

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-20/2016-17

Dated Kohima, the 21st September, 2017.

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.

Present:

1. Er. Yhusinlo Tep, Addl. Chief Engineer & present PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436000732.
2. Er. Repangyangpa Longkumer, Superintending Engineer (M&I) & APIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
3. Er. Vikuosa Khape, Executive Engineer & PIO, PHED, Peren, Mobile No. 9436601659.
4. Er. N. Yanger Pongen, Executive Engineer & PIO, PHED, Mokokchung, Mobile No. 9436006067.
5. Shri. Jonthong Khiam, Technical Assistant & RTI in charge, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436009851.
6. The applicant (now appellant), Shri. Vikheto Zhimomi, RTI Activist, P.R.Hill Kohima, Mobile No. 9089896123/9615115300.

FACT OF THE CASE

The Commission had, after hearing the parties on 17.01.2017 at 1:00 PM. passed an Interim Decision dated 03.05.2017. And in compliance, the Additional Chief Engineer & PIO, PHED, Nagaland, Kohima had, vide letter No. CE/PHE/RTI/2005 dated 02.06.2017 and letter No. CE/PHE/RTI/2005 dated 03.06.2017 furnished the information to the applicant (now appellant). However, on receipt of the information, the applicant (now appellant) had, vide letter dated 27.06.2017 submitted non-satisfaction of the following information furnished to him.

- i. *Regarding point no. 1 (a) of the interim decision dated 03.05.2017 relating to bills prepared with the same handwriting for different Divisions by one person, the PIO of both Mokokchung and Longleng Divisions had given clarifications which were satisfied. However, the Peren Division did not give any clarifications.*
- ii. *Regarding point no. 1 (b) of the interim decision dated 03.05.2017 relating to the unsigned APRs, the clarifications given by Longleng Division is satisfied, however, the clarifications given by Mokokchung Division was not satisfactory.*
- iii. *only Longleng Division had clarified satisfactorily whereas Mokokchung Division was not satisfied, and Peren Division did not furnish any information.*
- iv. *Regarding point no. 1 (d) of the interim decision dated 03.05.2017, only Mokokchung, Longleng and Mon Divisions had furnished the completion certificates.*

- v. *Regarding point no. 2 of the interim decision dated 03.05.2017, the PIO had returned the cost of information of Rs. 8982/- (Rupees eight thousand nine hundred and eighty two only).*

The Commission has decided to hear again the appeal, giving opportunity to all the parties on 5th September (Tuesday), 2017 at 11:00 A.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima and had directed the following concerned 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.

OBSERVATIONS AND FINDINGS:

The Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima and Er. J. Walter Longchar, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima did not appear for the hearing. The Commission was informed that Er. J. Walter Longchar, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima had retired from government service on superannuation. The then Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima had also retired from government service on voluntary retirement.

During the hearing, the applicant (now appellant) had expressed satisfaction in regard to the **Point No. 1(a)** of the interim decision dated 03.05.2017 which was provided by Er. Vikuosa Khape, Executive Engineer & PIO, PHED, Peren Division vide letter No. CE/PHE/RTI/2005 dated 21.08.2017 clarifying that for the smooth functioning and monitoring of the SBMG works under Peren Division, the SDO, PHED, Peren Division was authorized to oversee/supervise all such works and hence entitled to prepare all bills pertaining to SBMG and thus, all such bills bore the same handwriting.

In regard to **Point No. 1(b)** of the interim decision dated 03.05.2017 relating to the unsigned APRs (Actual Payee Receipts) in respect of Peren Division, the Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland had, vide letter No. CE/PHE/RTI/2005 dated 21.08.2017 clarified that during the compilation of the RTI replies, the unsigned APRs which were kept ready for payment was furnished due to oversight. However, since the work had been completed and payment made, the duly signed APRs for the month of November 2016 were furnished. However, the applicant (now appellant) submitted that he was not satisfied with the clarification and he wanted to know from the Executive Engineer & PIO, PHED, Peren as to whether the APRs were prepared before the completion of the contract works or after the completion of the contract works. Further, the applicant (now appellant) pointed out that there were some discrepancies in the APRs since in some APRs, the WATSAN Chairman and the SDO, PHED, Peren had appended their signatures whereas in some APRs the signature of the WATSAN Chairman and the SDO, PHED, Peren were not appended though the APRs were dully filled up, particularly the APRs against Bill No. 25(1) and 30 wherein two different APRs for the same amount of money were furnished to him.

