

**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> May, 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. Iheto 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 hearing:** 18.05.2013 (Saturday) at 1:00 PM

**Date of Interim Decision:** 31.05.2013.

**Present:**

1. Shri. Elias T. Lotha, Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036 represented Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicles Department, Nagaland, Kohima.
2. Shri. A. Takomeren, Sr. Motor Vehicle Inspector & APIO, Office of the District Transport Officer, Motor Vehicle Department, Wokha, Nagaland, Mobile No. 9436403848 represented Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland.
3. 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.

**FACT OF THE CASE:**

Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001, had, while referring to an earlier letter written to the DTO, Wokha vide letter No. S&A:INV:UIC:2010-

11 dated 03.09.2011, filed a **RTI application vide S&A:INV:UIIC:2010-11 dated 19.09.2011** alongwith a fee of Rs. 10/- (Rupees ten only) vide IPO No. 00F 381503 addressed to PIO, District Transport Officer, Wokha – 797111, Nagaland, seeking verification report of Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 issued to Shri. Sahil Gori, S/o Shri. Rajesh Gori, alongwith payment particulars viz. Receipt No. Date of Receipt and Amount deposited with the DTO, Wokha.

Earlier, the appellant had, vide letter No. S&A:INV:UIIC:2010-11 dated 03.09.2011, stated that while investigating the Own Damaged (Total Loss) claim reported by the insured i.e. father of Mr. Sahil Gori for his Chevorlet Car No. HR-71 A-0301, detected some anomalies in the Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 issued to Mr. Sahil Gori by the DTO, Wokha, which was submitted in support of the claim. On scrutiny of the photocopy of the said Driving Licence, the RTI applicant had noticed certain serious points and required verification from the DTO, Wokha as follows:-

1. The permanent address on the face of the Driving Licence of the applicant, Mr. Sahil Gori has been stated as Village – Post Office Sadhaura District, Yamunanagar, Haryana State.
2. Doubts about the genuineness of the Driving Licence have been created, as under what circumstances the DTO, Wokha, Nagaland had issued Driving Licence to a permanent resident of Haryana State.
3. The applicant was/is a student living in Haryana State and studying abroad. He never resided at Wokha, Nagaland. What genuine document about applicant domicile of the Nagaland State had been produced?
4. The DTO officials had ignored the basic need for applicant domicile of the State.

The DTO, Wokha had, vide No. DTO/W/MV/10&11/2005/2164 dated 13.10.2011 and vide No. DTO/W/MV/10&11/2005/6397 dated 18.11.2011 furnished the **Verification report to the applicant**. However, the applicant had, vide letter No. S&A:INV:UIIC:2010-11 dated 26.11.2011, addressed to the FAA/DTO, Wokha, submitted that the information provided by the DTO, Wokha was somewhat incomplete in its nature on the grounds that:-

1. The DTO, Wokha had not provided the copy of the receipt issued by DTO, Wokha in lieu of prescribed fee for issue of DL to Sahil Gori, but rather attached a copy of D/Receipt dated 12.04.2010 for Rs. 120/- being the receipt by DTO, while accepting the original DL form from Mr. Sahil Gori for issue of DL.
2. Driving Test report of the applicant, Mr. Sahil Gori submitted to the DTO, Wokha for issue of DL for LMV(Professional). In case there was no driving test report of the applicant, Mr. Sahil Gori with the application form, then to inform him in order to complete his report for the insurer.

In response to the applicant's letter No. S&A:INV:UIIC:2010-11 dated 26.11.2011, the DTO, Wokha had again, vide No. DTP/W/MV-10-11/2005/6413 dated 20.12.2011 furnished **Verification of the D/L** to the applicant, Shri. Devinder Sharma. However, the applicant, vide letter No. S&A:INV:UIIC:2010-11 dated 13.01.2012, addressed to the FAA/DTO, Wokha, submitted that the **'DTO, Wokha, had not gone through the contents** of his letter of even No. dated 26.11.2011 carefully', and that he had demanded/asked for the following documents under the RTI Act, 2005:-

- 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.

He had also submitted that he did not ask for DL Verification report in his previous letters and had already sent Rs. 100/- vide Postal Order No. 29H-680765 for the supply of the above documents.

