

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291798, Fax: 2291774, Website: www.nlsic.gov.in**

No. NIC/Appeal-9/2013-14

Dated Kohima, the 18<sup>th</sup> January, 2014.

**Subject: Closing of appeal case.**

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission had received a second appeal dated 20.09.2013 from an appellant, Shri. Vihuto Yephthomi, GB & Chairman, Village Council Khukishe, B.P.O Aghunato, Zunheboto, stating that he did not receive any information to his RTI application dated 03.11.2012 and also against the unsatisfactory reply of the Additional Deputy Commissioner (Hq) & PIO, Office of the Commissioner, Nagaland, Kohima to his first appeal dated 30.07.2013.

AND WHEREAS the applicant had earlier submitted a RTI application dated 03.11.2012 alongwith application fee of Rs. 10/- addressed to the Deputy Commissioner, Zunheboto, Nagaland, seeking information on three (3) queries:-

- i. Amount sanctioned against Khukishe Village under the 13<sup>th</sup> Finance Commission Award during 2010-11.
- ii. List of villages in Zunheboto District which have benefitted under the 13<sup>th</sup> Finance Commission Award with amount sanctioned against each.
- iii. A copy of guidelines for implementing the schemes to be taken under the Award.

AND WHEREAS on receipt of the RTI application dated 03.11.2012 by the Personal Assistant to the Deputy Commissioner, Zunheboto, Nagaland on 06.11.2012 and on not getting any response from the Deputy Commissioner, Zunheboto, Nagaland, the applicant had preferred first appeal dated 30.07.2013 before the Office of the Commissioner, Nagaland, Kohima.

AND WHEREAS on receipt of the first appeal dated 30.07.2013, Smti. Akumla Chuba, Additional Deputy Commissioner (Hq) & PIO, Office of the Commissioner, Nagaland, Kohima had, vide letter No. RTI/ZBTO/2005/2128 dated 23.08.2013 returned the RTI application dated 03.11.2012 in original to the applicant on the ground that as per the RTI Rules, the PIO is the ADC of the Deputy Commissioner's office in all the districts, the Deputy Commissioners are the First Appellate Authorities, and Nagaland Information Commission is the Second Appellate Authority, alongwith an enclosed copy of the Government's OM No. AR-7/RTI-4/2006 dated 24.06.2009. Further, the applicant was advised to file first appeal before the First Appellate Authority i.e. Deputy Commissioner, Zunheboto, Nagaland and further, if not satisfied, a second appeal may be submitted to the Nagaland Information Commission, Nagaland.

AND WHEREAS the applicant had filed a second appeal dated 20.09.2013 before this Commission, stating that the Commissioner, Nagaland, Kohima is the Head of the General Administration Department and that the Deputy Commissioner is in control of only one district and hence cannot be designated as the First Appellate Authority.

AND WHEREAS the Commission had observed that, in the first place, the RTI application dated 03.11.2012 should have been submitted to the Additional Deputy Commissioner & PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland and subsequently, the first appeal also should have been submitted to the Deputy Commissioner & First Appellate Authority, Zunheboto, Nagaland, within 30 days from the date of expiry of the time limit of 30 days for the PIO to reply.

AND WHEREAS, since the Commission had accepted the reasons for the applicant's inability to submit the first appeal on time in his second appeal dated 20.09.2013 before the Commission, the Commission had, vide letter of even No. dated 29.00.2013 directed the Deputy Commissioner & First Appellate Authority, Zunheboto, Nagaland to take up the first appeal dated 30.07.2013 and hold a hearing of the parties and pass quasi-judicial order/decision, with a copy to this Commission, latest by **10<sup>th</sup> January, 2014 positively.**

AND WHEREAS in compliance to the directive of the Commission dated 29.11.2013, the Deputy Commissioner & First Appellate Authority, Zunheboto, Nagaland had, vide letter No. DCZ/RTI-1/2010-11/1159 dated 20.12.2013 submitted a copy of the decision/judgement on the first appeal dated 30.07.2013, stating that after hearing all the concerned parties on 20.12.2013, the information sought were furnished to the applicant and was received on 20.12.2013 as evidenced on the copy of the receipt given by the applicant(now appellant) and hence resolved the case to the satisfaction of all the parties.

AND WHEREAS there is no further complaint from the appellant even after sufficient time had elapsed, suggesting that the applicant was satisfied with the information so provided and that the applicant has no interest to pursue the case further, the Commission decided to declare the case closed.

NOW THEREFORE, the following persons/parties are notified that the appeal case is hereby declared closed:-

- i. Shri. L. Akato Sema, NCS, Deputy Commissioner & First Appellate Authority, Office of the Deputy Commissioner, Zunheboto, Nagaland.
- ii. Smti. Akumla Chuba, NCS, Additional Deputy Commissioner (Hq) & PIO, Office of the Commissioner, Nagaland, Kohima.
- iii. Shri. Vihuto Yephthomi, Chairman, Village Council Khukishe, B.P.O Aghunato, Zunheboto.

**(WORHONTHUNG EZUNG)**

Under Secretary

Copy to:-

1. The P.P.S. to the Hon'ble Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner(K), Nagaland Information Commission for kind information of the SIC.
3. The P.A to the State Information Commissioner(B), Nagaland Information Commission for kind information of the SIC.
4. Shri. L. Akato Sema, NCS, Deputy Commissioner & First Appellate Authority, Office of the Deputy Commissioner, Zunheboto, Nagaland.
5. Smti. Akumla Chuba, NCS, Additional Deputy Commissioner (Hq) & PIO, Office of the Commissioner, Nagaland, Kohima.
6. Shri. Vihuto Yephthomi, Chairman, Village Council Khukishe, B.P.O Aghunato, Zunheboto.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office copy.