

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex,

Post Box No. 148

Nagaland, Kohima - 797001.

Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Complaint-8/2014-15

Dated Kohima, the 24th March, 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 Irrigation & Flood Control,
Wokha, Nagaland.

Date of hearing : 23.03.2015 at 2:30 PM.

Date of Interim Decision : 24.03.2015.

Present:

1. Er. Huskha Yeptho, Executive Engineer, Irrigation and Flood Control, Wokha, Nagaland, Mobile No. 9436008645.
2. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.

The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 9856538858 **did not appear** for the hearing.

FACT OF THE CASE

An applicant, Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 9856538858 had filed a RTI application dated 11.08.2014 addressed to the PIO, Irrigation & Flood Control, Wokha, Nagaland alongwith the prescribed fee of Rs. 10/- paid in cash requesting the following information:-

- i. Detailed information pertaining to implementation of Minor Irrigation Project under Wokha district w.e.f 2009 to 2013 as per the enclosed format. A ready format by which the information sought ought to be furnished by the PIO was also enclosed by the applicant.
- ii. Certified copies of DETAILED PROJECT ESTIMATE under M.I. Project 2009-10 prepared by the concerned verifying officer as per section 2 (j) (ii) of the RTI Act, 2005.

The RTI application dated 11.08.2014 alongwith the application fee of Rs. 10/- (in cash) was received by Shri. E.V. Mamen, Overseer, Irrigation & Flood Control, Wokha, on the same day i.e. 11.08.2014 as evidenced on the body of the application.

Since there was no reply to his RTI application dated 11.08.2014 from the concerned PIO within the stipulated time frame of 30 days, the applicant(now complainant) had submitted a complaint dated 20.10.2014 before this Commission.

The Commission had received a reminder letter dated 27.01.2015 from the applicant(now complainant) stating that even after a lapse of 2 (two) months of submission of complaint to the Commission, there was no action taken report till date.

And the Commission has decided to hear the complaint, giving opportunity to the parties, on **11th February, 2015 (Wednesday) at 1:30 PM.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

However, since the parties did not appear for the hearing on 11.02.2015 at 1:30 PM, the Commission had, vide letter of even No. dated 13.03.2015 rescheduled the hearing on 23.03.2015 at 2:30 PM.

OBSERVATIONS AND FINDINGS:

During the hearing, Er. Huskha Yeptho, Executive Engineer, Irrigation and Flood Control, Wokha, Nagaland, Mobile No. 9436008645 submitted that he had vide letter No. IFC/WKA/EST-19/RTI/2014-15 dated 21.02.2015 wrote to the Commission that since the Notice for hearing scheduled on 11.02.2015 at 1:30 PM which was sent by Speed Post bearing No. EE430387536IN and EE430387522IN were received only on **19.02.2015** i.e. after the scheduled hearing, he could not appear for the hearing on the scheduled date.

Meanwhile the applicant(now complainant) had, vide letter dated **23.02.2015** submitted to the Commission stating that since the concerned PIO had furnished him the required information as sought, he **withdrew the complaint case** as the matter was already settled.

However, since there was neither any **record or proof** of **letter** regarding furnishing of information nor **enclosure** of the information so furnished to the applicant and that the applicant (now complainant) had submitted **reminder letter dated 27.01.2015** to the Commission to take up the case and later **withdrawn** his complaint only after the Commission had issued its Notice for hearing, the Commission **did not accept** the letter of withdrawal of the complaint submitted by the applicant(now complainant).

During the hearing, Er. Huskha Yeptho, Executive Engineer & PIO, Irrigation and Flood Control, Wokha, Nagaland submitted that on being transferred from Longleng to Wokha, he took charge as the new Executive Engineer & PIO, Irrigation and Flood Control, Wokha only on **03.12.2014** and hence has neither any knowledge about the receipt of the RTI application dated 11.08.2014 nor furnishing of any information to the applicant(now complainant).

However, on receipt of the Commission's Notice for hearing, Er. Huskha Yeptho, Executive Engineer & PIO, Irrigation and Flood Control, Wokha, Nagaland submitted that he had checked the file and found that there was no record of furnishing of any information to the applicant(now complainant) except that his immediate predecessor, Er. A. Roland Jami had, on **29.09.2014** written again to his predecessor, Er. J. Lanu Longchar regarding the RTI matters. And since there was no further correspondences on the file, Er. Huskha Yeptho, Executive Engineer & PIO, Irrigation and Flood Control, Wokha, Nagaland had presumed that his predecessors had furnished the information and that the RTI matter was closed. He had also produced the **relevant file** before the Commission during the hearing.

On being asked by the Commission, Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland who had received the RTI application dated 11.08.2014 on **11.08.2014** submitted that the RTI application was handed over to Er. A. Roland Jami, the then EE & PIO, Irrigation and Flood Control, Wokha, however, the then PIO, Er. A. Roland Jami refused to accept it on the ground that the information sought were not during his tenure but during his predecessor, Er. J. Lanu Longchar's tenure. Further, Shri. E.V. Mamen, who is permanently posted in the Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland submitted that he has no knowledge of furnishing any information to the applicant(now complainant).

The Commission observed that even though officers and PIOs may change due to transfer and posting, files still remain in the office. And though there is no record on the file which was produced before the Commission regarding furnishing of information to the applicant, the

applicant (now complainant) had submitted vide letter dated **23.02.2015** to the Commission that he had received the information and hence withdrew his complaint to the Commission.

The Commission also observed that the applicant (now complainant) had misled the Commission by giving false evidence and took a serious view.

INTERIM DECISION:

On the above observations and findings, the Commission decided to hear the complaint again, giving opportunity to the following parties, on **08th April, 2015 (Wednesday) at 2:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima:-**

1. the applicant (now complainant), Shri. Yanrenthung Kikon;
2. the three (3) Officers/PIOs viz.
 - a. The present incumbent, Er. Huskha Yeptho, Executive Engineer & PIO, Irrigation and Flood Control, Wokha, Nagaland.
 - b. the immediate predecessor, Er. A. Roland Jami, former Executive Engineer & PIO, Irrigation & Flood Control, Wokha, Nagaland.
 - c. the previous predecessor, Er. J. Lanu Longchar, former Executive Engineer & PIO, Irrigation & Flood Control, Wokha, Nagaland.
3. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland.

Therefore, the above parties are directed 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.

Decision pronounced in presence of all parties present on 23.03.2015.

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, Mobile No. 9436001935.
3. Er. J. Lanu Longchar, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, 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. 9856538858.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner

(BUKCHEM PHOM)
State Information Commissioner