In response to the applicant's letter No. S&A:INV:UIC:2010-11 dated 13.01.2012, the DTO, Wokha furnished **Verification of the D/L** to the applicant vide letter No. DTP/W/MV-10-11/2005/2347 dated 16.02.2012. However, the applicant, vide letter No. S&A:INV:UIC:2011-12 dated 28.03.2012, addressed to the FAA/DTO, Wokha, submitted that the DTO, Wokha, had **repeatedly sent him the Verification Report of Driving Licence** No. 79853/NW/Prof/10 dated 12.04.2010 issued to Mr. Sahil Gori and not complying with the points asked in his earlier letter No. S&A:INV:UIC:2010-11 dated 13.01.2012, and alleging that **the said DL is fraudulent**. He also stated that the matter has been referred to the CBI/Police based on his report and had enclosed a clipping that appeared in the local daily newspaper.

The applicant had, vide letter No. S&A:INV:UIC:2011-12 dated 28.05.2012, addressed to Shri. P. Talitemjen Ao, IAS (Retd), the former CIC, Nagaland and with a copy to the DTO, Wokha, reiterated that for the last over one year, he had repeatedly requested the DTO, Wokha for the verification report of **Driving Licence** No. 79853/NW/Prof/10 dated 12.04.2010 issued to Mr. Sahil Gori alongwith certified copies of the following documents and sending them with devised fees with expenses for providing the information, which are:-

- 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.

However, till date the certified copies of the above requirement from Sl. No. (i) to (v) have still not been provided to him. He further stated that heavy fraudulent Driving Licences are issued to the seekers of Haryana State through middlemen without even complying with the devised norms and without even depositing the pre-requisite fees with the State exchequer.

In response to the applicant's letter No. S&A:INV:UIC:2011-12 dated 28.05.2012, the District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland had, vide letter No. DTO/W/MV/10&11/2005/2512 **dated 12.07.2012** furnished some information to the applicant(now appellent) as follows:-

- i. Documents: Enclosed photocopies of the Passport of Mr. Sahil Gori as Annexure –A.
- ii. Fee receipt: Computer generated Receipt No. WKA0015 dated 12.04.2010 (for Rs. 120/-) enclosed as Annexure –B. Original receipts for Driving Licence or Vehicles are collected by the owners. Therefore, it will not be available in the office. But data stored in the computer database is printed and enclosed as stated above.
- iii. Drive Test report: No such separate format as Test report is used. Therefore, the copy cannot be produced.

- iv. It is a fact that all works related to Motor Vehicles starts with the application therefore the application has been produced, but during the shifting to the new office building the application is being misplaced inspite of tireless effort.
- v. Dispatch Register & No.: Till now there is no such separate register as Driving Licence Dispatch Register. Therefore the same cannot be produced. The office has a D/L Record Register where all bio-data pertaining to the applicant is recorded for further reference and renewals. The above is photocopies and enclosed as Annexure –C.

However, on not being satisfied with the information as **it was incomplete**, the applicant had, vide his letter No. S&A: INV:UIC:2012/21 dated 28.07.2012 complained to the District Transport Officer, Motor Vehicle Department, Wokha, Nagaland with a copy to Shri. P. Talitemjen Ao, IAS (Retd), Chief Information Commissioner, Nagaland enclosing his earlier letters vide No. S&A: INV:UIC:2011-12 dated 28.05.2012 addressed to Shri. P. Talitemjen Ao, IAS (Retd), Chief Information Commissioner, Nagaland, No. S&A: INV:UIC:2011-12 dated 28.03.2012 addressed to the First Appellate Authority/ District Transport Officer, Wokha, Nagaland, reply of the District Transport Officer, Motor Vehicle Department, Wokha, Nagaland vide letter No. DTO/W/MV/10&11/2005/2512 dated 12.07.2012 and also newspaper clippings in Hindi.

And on receipt of the complaint letter No. S&A: INV:UIC:2012/21 dated 28.07.2012, the Commission had vide letter No. NIC/RTI-2/2012/362 dated 11.09.2012 advised the applicant to file first appeal to the proper authority i.e. the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima instead of the District Transport Officer, Motor Vehicle Department, Wokha, Nagaland and also informed that Shri. P. Talitemjen Ao, IAS (Retd) is now retired from this Commission and a new Chief Information Commissioner is now incharge.

And on the advice of the Commission's letter of even No. dated 11.09.2012, the applicant(now the appellant) had, vide letter No. S&A: INV:UIC:2012:21 dated 16.09.2012 submitted **first appeal** to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, stating that he had asked for the certified copies of the following documents of the Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 issued to Shri. Sahil Gori, S/o Shri. Rajesh Gori:-

- i. All the pages of Passport of Mr. Sahil Gori duly verified;
- ii. Certified copy of 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. Certified copy of 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. to Mr. Sahil Gori.

