

**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/Appeal-1/2013-14

Dated Kohima, the 31<sup>st</sup> July, 2013.

**Appellant:** Mr. Devinder Sharma,  
A.I.I.I, Investigator & Loss Assessor,  
General Insurance Claims,  
Krishna Cottage,  
27-D, Dayal Bagh,  
Ambala Cantt, Haryana – 133001.  
Mobile No. 09876140198.

**Respondents:** 1. Shri. H. Achumi,  
Transport Commissioner & FAA,  
Transport & Motor Vehicles Department,  
Nagaland, Kohima - 797001.

2. Shri. Ihetto Achumi,  
District Transport Officer & PIO,  
Office of the District Transport Officer,  
Motor Vehicles Department,  
Wokha, Nagaland - 797111.

**Public Authority:** Office of the District Transport Officer,  
Motor Vehicles Department,  
Wokha, Nagaland

**Date & Time of first hearing:** 18.05.2013 (Saturday) at 1:00 PM

**Date of first Interim Decision:** 31.05.2013.

**Date & Time of second hearing:** 28.06.2013 (Friday) at 1:00 PM

**Date of second Interim Decision:** 19.07.2013.

**Date & Time of third & final hearing:** 31.07.2013 (Wednesday) at 1:00 PM

**Date of Final Decision:** 31.07.2013.

**Present:**

1. Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima.
2. Shri. Elias T. Lotha, Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima.
3. Shri. Ihetto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, Nagaland.
4. The appellant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001, Mobile No. 09876140198 **was not present.**

After the second hearing on 28.06.2013 (Friday) at 1:00 PM, the Commission in its second Interim Decision dated 19.07.2013 decided that:-

1. As agreed by Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima, Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland, being the Issuing Authority of the said Driving Licence, **should sign and submit the affidavit** to the Commission **within 10 days**, from the date of receipt of this Commission's Decision.
2. Shri. Iheto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, Nagaland, appear in person before this Commission during the next hearing along with the copies of his leave records, Medical Certificate, etc.
3. The next hearing shall be held on **31.07.2013 at 2:30 PM.**
4. The Commission recommends that the public authority take certain actions to streamline the discrepancies in the process of issuing Driving Licences.

Pursuant to the Interim Orders passed by the Commission on **31.05.2013** and **19.07.2013** on this case, the Commission held its **final hearing** on 31.07.2013 in which the following appeared:-

1. Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima.
2. Shri. Elias T. Lotha, Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima.
3. Shri. Iheto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, Nagaland. Medical Leave, certificates were produced.

The appellant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001, Mobile No. 09876140198 **did not appear**, though issued notice to appear.

### **FINDINGS AND OBSERVATIONS:**

The Commission perused the interim decision passed on 31.05.2013 and 19.07.2013, the facts of the case and the submissions made by the appellant, the Transport Commissioner & FAA, and Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima and after scrutiny of the affidavit filed by Shri. Iheto Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, on 30.07.2013 and also took into account the five (5) items of information sought by the appellant in his second appeal and status of receipt or non-receipt of information sought etc.

The mandate of the Nagaland Information Commission before whom the appellant filed a second appeal on 28.05.2012 seeking the five items of information is to facilitate the information sought being furnished to the appellant to the extent that the Public Authority is in possession of the same and is in a position to provide the same. The five items of information reflected in the second appeal filed by the appellant, Mr. Devinder Sharma are as follows:-

- i. All the pages of Passport of Mr. Sahil Gori;
- ii. Receipt of Driving Licence Fee deposited in the name of Mr. Sahil Gori;
- iii. Driving Test Report of the above stated Driving Licence issued to Mr. Sahil Gori;

- iv. Application of Mr. Sahil Gori for issue of above stated Driving Licence;
- v. Photostat copy of Dispatch Register showing the dispatch of the above stated Driving Licence & Dispatch No.

On the basis of the status of information furnished before the receipt of the second appeal and on a scrutiny of the affidavit filed by Shri. Ihet Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha on 30.07.2013, the Commission records its findings and observations on each item of information sought as under:-

1. **All the pages of Passport of Shri. Sahil Gori:** Confirmed that these documents have already been furnished to the applicant (now the appellant).
2. **Receipt of Driving Licence fee deposited in the name of Shri. Sahil Gori:** As per the statement given by the Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima and the affidavit filed by the DTO & PIO, Wokha at para 'B', it is stated that Driving Licence Fee receipt was generated in the Legacy application and an attested copy of it is duly attached as **Annexure II**. It was clarified by the DTO & PIO, Wokha and the Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima that receipt of the Driving Licence Fees are not issued in the conventional receipts but are computer generated in the legacy application which they have claimed is the attested copy filed alongwith the affidavit in **Annexure II**. The DTO & PIO, Wokha and the Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima have both stated that the document of **Annexure II** referred above can be deemed to be receipt of Driving Licence Fee deposited in the name of Mr. Sahil Gori.
3. **Driving Test Report of the above stated Driving Licence issued to Mr. Sahil Gori:** In the affidavit filed by Shri. Ihet Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha at para – 4, it has been admitted that **all formalities except Driving Test were followed**. The interpretation is that in respect of Mr. Sahil Gori who was issued a Driving Licence from the office of the DTO, Wokha on 12.04.2010, no Driving Test was conducted and hence **no Driving Test Report** was issued. The Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima and the DTO & PIO, Wokha stated that Driving Tests are to be conducted under the Motor Vehicles Act by Motor Vehicle Inspectors assigned to the DTO Office and the Driving Test Report is to be issued by him. The DTO & PIO, Wokha has admitted his **omission** in issuing Driving Licence to Mr. Sahil Gori **without conducting the Driving Test** being conducted and being issued by Motor Vehicle Inspector.

