**NAGALAND INFORMATION COMMISSION**
**Old Secretariat Complex,**
**Post Box No. 148**
**Nagaland, Kohima - 797001.**
**Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in**

RIGHT TO INFORMATION

No. NIC/Appeal-8/2015-16 Dated Kohima, the 29th October, 2015.

**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, on 18.08.2015 at 1:30 PM heard the Second Appeal dated 07.04.2015 received from Shri. L. Haolai, DC(G), Zotlang BSF Camp, Lunglei, Mizoram - 796691, Mobile No. 9436824524, stating that in response to his RTI application dated 13.10.2014, the District Administration, Dimapur had deliberately not only delayed but also provided incomplete, irrelevant, false and unsatisfactory reply, and had further demanded compensation and punishment as per under the RTI Act, 2005.

AND WHEREAS, the Commission had, after hearing on 18.08.2015 at 1:30 PM passed decision vide even No. dated 21.08.2015.

AND WHEREAS, in compliance to **Point No. 1** of the decision of the Commission dated 21.08.2015, the Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland had vide OM No. RTI-1/2015-D/10129-31 dated 20.08.2015 constituted a Departmental Inquiry Committee consisting of three (3) members to inquire into the appointment order of Shri. Thangngul Khongsai, UDA/Revenue of DC Office as Chairman of Phaipijang Village Council.

AND WHEREAS, the Commission had, vide No. RTI-8/DEPTT-ENQ/2015-D/10433 dated 27.08.2015 received the report of the Departmental Inquiry Committee stating that since appointment orders of the Chairmen of Village Councils were **never issued prior to 2014** from the Office of the Deputy Commissioner, Dimapur, Nagaland, and that the approval of the Village Council Membership of Phaipijang Village was issued by the Government only on **30.11.2012**, there was **no record available** in the Office of the Deputy Commissioner, Dimapur, Nagaland.

AND WHEREAS, the Departmental Inquiry Committee had in its report submitted vide No. RTI-8/DEPTT-ENQ/2015-D/10261 dated 24.08.2015 stated the following observations:-

1. the name of Shri. Thangngul Khongsai as Village Council Member, Phaipijang Village was forwarded to the Government for approval vide No. GEN-1/VC/ELE/2011-D/6119-29 dated 07.11.2012.
2. The Office of the Commissioner, Nagaland had, vide letter No. CND-5/40/08 DMR/PT-III/3358 dated 14.01.2013, conveyed the Office of the Deputy Commissioner, Dimapur regarding the approval of Shri. Thangngul Khongsai as Village Council Member, Phaipijang Village by the Government vide the Home Department's letter No. GAB-8/DMP/73/2012 dated 30.11.2012.
3. Shri. Thangngul Khongsai was selected as the Chairman of the Phaipijang Village Council during an executive meeting of the Phaipijang Village Council on 09.01.2011.

4. And a Statement from Shri. Thangngul Khongsai stating that he took over as the Chairman of Phaipijang Village Council on **09.01.2011** and resigned from the Chairmanship on **06.04.2015**. Further, there was no appointment order issued by the Office of the Deputy Commissioner, Dimapur, Nagaland.

AND WHEREAS, also in compliance to **Point No. 2** of the decision of the Commission dated 21.08.2015, the Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-1/2015-D/10707-714 dated 01.09.2015 issued Notice for hearing of the first appeals dated 20.11.2014 and 10.02.2015 on **09.09.2015** at 1:00 PM.

AND WHEREAS, the Office of the Deputy Commissioner, Dimapur, Nagaland had on 07.09.2015 received a **withdrawal letter dated 05.09.2015** from the applicant (now appellant) stating that since all disputes and differences between he and the Phaipijang Village Council have been amicably settled as per their customary practices for the welfare of the village in the presence of the village elders, he **withdrew all his RTI appeals and complaints** and therefore had requested for closure of the case as he **would not like to pursue the matter anymore**.