Meanwhile, the Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide Order No. TC/Estt/287/2011/1581-82 dated 10.10.2012 directed Shri. Iheto Achumi, DTO & PIO, Wokha to provide the information immediately to the applicant under intimation to his office, and further, to explain as to why necessary action should not be taken against him under the provisions of the RTI Act, 2005.

And in response to the Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima vide Order No. TC/Estt/287/2011/1581-82 dated 10.10.2012, Shri. Iheto Achumi, DTO & PIO, Wokha, in his letter No. DTO/W/MV-10-11/2005/6764

dated 31.10.2012 submitted that the information (**Verification of D/L**) had already been furnished to the applicant within the specific time vide letter No. DTP/W/MV-10-11/2005/2304 dated 18.10.2012.

The applicant had again, referring to the Order No. TC/Estt/287/2011/1581-82 dated 10.10.2012 of the Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima to the DTO, Wokha had, vide letter No. S&A:INV:UIIC:2012:21 dated 16.10.2012 requested the DTO, Wokha to provide the desired information as he urgently required to submit his investigation report to the insurer, which are:-

- i. Certified copies of all the pages of Passport of Mr. Sahil Gori duly verified;
- ii. Certified copy of Receipt of Driving Licence Fee deposited in the name of Mr. Sahil Gori. **The receipt earlier sent by the DTO, Wokha was without No., Name of applicant and without certification under the stamp of the DTO, Wokha;**
- iii. Driving Test Report of the above stated Driving Licence issued to Mr. Sahil Gori;
- iv. Certified copy of 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. to Mr. Sahil Gori.

Further, the applicant stated that he would understand if the above documents are not available in the office of the DTO, Wokha. **However, if the D/L Verification report is void, a written confirmation may be sent so that the matter may be closed.**

And in response, the DTO, Wokha had vide letter No. DTP/W/MV-10-11/2005/2304 dated 18.10.2012 furnished the **Verification of D/L** to the applicant.

Also, the applicant, in response to the Order No. TC/Estt/287/2011/1581-82 dated 10.10.2012 of the Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide letter No. S&A: INV:UIIC:2012:22-23 dated 21.10.2012, wrote to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, that with the reply of the DTO, Wokha vide letter No. DTO/W/MV/10&11/2005/2512 dated 12.07.2012, 'the DTO, Wokha had well tried to close the matter as per his experience', and a request to 'consider action against the DTO, Wokha for providing incomplete information despite repeated letters/reminders'.

- i. Sub-para 2, Fee receipt sent to him for Rs. 120/- only generated by computer on 12.04.2010 is without Sl. No., Name of the applicant and mode of payment made by the applicant, and that too was without any certification of the DTO, Wokha. Further, the DTO, Wokha is silent whether the amount of Rs. 120/- was full and final payment for the issue of the Heavy Commercial Driving Licence to Mr. Sahil Gori and had enclosed a copy of the receipt.
- ii. Sub-para 3 is violation of the Motor Vehicle Act for the issue of Heavy Commercial Driving Licence to the applicant, Mr. Sahil Gori.
- iii. Sub-para 4 which states that the complete file as well as application of the applicant stands missing was unbelievable.
- iv. For sub-para No. 5 speaks for itself. How the DTO, Wokha is sending the D/L Verification report is not understood.

And requested to 'intervene to unearth the scandal of Fake Driving Licences being issued by DTO, Wokha in Haryana through middlemen involved in corrupt practices'.

Again, the applicant, in continuation of his earlier letter of even No. dated 21.10.2012, had vide letter No. S&A: INV:UIC:2012: P-24 dated 26.10.2012 wrote to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, that 'the DTO, Wokha was so confused about/over verification of the Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 issued to Shri. Sahil Gori, **since on 18.10.2012, the DTO, Wokha verified the D/L for Motor Cycle/LMV as Professional valid for 3 years from 12.04.2010 to 11.04.2013 when the date of birth of the applicant is 21.03.1987, and that the D/L Verification dated 18.10.2012 would succeed all over his earlier verifications for Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 for Heavy Good Vehicles**'. The applicant also alleged that 'the DTO, Wokha was desperately trying to coverup his mis-deed for issue of fake D/L to Mr. Sahil Gori on one pretext or the other, and had requested to examine the fee deposit receipt for Rs. 120/- dated 12.04.2010 by the DTO, Wokha without any serial No., Name of the applicant etc. and to ensure/see whether Rs. 120/- was deposited on 12.04.2010 with the State exchequer on account of D/L fee for issue of D/L to Mr. Sahil Gori'.