The Commission is of the view that though the issue of the Driving Licence to Mr. Sahil Gori without the conduct of Driving Test is highly irregular and is in contravention of the provisions of the Motor Vehicles Act, but since the DTO & PIO, Wokha has in his affidavit clearly admitted that no Driving Test was conducted in respect of Mr. Sahil Gori, there is no possibility of furnishing to the appellant a document (Driving Test Report) which as admitted, is not in existence/not issued.

4. **Application of Mr. Sahil Gori for issue of above stated Driving Licence:** Shri. Ihet Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha in his affidavit at para – 'A' stated that the Driving Licence in question was issued to the applicant in absentia on the **basis of the application** received

alongwith the proof of the identity address for which photocopies are duly attached as **Annexure – I**.

The finding of the Commission is that though the Driving Licence to Shri. Sahil Gori was issued on the basis of the application received by the DTO & PIO, Wokha Office in para- '3' of his affidavit, he has admitted that the application of Mr. Sahil Gori for Driving Licence could not be furnished to the applicant (now appellant) as the same could not be traced out. According to the DTO & PIO, Wokha, this application of Mr. Sahil Gori for Driving Licence was misplaced during the shifting from the old DTO office to the new DTO Office and hence they could not be traced out.

The Commission finds this situation intriguing and sees it to be a reflection of poor office documents management in the DTO Wokha Office. However, at this juncture, since the DTO & PIO, Wokha has **tacitly admitted** that this could not be furnished to the applicant as the same cannot be traced; it is obvious that the said document cannot at this juncture, can be made available to the appellant. However, the Commission shall issue directives to the Public Authority to constitute a Committee to check all the applications received during 2010 and make all out efforts to trace out the application purported to have been submitted by Mr. Sahil Gori.

5. **Photostat copy of Dispatch Register showing the dispatch of the above stated Driving Licence & Dispatch Numbers:** Vide his affidavit filed on 30.07.2013 at Para – 'D', Shri. Itho Achumi, District Transport Officer & PIO, Motor Vehicle Department, Wokha, has categorically stated that the Office does not maintain the Despatch Register for Driving Licence. However, they do maintain a Register wherein the details of the applicants alongwith authorization for Driving the type of vehicles are recorded. An attested photocopy is duly enclosed as **Annexure – IV**.

Since the DTO & PIO, Wokha has categorically stated that the Office does not maintain the Despatch Register and this has also been confirmed by the Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima, there is no question of any Despatch Register which is not maintained by the Department being furnished to the applicant. The Register referred to at para – 'D' enclosed as **Annexure – IV**, where details of applications are recorded alongwith photo of the applicants may be made available to the applicant. It is also observed that on the body of this **Annexure-IV** which is an extract of the Register referred to at para – 'D' of the affidavit, Mr. Devinder Sharma and Sushanta Sarkar had their names posted.

Notwithstanding the fact that this case has been unnecessarily prolonged and several serious lapses have, as admitted by the DTO & PIO, Wokha, in his affidavit, been committed while issuing a simple Driving Licence to Mr. Sahil Gori, and the position/status of the whole issue is now quite transparent, the Commission does not find any compelling grounds to prolong the hearing. Hence, taking into account all the facts of the case and the statements given by the DTO & PIO, DTO Office, Wokha, in his affidavit, the Commission hereby passes the following orders and declares the appeal case closed:-

1. That the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima issue directives to all the DTOs under him to strictly comply with all laid down formalities while issuing Driving Licences and streamline procedures in maintenance of office records.

2. That a copy of the affidavit filed by the DTO & PIO, Wokha alongwith all enclosed Annexures (I - IV) be furnished to the appellant.

Decision pronounced before all concerned on this day, the 31<sup>st</sup> July, 2013.

Copies be given to the parties:-

- i. Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima;
- ii. Shri. Iheto Achumi, District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland; and
- iii. The appellant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001.

Sd/-

**LALHUMA, IAS (Retd)**  
Chief Information Commissioner  
Nagaland Information Commission

Sd/-

**Kevinino P. Meru**  
State Information Commissioner,  
Nagaland Information Commission

Authenticated by:-

**(Soyimna Aier Koza)**  
Secretary,  
Nagaland Information Commission,  
Nagaland, Kohima.