

NAGALAND INFORMATION COMMISSION
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No. NIC/Complaint-8/2014-15

Dated Kohima, the 13th May, 2015.

Complainant: Shri. Yanrenthung Kikon,
UDA, Judicial Section,
Deputy Commissioner's Office,
Wokha, Nagaland,
Mobile No. 9856538858

Respondent(s) : 1) Er. Huskha Yeptho,
Executive Engineer & PIO,
Office of the Executive Engineer, Irrigation & Flood Control,
Wokha, Nagaland - 797111.

2) Shri. E.V. Mamen,
Surveyor,
Office of the Executive Engineer, Irrigation & Flood Control,
Wokha, Nagaland - 797111.

Public Authority : Office of the Executive Engineer, Irrigation & Flood Control,
Wokha, Nagaland.

Date of first hearing : 23.03.2015 at 2:30 PM.

Date of Interim Decision : 24.03.2015.

Date of second hearing : 08.04.2015 at 2:30 PM.

Date of Interim Decision : 13.04.2015.

Date of third hearing : 12.05.2015 at 2:30 PM.

Date of Interim Decision : 13.05.2015.

Present:

1. Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland - 797111. Mobile No. 9436008645.
2. Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima, Mobile No. 9436001935.
3. Er. J. Lanu Longchar, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Mokochung, Nagaland, Mobile No. 9612165252.
4. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 8974146911.

FACT OF THE CASE

During the hearing held on 08.04.2015 at 2:30 PM, the Commission had observed that the RTI application dated 11.08.2014 was received during the time of Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland. However, since the information sought were not during his tenure but during his predecessor, Er. J. Lanu Longchar's tenure and that the information sought **were not available** with him during the time when the RTI application dated 11.08.2014 was received, Er. A. Roland Jami had, vide letter No. IFC/WKA/ESTT-1/2011 dated **29.09.2014** i.e. after **49 days** wrote to his predecessor, Er. J. Lanu Longchar.

And on receipt of the information from Er. J. Lanu Longchar, though there was no record of any information submitted nor any reply from Er. J. Lanu Longchar, Er. A. Roland Jami had, vide letter No. IFC/WKA/RTI-1/2013-14 dated **17.09.2014** furnished the information pertaining to **Query No.1 only** i.e. regarding the Detailed Statement of M.I project under Wokha District from 2009 to 2013 to the applicant(now complainant), and copies of the which were produced before the Commission during the hearing.

On scrutiny of the above mentioned letters, the Commission had also observed that the information was furnished to the applicant (now complainant) on **17.09.2014**, even before the information was received from Er. J. Lanu Longchar on **29.09.2014**. And further, though there was no record of furnishing the information regarding **Query No. 2** to the applicant(now complainant), the applicant(now complainant) had, after a gap of more than **four(4) months** and vide letter dated **23.02.2015** **withdrew his complaint case** stating that the concerned PIO had furnished him the required information as sought.

The Commission had, after the second hearing held on 08.04.2015 at 2:30 PM passed an interim decision vide even No. dated 13.04.2015, wherein the Commission decided to hear the parties again on **12th May, 2015 (Tuesday) at 2:30 PM.** with the following parties:-

1. Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland - 797111. Mobile No. 9436008645.
2. Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima, Mobile No. 9436001935.
3. Er. J. Lanu Longchar, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Mokokchung, Nagaland, Mobile No. 9612165252.
4. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 8974146911.

The Commission had also directed all the above parties to appear before this Commission **without fail** and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

During the hearing held on 12.05.2015 at 2:30 PM, on inquiry by the Commission as to why, the applicant(now complainant) **withdrew his complaint** after a gap of more than **four(4) months**, the applicant (now complainant) submitted that he was out of station for two (2) months i.e. during the months of November and December, 2014 for his daughter's admission outside the State and for his medical treatment in Dimapur. Further, the applicant(now complainant) submitted that he received the information only on **03.02.2015** and that though he was not fully satisfied with the information so received, considering the difficulties faced by the respondents, he had withdrawn the complaint case. However, the Commission cautioned the applicant(now complainant) to be more sincere and pursue RTI matters seriously.

Since the Commission had observed during the second hearing held on 08.04.2015 at 2:30 PM, that the information was furnished to the applicant (now complainant) on **17.09.2014** even before the information was received from Er. J. Lanu Longchar on **29.09.2014**, Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima had, in the third hearing on 12.05.2015 at 2:30 PM clarified that the date of the letter written to his predecessor, Er. Lanu Longchar vide letter No. IFC/WKA/ ESTT-1/2011 dated **29.09.2014** was inadvertently written as 29.09.2014 instead of **29.08.2014**.

Also since there was no record of any information submitted nor any reply from Er. J. Lanu Longchar to the letter dated 29.09.2014 which was written to him by Er. A. Roland Jami, Er. Lanu Longchar submitted that he did not reply to the above letter since only a clarification was requested.

Er. A. Roland Jami submitted that after the clarifications were made, the information was furnished to the applicant (now complainant) on **17.09.2014**. However, since he could not meet the applicant (now complainant), the information could not be handed over to him. Further, Er. A. Roland Jami submitted that meanwhile on being transferred out from Wokha, he had handed over the charge to his successor, **Er. Khorotso Koza** on **29.09.2014**. The Commission was also informed that Er. Khorotso Koza was posted at Wokha for only **two (2) months**, before he was again transferred to Mon. And after Er. Khorotso Koza was transferred to Mon, Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland took charge on 03.12.2014.

The Commission observed that after Er. Khorotso Koza took charge from Er. A. Roland Jami on **29.09.2014**, there was no effort in handing the information to the applicant (now complainant) even during the whole month of October, 2014, before the applicant (now complainant) went out of station for two (2) months i.e. during the months of November and December, 2014.

INTERIM DECISION:

On the above observations and findings, since another PIO namely, Er. Khorotso Koza, former Executive Engineer, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland was also involved during the RTI process, though he was posted for only **two (2) months**, the Commission decided to give **Er. Khorotso Koza**, who is presently posted as Executive Engineer, Office of the Executive Engineer, Irrigation & Flood Control, Mon,

Nagaland, an opportunity of being heard and therefore, reserve its decision for the next hearing which shall be notified later.

The Commission also directs all the following to submit copies of their Transfer of Charge Certificates to this Commission on receipt of this decision:-

- i. Er. J. Lanu Longchar;
- ii. Er. A. Roland Jami;
- iii. Er. Khorotso Koza;
- iv. Er. Huskha Yeptho.

Decision pronounced in presence of all parties present on 12.05.2015.

Copy be given to:-

1. Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland - 797111. Mobile No. 9436008645.
2. Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima, Mobile No. 9436001935.
3. Er. J. Lanu Longchar, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Mokokchung, Nagaland, Mobile No. 9612165252.
4. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 8974146911.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-

KEVININO P. MERU

Chief Information Commissioner

Sd/-

BUKCHEM PHOM

State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Under Secretary