And in response, the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, had, vide letter No. TC/Estt/287/2011/1770 dated 19.11.2012, informed the applicant that the verification of D/L No. 79853/NW/Prof/10 dated 12.04.2010 by '**the DTO, Wokha was done as per the records available in the office**'.

On not being satisfied with the reply of the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, had, vide letter No. TC/Estt/287/2011/1770 dated 19.11.2012, the applicant had, vide letters No. S&A: INV:UIC:2012: P-25 dated 26.11.2012, wrote to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima that the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, 'did not even bothered to go through the contents of his letters carefully, despite explaining the matter being very serious as an FIR stands lodged in Haryana against the reported D/L'. He further stated that before he would take up the matter with the Chief Information Commissioner, Nagaland Information Commission, sought reply from the DTO, Wokha on the following points:-

- i. Whether the Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 issued to Shri. Sahil Gori, S/o Shri. Rajesh Gori is for Motor Cycle/LMV as Professional D/L valid for 3 years from 12.04.2010 to 11.04.2013, when the date of birth of the applicant is 21.03.1987.
- ii. The fee deposit receipt for Rs. 120/- dated 12.04.2010 sent by the DTO, Wokha without any Serial No., Name of the applicant etc. for Rs. 120/- is deposited on 12.04.2010 with the State exchequer on account of D/L Fee of Mr. Sahil Gori with a confirmation from the DTO, Wokha that Rs. 120/- was full and final deposit of fee for issue of D/L to Mr. Sahil Gori.
- iii. As per Photostat copy of the Passport supplied by the DTO, Wokha, the last Rubber Stamp of Airport affixed on the Passport of Mr. Sahil Gori bears dated as 12.07.2011, and had questioned as to '**how the copy of the Passport with date as 12.07.2011 of Airport could be submitted to the DTO, Wokha for issue of D/L on 12.04.2010?**'

The applicant had requested to examine the matter in the light of his letters and above stated facts and sent him at the earliest.

Again the applicant had, vide letter No. S&A: INV:UIC:2013: P-1 dated 20.01.2013 wrote to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima that there was no response to his letter, dated 26.11.2012, though the information had been sought from the DTO, Wokha under the RTI Act, 2005. He had stated that 'he would take up the matter with the State Information Commission, Nagaland, Kohima for the continuance silence in not responding to his letters'.

On not getting any further response from the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima to his subsequent letters & reminders, the applicant(now the appellant) had preferred **second appeal** before the Commission vide letter No. S&A: INV:UIC:2013:P-1 dated **28.03.2013**, enclosing his first appeal vide letter No. S&A: INV:UIC:2012:21 dated 16.09.2012 and also his several letters & reminders to Shri. H. Achumi, Transport Commissioner, Government of Nagaland, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001, vide letters No. S&A: INV:UIC:2012:22-23 dated 21.10.2012, No. S&A: INV:UIC:2012: P-24 dated 26.10.2012, No. S&A: INV:UIC:2012: P-25 dated 26.11.2012 and No. S&A: INV:UIC:2013: P-1 dated 20.01.2013, and 'sought intervention of the Commission to direct the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima and the DTO, Wokha to provide him the complete information instead of confusing the matter as over a year had elapsed.'

The Commission scheduled the date of hearing on 18.05.2013 at 1:00 PM. to hear the appeal, giving opportunity to the parties, on **18<sup>th</sup> May, 2013 (Saturday) at 1:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/Estt/287/2012 (PT)/183 dated 13.05.2013 submitted that he could not attend the hearing on 18.05.2013 as he had to proceed on medical leave w.e.f. 14.05.2013, and had requested the Commission to permit Shri. Elias T. Lotha, Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima to represent him.

Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland had also, vide letter No. DTO/W/Per-1/2013/7078 dated 16.05.2013 submitted alongwith Medical Treatment Certificate and doctor's prescription that he could not attend the hearing on 18.05.2013 as he was suffering from Acute PIVD and was advised by his medical doctor to take complete rest for a week. He had, however, authorised Shri. A. Takomeren, Sr. Motor Vehicle Inspector & APIO, Office of the District Transport Officer, Motor Vehicle Department, Wokha, Nagaland to represent him.

