

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-21/2013-14

Dated Kohima, the 5th August, 2014.

Appellant: Shri. Kiasinlak,
Head GB,
Ward No. 1,
Near Christian English School,
Jalukie Town,
Mobile No. 9402448760.

Respondent: 1. The Director & FAA, Urban Development, Nagaland,
Kohima.
2. Dr. Toshimanen Ozukum, Additional Director,
Municipal Affairs Cell, Urban Development,
Nagaland, Kohima.
3. Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO,
Directorate of Urban Development, Nagaland, Kohima.
4. The Executive Engineer & PIO, Works Division,
Directorate of Urban Development, Nagaland, Kohima.

Public Authority : Directorate of Urban Development, Nagaland, Kohima.

Date of first hearing : 21.04.2014 (Monday) at 1:00 PM.

Date of first decision : 21.04.2014

Date of second hearing : 31.07.2014 (Thursday) at 2:00 PM.

Date of Final decision : 05.08.2014.

Present:-

1. Shri. A. Zانبemo Nguillie, Joint Director, Urban Development, Nagaland, Kohima representing the FAA since Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima was out of station/State.
2. Dr. Toshimanen Ozukum, Additional Director & PIO, Municipal Affairs Cell, Urban Development, Nagaland, Kohima.
3. Shri. T. Temjen Jamir, Deputy Director (NUIS) & PIO, Directorate of Urban Development, Nagaland, Kohima.
4. Shri. Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.
5. Shri. Keneizezo, SDO (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
6. Shri. Zenyu Yore, JE (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
7. The applicant(now appellant), Shri. Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town, Mobile No. 9402448760 **did not appear** for the hearing.

FACTS OF THE CASE

Under Section 19 of the Right to Information Act, 2005, and in accordance to the Nagaland State Information Commission (Appeal Procedure) Rules, 2005, the Nagaland Information Commission had, **on 21.04.2014** heard the second appeal dated 11.02.2014 received from an applicant, Shri. Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town, Mobile No. 9402448760, against the non-response from the Director & FAA, Urban Development, Nagaland, Kohima to his first appeal dated 09.12.2013 which was submitted against the non-response of the concerned PIO to his RTI application dated 21.08.2013.

The date of hearing was preponed from 23.04.2014 to 21.04.2014 as requested by the Public Authority vide letter No. UDD/NUIS/RTI-51/2011/3/278 dated 31.03.2014 since the Director & FAA and the Executive Engineer & PIO, Works Division, Urban Development, Nagaland, Kohima had been selected to undergo study tour to Bangkok, Thailand from 23rd to 29th April, 2014.

The first hearing was held on **21.04.2014** (Monday) at 1:00 PM, with the following:-

1. Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima.
2. Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima.
3. Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima.
4. Er. Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.
5. Shri Inavi Chophy, SDO (UD) & APIO, Directorate of Urban Development, Nagaland, Kohima.
6. Shri Keneizezo, SDO (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
7. Shri Zenyu Yore, JE (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
8. Shri Elithung Lotha, S.I (U.D), Directorate of Urban Development, Nagaland, Kohima.

However, the applicant(now appellant), Shri. Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town, Mobile No. 9402448760 **did not appear** for the hearing.

The Commission had, after hearing passed decision on **21.04.2014**, stating that the appeal case shall be closed only after strict compliance to the directions of the Commission by all concerned.

And in pursuance to the decision of the Commission dated 21.04.2014, the Director & FAA, Urban Development, Nagaland, Kohima had, vide letter No. UDD-NUIS-RTI-51/2011/3/340 dated 22.04.2014 submitted that the letter No. UD/MAC/T-61/2012/58 dated 27.01.2012 addressed to the CEO/Administrator, Municipal and Town Council, Jalukie was written by the Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima which was the basis on which information was sought about the latest action taken on the DPRs submitted to the MAC Office, Urban Development.

