

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-11/2013-14

Dated Kohima, the 20th December, 2013.

Subject: Notice for Hearing on 23rd January, 2014 (Thursday) at 1:00 PM.

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission have received a Second Appeal dated 13.12.2013 from an appellant, Shri. Toiho Y. Tuccu, Notun Bosti, River Belt Colony, H/No. 170, Blessing Apartment, Dimapur, Mobile No. 08575494777/ 08730934487, stating that he was not satisfied with the reply of the Commissioner of Excise & First Appellate Authority, Excise, Nagaland, Dimapur to his First Appeal dated 04.11.2013, and which was submitted against the unsatisfactory response of the Additional Commissioner of Excise, Nagaland, Dimapur 30.09.2013 to his RTI application dated 09.09.2013.

AND WHEREAS, the applicant had earlier submitted a RTI application dated 09.09.2013 alongwith the prescribed fee of Rs. 10/- paid in cash, addressed to the PIO, Excise, Nagaland, Dimapur requesting to furnish the following information:-

1. Service Book of Gazetted Officers.
2. Promotion system alongwith Orders (2011-13)
3. Excise Association, whether registered or not and power and functions.
4. Destruction Certificate of liquor and drugs w.e.f. 01.01.2005.
5. Appointment procedures i.e. whether appointment is given before or after retirement.
6. Department Service Rules.

AND WHEREAS, the Deputy Commissioner of Excise & PIO, Excise, Nagaland, Dimapur had acknowledged receipt of the RTI application dated 09.09.2013 and the prescribed fee of Rs. 10/- in cash vide Excise Revenue Receipt Sl. No. 7333 and Book No. 74 on 23.10.2013.

AND WHEREAS, Shri. Bendangtoshi Ao, Additional Commissioner of Excise, Nagaland, Dimapur had vide letter No. EX-5/6/08/752 dated 30.09.2013 furnished the information to the applicant as follows:-

1. Service Book of Gazetted Officers.
Ans: The information required is not understood.
2. Promotion system alongwith Orders (2011-13).
Ans: Promotions are given as per the Nagaland Excise Service (Revised) Rules, 1999. Photocopy of promotion orders enclosed.
3. Excise Association, whether registered or not and power and functions.
Ans: The Excise Association is a registered one. Powers and functions of the Association is outside the purview of this Department.
4. Destruction Certificate of liquor and drugs w.e.f. 01.01.2005.
Ans: Copy of Destruction Certificate enclosed.

5. Appointment procedures i.e. whether appointment is given before or after retirement.

Ans: Appointments are given against clear available vacancies subject to the approval of the Government and the appointees are allowed to join in service only after the concerned incumbent vacate the post.

6. Department Service Rules.

Ans: Booklet of Nagaland Excise Service (Revised) Rules, 1999 enclosed.

AND WHEREAS, on being not satisfied with the reply of the Additional Commissioner of Excise, Nagaland, Dimapur, the applicant had preferred a First Appeal dated 04.11.2013 before the Commissioner of Excise & First Appellate Authority, Excise, Nagaland, Dimapur, which was received by the Public Authority on 04.11.2013, stating that the following grounds:-

1. The information at Sl. No. 1 was not furnished.
2. The information furnished at Sl. No. 2 was not satisfactory.
3. Partial information were furnished against Sl. No. 3, 4 and 5 which were not complete/satisfactory.

AND WHEREAS, on receipt of the First Appeal dated 04.11.2013, Shri. Maongwati Aier, Commissioner of Excise, Nagaland, Dimapur had, vide letter No. EX-5/6/08/251 dated 02.12.2013 replied that:-

- i. *Service Books are confidential Book/documents which are subject to periodical verifications by the Accountant General, Nagaland only. The Department will be able to furnish any specific information pertaining to any individual officers only.*
- ii. *Promotions are given on merit-cum-seniority basis as per Government policy on the matter. According to draft Service Rules, direct entry can be made in the levels of Inspector, AIE, Head Constable and Constables for field staffs and LDA-cum-Computer Assistant in the Ministerial Service. The ratio of posts to be filled up by Direct Recruitment and Departmental promotions are as follows:-*
 - a. *Inspector of Excise - 50% + 50%*
 - b. *Assistant Inspectors - 50% + 50%*
 - c. *Head Constables - 25% + 75%*
 - d. *Constables - 100%*

AND WHEREAS, on receipt of the above reply dated 02.12.2013 to his First Appeal, the applicant(now appellant) had preferred a Second Appeal dated 13.12.2013 before the Nagaland Information Commission.

AND WHEREAS, this Commission has decided to hear the appeal, giving opportunity to the parties, on **23rd January, 2014 (Thursday) at 1:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

NOW THEREFORE, it is notified that the following concerned are directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

- i. Shri. Maongwati Aier, Commissioner of Excise & First Appellate Authority, Nagaland, Dimapur.

- ii. Shri. Bendangtoshi Ao, Additional Commissioner of Excise, Nagaland, Dimapur
- iii. The applicant(now appellant), Shri. Toiho Y. Tuccu, Notun Bosti, River Belt Colony, H/No. 170, Blessing Apartment, Dimapur, Mobile No. 08575494777/ 08730934487.

(SOYIMNA AIER KOZA)
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. Maongwati Aier, Commissioner of Excise & First Appellate Authority, Nagaland, Dimapur.
5. Shri. Bendangtoshi Ao, Additional Commissioner of Excise, Nagaland, Dimapur
6. The applicant(now appellant), Shri. Toiho Y. Tuccu, Notun Bosti, River Belt Colony, H/No. 170, Blessing Apartment, Dimapur, Mobile No. 08575494777/ 08730934487.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.