AND WHEREAS, since the applicant(now appellant) did not appear for the hearing scheduled on 09.09.2015 at 1:00 PM. and in order to give adequate opportunity of being heard and to ascertain the authenticity of the withdrawal letter dated 05.09.2015, Shri. Kesonyu Yhome, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland had again, vide No. RTI-1/2015-D/11109-15 dated 09.09.2015 issued a **second** Notice for hearing on **23.09.2015** at 2:00 PM.

AND WHEREAS, further since the applicant (now appellant) did not appear for the hearing scheduled on 23.09.2015 at 2:00 PM. and in order to give adequate opportunity of being heard and to ascertain the authenticity of the withdrawal letter, the Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland had again, vide Notice No. RTI-1/2015-D/108676-83 dated 03.10.2015 issued a **third** Notice for hearing on **14.10.2015** at 2:00 PM. notifying it as the last service of notice. Further that on the failure of the applicant (now appellant) to appear for the hearing without any valid reason, the matter would be considered closed and no further claim on the matter would be entertained thereafter.

AND WHEREAS, since the applicant(now appellant) had failed to appear in any of the three hearings on **09.09.2015** at 1:00 PM., **23.09.2015** at 2:00 PM. and **14.10.2015** at 2:00 PM. without giving any reason, the Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-1/2015-D/11627-29 dated 17.10.2015 submitted the matter to this Commission for further directions.

AND WHEREAS, the Commission had observed that inspite of sufficient efforts put in and several attempts made by the public authority i.e. the Office of the Deputy Commissioner, Dimapur, Nagaland to hear the first appeals giving sufficient opportunities of being heard to the applicant (now appellant), the applicant (now appellant) had failed to appear in any of the three hearings and had instead submitted a **letter dated 05.09.2015 withdrawing** his case and also requesting for **closure of the case** as he **would not like to pursue the matter anymore**.

AND WHEREAS, since the Commission is satisfied with the above compliances to its decision dated 21.08.2015, and that the applicant (now appellant) had submitted a **withdrawal letter dated 05.09.2015**, the Commission has 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**:-

i) Shri. Kesonyu Yhome, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland;
ii) Smti. Elizabeth Ngully, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
iii) Shri. Anoka H. Assumi, former SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland and now Border Magistrate, Uriamghat.
iv) Shri. P. James Swu, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
v) Shri. Moa Sangtam, SDO(C), Office of the Deputy Commissioner, Dimapur, Nagaland;
vi) Smti. Temjensangla, SDO(C), Hq, Office of the Deputy Commissioner, Dimapur, Nagaland;
vii) The applicant(now appellant), Shri. L. Haolai, DC(G), Zotlang BSF Camp, Lunglei, Mizoram - 796691, Mobile No. 9436824524.

**Sd/-**
**KEVININO P. MERU**
**Chief Information Commissioner**

No. NIC/Appeal-8/2015-16 Dated Kohima, the 29th October, 2015.

Copy to:-

1. The P.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. Kesonyu Yhome, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland, Mobile No. 9612416337.
4. Smti. Elizabeth Ngully, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland, Mobile No. 9436009224.
5. Shri. Anoka H. Assumi, former SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland and now Border Magistrate, Uriamghat.
6. Shri. P. James Swu, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland, Mobile No. 9436832576.
7. Shri. Moa Sangtam, SDO(C), Office of the Deputy Commissioner, Dimapur, Nagaland, Mobile No. 9862141351.
8. Smti. Temjensangla, SDO(C), Hq, Office of the Deputy Commissioner, Dimapur, Nagaland.
9. The applicant(now appellant), Shri. L. Haolai, DC(G), Zotlang BSF Camp, Lunglei, Mizoram - 796691, Mobile No. 9436824524.
10. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
11. Office Copy.

**(WORHONTHUNG EZUNG)**
Deputy Secretary