In compliance to the **Point No. (iii)** of the above mentioned decision of the Commission dated 21.04.2014, the Commission had, vide letter No. UDD-NUIS-RTI-51/2011/3/345 dated 24.04.2014 received the report of the Inquiry Committee constituted in the office of the Directorate that there was

unintentional procedural deviation from accepted course and therefore, Shri. Enavi Chopy, Program Officer & APIO and Shri. Elithung, Statistical Investigator, Urban Development were censured for the lapses and further warned not to repeat such mistake in future.

However, the Commission have not received any compliance to it's decision dated 21.04.2014 at **Point No. (i)** from the Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima and also for **Point No. (ii)** from the Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.

Therefore, the Commission had decided to hear the appeal, giving opportunity to the parties, on **31st July, 2014 (Thursday) at 2:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS & FINDINGS:

The applicant(now the appellent) did not appear before the Commission during the hearing held on 31.07.2014 and without any intimation to the Commission.

Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima had vide letter No. UDD-NUIS-RTI-51/2011/3/710 dated 19.07.2014 informed the Commission that due to some urgent matter which required his presence outside the State, he had nominated Shri. A. Zانبemo Ngullie, Joint Director, Urban Development, Nagaland, Kohima to represent the FAA during the hearing.

Regarding **Point No. (i)** of the Decision of the Commission dated 21.04.2014, during the hearing on 31.07.2014, Dr. Toshimanen Ozukum, Additional Director & PIO, Municipal Affairs Cell, Urban Development, Nagaland, Kohima had submitted that he had already furnished the information to the applicant(now appellent) and after the information was received, the applicant(now appellent) had submitted a withdrawal letter of the RTI application and requested that all ongoing proceedings on the matter be dropped, stating the grounds that since the DPR for taking up works under the CPF (Community Participation Fund) Scheme sent to the Ministry of Urban Development, New Delhi is yet to be finalised and that no fund has been sanctioned either by the Government of India or by the Nagaland State Government and no fund has been drawn or utilised against the above works.

Dr. Toshimanen Ozukum, Additional Director & PIO, Municipal Affairs Cell, Urban Development, Nagaland, Kohima had submitted that he had, vide letter No. UD/MAC/JTC/2012 dated 16.06.2014 forwarded **by ordinary post**, the copies of the withdrawal letter of the RTI application submitted by the applicant(now appellent) to the Director & FAA, Urban Development, Nagaland, Kohima and with a copy to this Commission.

However, Shri. A. Zانبemo Ngullie, Joint Director, Urban Development, Nagaland, Kohima who represented the FAA, submitted that the Directorate of Urban Development, Nagaland, Kohima **did not receive** the withdrawal letter of the RTI application forwarded by Dr. Toshimanen Ozukum, Additional Director & PIO, Municipal Affairs Cell, Urban Development, Nagaland, Kohima. The Commission had also not received the copy of the withdrawal letter forwarded by Dr. Toshimanen Ozukum, Additional Director & PIO, Municipal Affairs Cell, Urban Development, Nagaland, Kohima. Therefore, the Commission termed the withdrawal letter of the RTI application submitted by the applicant(now appellent) as not tenable.

And also Er. Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima had, vide letters No. EE/UD/RTI/2011-12 dated 23.06.2014 and 21.07.2014 submitted to the Commission, the compliance to the **Point No. (ii)** of the Decision of the Commission dated 21.04.2014.

DECISION:

On the above observations and findings, since in compliance to the **Point No. (i)** of the Decision of the Commission dated 21.04.2014, Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima had furnished the information to the applicant(now appellant), and on receipt of the information so furnished, the applicant(now appellant) had submitted withdrawal letter of the RTI application and requested that all ongoing proceedings on the matter be dropped; and also that Er. Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima had submitted compliance to the **Point No. (ii)** of the Decision of the Commission dated 21.04.2014, the Commission decides that this appeal case be **closed.**

Decision pronounced in the presence of all concerned.

Copies be given to:-

1. Shri. Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima.
2. Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima.
3. Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima.
4. Er. Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.
5. The applicant(now appellant), Shri. Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town, Mobile No. 9402448760.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website.
7. Office copy.

Sd/-

BUKCHEM PHOM

State Information Commissioner,
Nagaland

Authenticated by:-

(SOYIMNA AIER KOZA)

Secretary

Nagaland Information Commission