In response to the query posed by the applicant (now appellant), Er. Repangyangpa Longkumer, Superintending Engineer & APIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, submitted that the APRs were kept ready without any signature and once the works were completed and funds were made available, the concerned authorised officer and the contractor signed on the APRs after making the payments. The APIO was of the view that since some APRs did not bear the signature of the contractors and the authorized officer, those APRs could not be considered as payments. However, the applicant (now appellant) was not satisfied with the above submission.

Regarding Mokokchung Division, Er. N. Yanger Pongen, Executive Engineer & PIO, PHED, Mokokchung submitted that instead of furnishing photocopies of both the front and back side of the bills/challans, the Division had furnished photocopies of only the front portion of the bills/challans due to oversight and admitted the mistake. However, the applicant (now appellant) pointed out that even in the photocopies of the front portion of the bills/challans furnished to him, some were signed afresh by the contractors on the photocopies and some were not signed. In this connection, the applicant (now appellant) questioned as to how the original bills/challans were accepted and passed without the signature of the contractors by the Mokokchung Division and later submitted to the Accountant General's Office.

In response to this, the Executive Engineer, PHED, Mokokchung submitted that the matter has been taken up with the Accounts Officer in the Accountant General's Office for rectification. On not being satisfied with the information furnished to him, the applicant (now appellant) had requested the Commission to allow him to inspect and cross check the photocopies of the bills/challans furnished to him with the original records available in the Mokokchung Division.

As observed in the last hearing held on 17.01.2017 at 1:00 PM, the Commission had pointed out that from the date of the letter of the former Addl. Chief Engineer & PIO on **28.07.2016** regarding furnishing of the information to the applicant (now appellant) till the date of intimating the applicant (now appellant) telephonically by the PIO on **03.08.2016 at 1:58 PM** to collect the information, which the applicant (now appellant) had also confirmed to have received on **03.08.2016**, there was a gap of **seven (7) days**. In this regard, the Commission shall give its final decision in the next hearing.

DECISION:

On the above observations and findings, the Commission decided that:-

1. Er. Vikuosa Khape, Executive Engineer & PIO, PHED, Peren Division shall clarify to the applicant (now appellant) as to why some APRs bore the signatures of the WATSAN Chairman and SDO, PHED, Peren whereas some did not bear the signatures of WATSAN Chairman and SDO, PHED, Peren, particularly in respect of the APRs against Bill No. 25(1) and 30 wherein two different APRs for the same amount of money was recorded, **within 2 (two weeks)** from the date of issue of this decision with a copy to this Commission.
2. Er. N. Yanger Pongen, Executive Engineer & PIO, PHED, Mokokchung Division shall allow the applicant (now appellant) to inspect and cross check the photocopies of the challans/APR with the original records available in the Mokokchung Division, **within 2 (two weeks)** from the date of issue of this decision and submit compliance report to this Commission.

On receipt of the above compliances, the Commission shall hear the appeal case again which shall be notified later.

Decision pronounced in the presence of all the parties on 05.09.2017 at 12:00 PM.

Copy be given to:-

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, Addl. Chief Engineer & present PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436000732.
4. Er. Repangyangpa Longkumer, Superintending Engineer (M&I) & APIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
5. Er. Vikuosa Khape, Executive Engineer & PIO, PHED, Peren, Mobile No. 9436601659.
6. Er. N. Yanger Pongen, Executive Engineer & PIO, PHED, Mokokchung, Mobile No. 9436006067.
7. The applicant (now appellant), Shri. Vikheto Zhimomi, RTI Activist, P.R.Hill Kohima, Mobile No. 9089896123/9615115300.
8. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
9. Office Copy.

Sd/-

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-

CHANBEMO LOTHIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary