the above letter dated 26.03.2015 and photocopies of the Receipt and Issue Registers indicating the date of receipt of the RTI application on 25.03.2015 and the date of issue of the reply on 26.03.2015 were produced before the Commission.

The Commission had observed that from the letter No. S&A: MACT:UIIC/L-1336/2014 dated 28.03.2015 received from the applicant(now appellant) on 01.06.2015, the applicant(now appellant) had already received the information furnished by the District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland. However, regarding the delay of about five (5) months in replying to the applicant(now appellant), the Commission was **convinced and had accepted** the reasons for the delay submitted by the District Transport Officer & PIO, Office of the District Transport Officer, Tuensang. Further, the Commission also observed that the District Transport Officer & PIO, Tuensang, Nagaland had, on receipt of the RTI application dated 17.10.2014 **on 25.03.2015**, promptly furnished the information to the applicant(now appellant) on the very next day i.e. **26.03.2015**.

During the hearing, Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had submitted that on receipt of the first appeal dated 19.12.2014, he had directed the District Transport Officer, Tuensang, Nagaland to furnish the information within 15 days from the date of receipt of his letter directly to the applicant under intimation to him. However, since there was no response from the District Transport Officer & PIO, Tuensang, Nagaland, the applicant(now appellant) had again, vide letter No. S&A: MACT:UIIC/L-1336/2014 dated 19.01.2015 wrote to him requesting to direct the District Transport Officer & PIO, Tuensang, Nagaland to furnish the information at the earliest. And in response, the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/APPEAL/302/2014/(29)/205 dated **13.02.2015** wrote back to the applicant(now appellant) informing that the District Transport Officer & PIO, Tuensang, Nagaland had already been directed to furnish the information vide his letter No. TC/ESTT-RTI/Appeal/302/2014/(29)/100-01 dated **27.01.2015**.

However, again, the applicant(now appellant) had, vide letter No. S&A:MACT:UIIC/L-1336/2014 dated **21.02.2015** wrote to the First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima stating that there was no response or information from the DTO, Tuensang, Nagaland even about four (4) months of submission of his RTI application dated 17.10.2014. And on receipt of the letter No. S&A:MACT:UIIC/L-1336/2014 dated **21.02.2015** from the applicant(now appellant), the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had again directed the District Transport Officer & PIO, Tuensang, Nagaland to furnish the information to the applicant(now appellant). Copies of all the above letters were produced before the Commission during the hearing.

And on receipt of a copy of the letter No. S&A:MACT:UIIC/L-1336/2014 dated **21.02.2015** of the applicant (now appellant) on **16.03.2015** forwarded by the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, the District Transport Officer & PIO, Tuensang, Nagaland had vide letter No. DTO-T/MV/21/08/21 dated **17.03.2015** furnished to the applicant(now appellant) and with a copy to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, that the following Driving Licences against such numbers/names **were not issued by his Office**, hence, no details could be issued:-

- i. Driving Licence No. 25100/NTV/T/2011 in the name of Mr. Sunil, S/o Shri. Zile Singh, VPO Dublana, Distt. Mahdendragarh, Haryana.
- ii. Driving Licence No. 2705/TV/T/09 in the name of Mr. Sunil K. Sharma, S/o Shri. Telu Ram, VPO Nigdu, Distt. Karnal, Haryana.
- iii. Driving Licence No. 20060/TV/T/2011 in the name of Mr. Ikram, S/o Shri. Islam, R/o # 531, Sadakpur Distt. Yamunanagar and subsequent renewal No. 30020/TV/T/2011.
- iv. Driving Licence No. 16229/TV/T/2008 dated 11.03.2008 and renewal on 11.01.2011 in the name of Mr. Mukesh Kumar, S/o Shri. Chimam Lal, R/o Village Unhdhian, Distt. Bharatpur, Rajasthan.
- v. Driving Licence No. 25888/NTV/T/2011 in the name of Mr. Naresh Kumar, S/o Shri. Karam Chand, r/o Village Majri, Distt. Mohali, Punjab.
- vi. Driving Licence No. 37755/TV/T/2010 in the name of Mr. Sandeep Saini, S/o Shri. Gurdial Singh, r/o Village Amartgarh Majhara, Distt. Kurukshetra, Haryana.
- vii. Driving Licence No. 44708/TV/T/2010 in the name of Mr. Yuvraj, S/o Shri. Hari Krishan, VPO Khandaghat, Distt. Solan, Himachal Pradesh.

And photocopies of the Receipt and Issue Registers indicating the date of receipt and the date of issue were produced before the Commission.

Also, the District Transport Officer & PIO, Tuensang, Nagaland had, vide letter No. DTO-T/MV/21/08/42 dated **26.03.2015** declared that no records could be produced since the Driving Licence No. 40531/TV/T/2010 in the name of Mr. Gurvinder Singh **was not issued by his office** and hence the said Driving Licence is **fake**. And photocopies of the Receipt and Issue Registers were produced before the Commission.

The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had also submitted that he had, vide letter No. TC/ESTT-RTI/Appeal/302/2014/(29)/635-36 dated **08.04.2015** furnished to the applicant(now appellant) the same information what the District Transport Officer & PIO, Tuensang, Nagaland had already furnished vide letter No. DTO-T/MV/21/08/21 dated 17.03.2015 and No. DTO-T/MV/21/08/42 dated 26.03.2015. Copies of the above letters of the District Transport Officer & PIO, Tuensang, Nagaland were produced before the Commission.

DECISION:

On the above observations and findings, since the Commission was convinced and had accepted the reasons for the delay in receiving the RTI application dated 17.10.2014 only on 25.03.2015 which was due to the prevailing law & order situation in Tuensang submitted by the District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, and that on receipt of the reply of the District Transport Officer & PIO, Tuensang vide letter No. DTO-T/MV/21/08/42 dated 26.03.2015, the applicant(now appellant) had, vide letter No. S&A: MACT:UIC/L-1336/2014 dated 28.03.2015 requested the Commission to close the case as the DTO & PIO, Tuensang had declared the said Driving Licence as fake, the Commission had decided to **close this appeal case**.

Decision pronounced exparte with only the respondents in attendance on 03.06.2015.

Copy be given to:-

1. Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001, Mobile No. 9436000154.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland, Mobile No. 9436002514.
3. 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.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

KEVININO P. MERU
Chief Information Commissioner

Sd/-

BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Under Secretary