

NAGALAND INFORMATION COMMISSION
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Nagaland, Kohima - 797001.
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No. NIC/Complaint-8/2015-16

Dated Kohima, the 18th March, 2016.

Complainant : Shri. Nungoi Chizo,
Suthotsü Village,
Mobile No. 9436408594, 8415832190,.

Respondent(s) : Dr. Viral Yore,
Additional Director & PIO,
Directorate of Veterinary & Animal Husbandry
Nagaland, Kohima.

Public Authority : Directorate of Veterinary & Animal Husbandry
Nagaland, Kohima.

Date of hearing : 18.02.2016 at 3:00 PM.
Date of Decision : 29.02.2016.

Date of second hearing : 11.03.2016 at 12:00 PM.
Date of second Decision : 18.03.2016.

Present:

- i. Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436604996.
- ii. Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436600458.
- iii. Dr. Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9615150689.
- iv. Dr. Z. Mekro, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436005051.
- v. Dr. Zase Chusi, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436615187.
- vi. Dr. Ilang, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436000685.

The applicant (now complainant), Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190 had submitted a withdrawal letter and had not appeared for the hearing.

FACT OF THE CASE

The Commission had, on 18.02.2016 at 3:00 PM heard the complaint dated 04.02.2016, submitted by Shri. Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190 against the non response to his RTI application dated 16.12.2015 from the PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.

And after hearing the parties on 18.02.2016 at 3:00 PM, the Commission had passed an interim decision vide even No. dated **29.02.2016** wherein the Commission had fixed the next hearing on **11th March, 2016 (Friday) at 12:00 PM.**

The Commission had on 09.03.2016 received a letter dated 09.03.2016 from the Director, Veterinary & Animal Husbandry, Nagaland, Kohima requesting leave of absence during the hearing on 11.03.2016 as he had to be out of station for an unavoidable personal reason.

OBSERVATIONS AND FINDINGS:

The Commission had on 11.03.2016 received a letter dated 11.03.2016 from the applicant (now complainant), Shri. Nungoi Chizo, Suthotsü Village, stating that he was withdrawing/dropping the complaint case since he was **satisfied** with the information furnished to him by the Veterinary & Animal Husbandry, Nagaland, Kohima vide letter No. VET/RTI-AP/2015-16 dated 09.03.2016. However, the Commission did not accept the withdrawal letter of the applicant (now complainant) and conducted the hearing as scheduled since the withdrawal letter was received on the same day of the hearing i.e. on 11.03.2016.

During the hearing, Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima had apologised before the Commission for his inability to attend the last hearing held on 18.02.2016 at 3:00 PM, since being the Officer incharge of CSS (Centrally Sponsored Schemes) programmes in the Department, he had to attend a meeting relating to CSS and Flagship Programmes on the same day of the hearing i.e. on 18.02.2016 at 11:00 AM in the Secretariat Conference Hall which was held under the Chairmanship of the Chief Secretary, Nagaland. And in compliance to the Decision of the Commission dated 29.02.2016, Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima had, vide letter No. VET/RTI-AP/2015-16 dated 09.03.2016 submitted a photocopy of the notice of the meeting issued by the Planning and Coordination Department, Nagaland, Kohima, vide No. PLN-24/2015(Coord) dated 09.02.2016.

Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima had also submitted that on receipt of the RTI application dated 16.12.2015, he had endorsed it to the Sectoral Officer, Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning). He further submitted that the complete information was **re-furnished** to the applicant (now complainant) vide letter No. VET/RTI-AP/2015-16 dated **09.03.2016.**

Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima submitted that before his joining in the Directorate on 26th June 2015 on transfer, the RKVY Sector was handled by the present Director. And upon his joining in the Directorate, he was given the charge of the RKVY Sector, however, no files were handed over to him. Further, he submitted that on receipt of the RTI application dated 16.12.2015 from the PIO on 16.12.2015, he had communicated to the present Director, who handled with the Sector earlier, however, there was no positive response. Furthermore, he submitted that he had received only two (2) files namely, RKVY-3 and RKVY-7 which pertain to the present RTI query from the previous officer incharge of the Sector who is the present Director only on **16.02.2016.**

The Commission observed that though the charge of the RKVY Sector was given to Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, no files were handed over to him earlier. And just two (2) days before the hearing i.e. only on 16.02.2016, did he receive only two (2) files namely, RKVY-3 and RKVY-7 from the previous officer incharge of the Sector, who now becomes the **'Deemed PIO'**.

DECISION:

On the above observations and findings, the Commission directs that the previous and present officers incharge of the Sector to appear before the Commission in the next hearing to present their views in order for the Commission to decide who would be liable for penalty.

The next hearing will be notified later.

Decision pronounced in the presence of only the respondents on 11.03.2016.

Copy be given to:-

1. The Director, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.
2. Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436604996.
3. Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436600458.
4. Dr. Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9615150689.
5. The applicant (now complainant), Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-
BUKCHEM PHOM
Chief Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary