

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-1/2016-17

Dated Kohima, the 30th June, 2016.

Complainant : Shri. Kahuto N. Achumi,
Thilixu Village,
3rd Mile, Dimapur,
Nagaland,
Mobile No. 9402020278

Respondents : The Additional Director & PIO,
School Education,
Nagaland, Kohima.

Public Authority : Directorate of School Education, Nagaland, Kohima.

Date of hearing : 14.06.2016 at 1:00 PM.
Date of Decision : 30.06.2016.

Present:

1. Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima, Mobile No. 9436000909.
2. Shri. Lumdemo Kikon, UDA, School Education, Nagaland, Kohima, Mobile No. 9856026275.
3. The applicant (now complainant), Shri. Kahuto N. Achumi, Thilixu Village, 3rd Mile, Dimapur, Nagaland, Mobile No. 9402020278 did not appear for the hearing. However, he was represented by his legal representative, Shri. Pfosekho Pfotte, Advocate, Gauhati High Court, Kohima Bench, Kohima, Mobile No. 9774408129, email: pfosekho@yahoo.com.

FACT OF THE CASE

An applicant, Kahuto N. Achumi, Thilixu Village, 3rd Mile, Dimapur, Nagaland, Mobile No. 9402020278, had submitted an RTI application dated 05.02.2016 addressed to the PIO, Directorate of School Education, Nagaland, Kohima, alongwith the prescribed application fee seeking the following information:-

- (1) *As per your Office Order No. ED/EL/T/3/98-99(Pt-1) dated 21.06.2001, the appointment of the Graduate Teacher adhoc appointees under the establishment of Deputy Inspector of Schools, Zunheboto were extended for a period of 6 months i.e. up to 31.12.2001 or till the interview result is declared whichever is earlier. Kindly furnish the result and the names of the selected candidates, their previous and present place of posting under the establishment of Deputy Inspector of Schools, Zunheboto.*
- (2) *Whether any of the Graduate Teachers on adhoc who were given extension as per your Office Order No. ED/EL/T/3/98-99(Pt-1) dated 21.06.2001 appeared the said interview and how many were selected from the interview?*

The RTI application dated 05.02.2016 was received by the PIO & Additional Director, Directorate of School Education, Nagaland, Kohima, on **10.02.2016** as evidenced on the body of the application. However, since the applicant did not receive any information from the PIO, Directorate of School Education, Nagaland, Kohima to his RTI application dated 05.02.2016, he had preferred a complaint dated 01.04.2016 before this Commission.

Since there was no response from the PIO, Directorate of School Education, Nagaland, Kohima to the above RTI application dated 05.02.2016, the Commission had decided to hear the complaint, giving opportunity to all the parties on **7th June, 2016 (Tuesday) at 1:00 PM** in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima. The Commission had also directed all the concerned parties 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, Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima submitted that the matter pertain to the period 2001 and during the year the former Director had sold out two truck loads of files as wastes/scrap wherein the file pertaining to the subject matter in question could have possibly been there and hence not traceable. He had also submitted that the former Director of School Education was suspended in this connection.

Further, he stated that had the applicant preferred an appeal to the FAA instead of complaint directly to the Commission, the public authority could have done something.

Shri. Pfosekho Pfotte, Advocate, the Legal Representative of the applicant, Shri Kahuto N. Achumi submitted that the applicant's wife was one of the the Graduate Teacher adhoc appointees under the establishment of the Deputy Inspector of Schools, Zunheboto whose services were extended for a period of 6 months i.e. up to 31.12.2001 or till the interview result was declared whichever was earlier. A copy of the Order No. ED/EL/T/3/98-99(Pt-1) dated 21.07.2001 containing the list of names of teachers whose services were extended was produced during the hearing. The applicant's wife had appeared for the interview, however, she was terminated from service and someone had been appointed in her place. Further, Shri. Pfosekho Pfotte the Legal Representative of the applicant deposed that no result was declared and the applicant was kept in the dark.

The Commission observed that the RTI application dated 05.02.2016 was received on 10.02.2016, however, till the date of the hearing on 14.06.2016, no information have been furnished to the applicant (now complainant). The total number of days from the date of receipt of the RTI application dated 05.02.2016 on 10.02.2016 to the date of the hearing on 14.06.2016 was 125 days. And taking into account of the 30 days time for the PIO to furnish the information to the applicant, the number of days of delay is worked out to be $125 - 30 = \mathbf{85 \text{ days}}$.

DECISION:

On the above observations and findings, the Commission decided that:-

1. the case is referred back to the public authority to be heard by the First Appellate Authority (FAA) of School Education **within 30 (thirty) days** from the date of receipt of this decision. A copy of the decision of the FAA be submitted to this Commission.

2. under Section 20(1) of the RTI Act, 2005, Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima is imposed a penalty for the delay of **85 days** @ Rs. 250.00 amounting to a total of **Rs. 21,250.00** (Rupees twenty one thousand two hundred and fifty only).

The penalty amount shall be paid within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fine shall be deposited into the government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima under the Head of Account given below, with a copy to this Commission:-

0070 - Other Administrative Services,
60 - Other Services
118 – Receipts under RTI Act, 2005.

Decision pronounced in the presence of all the parties on 14.06.2016.

Copy to:-

1. Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima, Mobile No. 9436000909.
2. The applicant (now complainant), Shri. Kahuto N. Achumi, Thilixu Village, 3rd Mile, Dimapur, Nagaland, Mobile No. 9402020278.
3. The legal representative of the applicant (now complainant), Shri. Pfosekho Pfotte, Advocate, Gauhati High Court, Kohima Bench, Kohima, Mobile No. 9774408129, email: pfosekho@yahoo.com.
4. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-
TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-
CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary