

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-20/2016-17

Dated Kohima, the 21st March, 2018.

Appellant : Shri. Vikheto Zhimomi,
RTI Activist,
P.R. Hill, Kohima,
Mobile No. 9089896123/9615115300

Respondents : (i) The Chief Engineer & First Appellate Authority,
PHED, Nagaland, Kohima.

(ii) The concerned & PIO,
Office of the Chief Engineer,
PHED, Nagaland, Kohima.

Public Authority : Office of the Chief Engineer,
PHED, Nagaland, Kohima.

Date of hearing : 17.01.2017 at 1:00 PM.
Date of Interim Decision : 03.05.2017.

Date of second hearing : 05.09.2017 at 11:00 AM.
Date of second Decision : 21.09.2017.

Date of third hearing : 13.03.2018 at 1:00 PM.
Date of third Decision : 21.03.2018.

Present:

1. Er. Yhusinlo Tep, Director, WSSO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436000732.
2. Er. Repangyangpa Longkumer, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
3. Shri. Jonthong Khiam, Technical Assistant & RTI in charge, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436009851.
4. The applicant (now appellant), Shri. Vikheto Zhimomi, RTI Activist, P.R. Hill Kohima, Mobile No. 9089896123/9615115300 was not called for the hearing since he was satisfied with the information.

FACT OF THE CASE

The Commission had, after the second hearing held on 05.09.2017 at 11:00 AM passed its decision vide even No. dated 21.09.2017 wherein the Executive Engineers of Mokokchung and Peren Divisions were directed to submit compliance within two (2) weeks from the date of issue of the Decision, with a copy to the Commission. However, on not getting any response or compliance to its decision dated 21.09.2017, the Commission had, vide directive of even No. dated 08.11.2017

directed the Addl. Chief Engineer & PIO, PHED to submit compliance within two (2) weeks from the date of issue of the directive.

Er. Repangyangba Longkumer, Addl. Chief Engineer & PIO (formerly the SE & APIO), O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No. CE/PHE/M/RTI/2006-07/31-33 dated 16.11.2017 submitted to the Commission stating that the two defaulting Divisions i.e. Mokokchung and Peren had already complied to the Decision of the Commission, and had enclosed copies of the compliance reports submitted to the Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima by the Executive Engineer & PIO, PHED Peren Division, Peren, Nagaland vide letter No. EE/PHE/PRN/RTI/2016-17 dated NIL in compliance to Point No. 1 of the decision of the Commission, and also by the Executive Engineer & PIO, PHED, Mokokchung, Nagaland vide letter No. EE/PHE/MKG/RTI/2007-08 dated 19.10.2017 in compliance to Point No. 2 of the decision of the Commission.

The applicant (now appellant) had, vide letter dated NIL submitted to the Commission stating that he had received **satisfactory information** from the PHED and hence requested the Commission to close the case.

Since there was delay in furnishing the information to the applicant (now appellant) and in order to ascertain the cause of the delay, the Commission has decided to hear the appeal again, giving opportunity of being heard to the parties on **13th March, 2018 (Tuesday) at 1:00 P.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The Commission observed that the RTI application dated 22.06.2016 was received on 27.06.2016 and on receipt of the application, it was endorsed to the Senior Accounts Officer who had transferred to all the Divisions on 28.06.2016 requesting to submit the information by 15.07.2016. And on receipt of the information from the Divisions on 26.07.2016, the Sr. AO had submitted the information to the Superintending Engineer (M&I) & APIO on **26.07.2016**, who had further forwarded the information to the Addl. CE & PIO on **28.07.2016**, for onward furnishing to the applicant. However, as observed in the last hearing, since the PIO could intimate the applicant and furnish the information only on **03.08.2016**, which was after the 30 days period, the cost of information amounting to **Rs. 8982/-** (Rupees eight thousand nine hundred and eighty only) realised from the applicant (now appellant) was refunded and the information provided **free of cost**. Hence, the period from 28.07.2016 to 03.08.2016, there was a delay of **seven (7) days**, for which penalty was attracted.

During the hearing, Er. Repangyangba Longkumer, who was the SE & APIO and now the Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima informed that Er. J. Walter Longchar, the then Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima had retired from government service on superannuation. He further stated that though the former Addl. Chief Engineer & PIO had written the letter on **28.07.2016** regarding furnishing of the information to the applicant, the information could be furnished only on **03.08.2016** due to some communication gap. He admitted that there was some delay and had requested the Commission to condone the delay since the information had to be collected from the Divisions which was time taking.

The Commission was convinced with the above submission of the PIO for the delay. Further, since the cost of information was refunded and that the applicant (now appellant) had, vide

letter dated NIL submitted satisfaction of the information so furnished to him, the Commission took a lenient view and condoned the delay of seven (7) days from 28.07.2016 to 03.08.2016.

DECISION:

On the above observations and findings, since the applicant (now appellant) had expressed satisfaction with the information so furnished to him and that the delay of seven (7) days condoned by the Commission, no further action was required and hence the appeal case is **disposed of**.

Decision pronounced in the presence of the respondents on 13.03.2018 at 1:00 PM.

Copy be given to the following parties:-

1. The Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima.
2. Er. J. Walter Longchar, former Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima (now retired).
3. Er. Yhusinlo Tep, Director, WSSO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436000732.
4. Er. Repangyangpa Longkumer, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
5. The applicant (now appellant), Shri. Vikheto Zhimomi, RTI Activist, P.R. Hill Kohima, Mobile No. 9089896123/9615115300.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Secretary