### **OBSERVATIONS:**

During the hearing held on 18.05.2013, the Commission had observed the following:-

1. That the District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland had not only acted upon the RTI application dated 19.09.2011 and furnished the information, but also made all possible efforts in responding to all other subsequent letters of the applicant. As per records, the DTO & PIO, Wokha had furnished, on four (4) occasions to the applicant, the Verification report of the D/L No. 79853/NW/Prof/10 dated 12.04.2010.

2. The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima had also acted upon the first appeal dated 16.09.2012 by directing the DTO & PIO, Wokha to furnish the information and also replied to the applicant (now appellant) the outcome of the first appeal.
3. That both the respondents and the appellant had in some letters mis-quoted the dates making it difficult to examine the case and the records. The Commission advised that due care should be taken while referring to the correspondences.
4. That there was no consistency in the RTI application dated 19.09.2011 and the first appeal dated 16.09.2012 since the applicant had in some points, deviated from the information requested and the grounds of appeal. Also in the number of subsequent letters of the applicant (now appellant) to the DTO & PIO, Wokha and the TC & FAA, different/additional points were raised. Hence, the Commission advised that during the first appeal and second appeal, the applicant should stick only to the points of information requested in the original RTI application.
5. There is no record of hearing of the first appeal and hence no quasi-judicial orders passed by the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima.
6. During the hearing held on 18.05.2013, the appellant, in support of his earlier claims written to the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, vide letters No. S&A: INV:UIC:2012: 22-23 dated 21.10.2012 and No. S&A: INV:UIC:2012: P-25 dated 26.11.2012, questioned that with the copy of the Driving Licence and the passport of Mr. Sahil Gori, received as documentary evidence from the DTO & PIO, Wokha, how the DTO & PIO, Wokha could issue the D/L on 12.04.2010 when Mr. Sahil Gori was in Australia at the time of issue of the D/L.
7. That in support of his D/L application to DTO, Wokha, Mr. Sahil Gori had submitted the photostat copy of his Passport which was issued from Canberra, Australia with validity from 29.12.2009 to 28.12.2019. However, his passport bears the dates of his foreign travels in 2010 and 2011, which was after the date of issue of the D/L on 12.04.2010. **Hence, by inference, it is not possible for the DTO, Wokha to issue the D/L to Mr. Sahil Gori on 12.04.2010, even before his travels in 2011 as evidenced on his passport.**
8. Hence, during the hearing, the appellant stated that on receipt of the information from the District Transport Officer & PIO, Office of the District Transport Officer, Wokha, Nagaland, he was fully convinced that the Driving Licence issued to Mr. Sahil Gori was not a genuine one as it carried an entry of mismatched records and dates, and had insisted on demanding from the issuing authority i.e. District Transport Office, Wokha, Nagaland that, the Driving Licence No. 79853/NW/Prof/10 dated 12.04.2010 issued to Shri. Sahil Gori, S/o Shri. Rajesh Gori, be declared a **fake licence** as a remedy.
9. Shri. Elias T. Lotha, Deputy Transport Commissioner & PIO, Transport & Motor Vehicles Department, Nagaland, Kohima, who represented Shri. H. Achumi, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima and Shri. A. Takomeren, Sr. Motor Vehicle Inspector & APIO, Office of the District Transport Officer, Motor Vehicle Department, Wokha,



Nagaland who represented Shri. Iheto Achumi, District Transport Officer, Motor Vehicle Department, Wokha, Nagaland had also admitted that the issuing authority had committed certain lapses when the D/L was issued.

**DECISION (Interim):**

1. The Commission directs that the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima make its position clear by coming out with a statement of declaration of either **“denial”** or **“admission”** to the appellant’s assertion specifying the reason thereof in the form of an **Affidavit** and produce the same in the next hearing which is fixed on **28<sup>th</sup> June, 2013 (Friday) at 1:00 P.M.** The case shall be decided depending on the production of the said affidavit.
2. The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima is cautioned to take RTI matters seriously considering the time limits stipulated in the RTI Act, 2005 and also on receipt of First appeals to hear such appeals and pass quasi-judicial orders in future.
3. The Commission recommends that the public authority streamline the issue of D/L vis-à-vis the Sarathi/Vahan software and also maintain proper and accurate records.

Copies be given to the parties:-

- i. The Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima;
- ii. The 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/-  
**Kevinino P. Meru**  
State Information Commissioner,  
Nagaland, Kohima.

Sd/-  
**Bukchem Phom**  
State Information Commissioner,  
Nagaland, Kohima.

Authenticated by:-

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