

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-3/2016-17

Dated Kohima, the 22nd September, 2016.

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

Respondents : (i) Commissioner & Secretary and First Appellate Authority,
Works & Housing Department,
Government of Nagaland
Nagaland, Kohima.

(ii) The Deputy Secretary & PIO,
Works & Housing Department,
Government of Nagaland
Nagaland, Kohima.

Public Authority : Works & Housing Department,
Government of Nagaland,
Nagaland, Kohima.

Date of hearing : 14.06.2016 at 11:00 AM.
Date of Decision : 30.06.2016.

Date of second hearing : 07.09.2016 at 11:00 AM.
Date of second Decision : 22.09.2016.

Present:

1. Shri. Himato Zhimomi, Commissioner & Secretary and FAA, Works & Housing Department, Nagaland, Kohima, Mobile No. 9436061415.
2. Shri. Nokchasashi, Deputy Secretary & PIO Works & Housing Department, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436831044.
3. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
4. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.

The Engineer-in-Chief & FAA, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima did not appear for the hearing.

FACT OF THE CASE

The Commission had heard the second appeal dated 16.05.2016 on 14.06.2016 at 11:00 AM submitted by Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123, against the unsatisfactory information received from the PIO, Works & Housing Department, Government of Nagaland, Nagaland, Kohima in response to his First Appeal dated 12.04.2016 which was submitted against the non response to his RTI Application dated 01.03.2016 within the stipulated time period.

And after hearing the parties on 14.06.2016 at 11:00 AM, the Commission had passed decision vide even No. dated **30.06.2016**.

In compliance to **Point No. 1** of the Commission's decision of even No. dated 30.06.2016, Shri. Nokchasashi, Deputy Secretary & PIO Works & Housing Department, Government of Nagaland, Nagaland, Kohima had, vide letter No. WH/EST/64/2013(PT)/119 dated 21.06.2016 re-furnished the corrected Annexure-E regarding the appointments of JEs and SDOs made during the year 2015 to the applicant (now appellant) and with a copy to the Commission.

Also, in compliance to **Point No. 2** of the Commission's decision vide even No. dated 30-06-2016, the Deputy Secretary & PIO, Works and Housing Department had, vide letter No. WH/ESTT/64/2010 dated 15-07-2016 refurnished to the applicant (now appellant), the information alongwith the copy of the letter No. WH/ESTT/86/2013 dated 30.05.2016 regarding forwarding of the cases of fake appointments/regularisation or promotion and the minutes of the meeting of the Committee constituted to look into the fake appointments etc. under the Works and Housing Department held on 18.02.2016 to the Vigilance Commission.

Meanwhile, the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima had also informed the Commission that the RTI application dated 01.03.2016 was transferred to the Engineer-in-Chief, NPWD, Nagaland, Kohima vide letter No. WH/EST/64/2010/209 dated 08.03.2016.

On receipt of the information, since the applicant (now appellant) had, vide letter dated 14.07.2016 submitted **non-satisfaction** of the information furnished to him, the Commission had on 19.08.2016 issued a Notice for a hearing to be held on **07.09.2016 at 11:00 A.M** with the following parties:-

- i) The Commissioner & Secretary & FAA, Works & Housing Department, Nagaland, Kohima.
- ii) The Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
- iii) The concerned PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
- iv) The Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima.
- v) The applicant (now appellant), Shri. Vikheto Zhimomi.

OBSERVATIONS AND FINDINGS:

The Engineer-in-Chief & FAA, NPWD had, vide letter No. NPWD/E-IN-C/PAB/Misc/2016 dated 06.09.2016 informed the Commission regarding his inability to attend the hearing as he had to be out of station for some unprecedented works.

The applicant (now appellant) submitted that he was not satisfied with the information which was re-furnished to him in response to query No.1(c) and 2(b) by the Deputy Secretary & PIO, Works and Housing Department in compliance to this Commission's decision dated 14.06.2016 since:-

1. **Regarding query No. 1(c)**, the applicant (now appellant) stated that there was a mismatch of information furnished by the PIO, Office of the Engineer-in-Chief, NPWD in 2015 in another RTI case and the information furnished by the Deputy Secretary & PIO, Works and Housing Department regarding list of fake appointments in the present RTI case, as some names in the list given in the earlier case in 2015 were not found in the list of names given in the present case in 2016. Shri. Himato Zhimomi, Commissioner & Secretary & FAA, Works and Housing Department, Nagaland, Kohima submitted that whatever information received from the PIO, Office of the Engineer-in-Chief, NPWD was furnished to the applicant (now appellant). Further, the PIO, Office of the Engineer-in-Chief, NPWD had also submitted that whatever information available with the public authority had been furnished to the applicant (now appellant).

Shri. Himato Zhimomi, Commissioner & Secretary & FAA, Works and Housing Department further submitted that after the meeting of the Committee constituted to look into the fake appointments etc. under the Works and Housing Department held on 18.02.2016, the list of names in the fake appointment list would differ.

2. **Regarding query No. 2(b)**, no information was furnished to the applicant (now appellant) such as Government Order, OM, etc., to substantiate the appointment of JEs and SDOs without sending requisition to the NPSC.

The Commissioner & Secretary & FAA, Works and Housing Department deposed that the contract appointments of J.Es against vacancies were made on exigencies as the process of sending requisition to the NPSC and subsequent appointments takes almost a year.

On the complaint raised by the applicant(now appellant) regarding the poor quality of photocopies of the letters/information furnished to him, the Commission directed the PIO to furnish clear and complete copies to the applicant(now appellant) and further cautioned the Public Authority not to repeat such mistake in future.

The Commission observed that there was a delay in furnishing the information for which penalty is attracted, and decided to be taken up in the next hearing which shall be notified later.

DECISION:

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

- 1. Regarding Query No. 1(c):** The PIO of Works and Housing Department shall compile the list of fake appointments by comparing the list furnished by the PIO, Office of the Engineer-in-Chief, NPWD, by the Deputy Secretary & PIO, Works and Housing Department and the Report of the Committee constituted to look into the fake appointments.
- 2. Regarding Query No. 2(b):**
 - i. To furnish the P&AR Office Memorandum outlining the procedure for recruitment through NPSC.
 - ii. To furnish in writing as to why contract appointments were made to the post of JEs without requisitioning to the NPSC to fill up the vacant posts as deposed by the Commissioner & Secretary & FAA during the hearing.
 - iii. The Public Authority is also directed to furnish a copy of the latest updated copy of the Nagaland Engineering Service Rules to the applicant (now appellant) which is the common Rule for recruitment to the post of JEs and SDOs.

The information at 1 and 2 mentioned above shall be furnished to the applicant (now appellant) **within 2(two) weeks** from the date of issue of this decision, and with a copy to this Commission.

Decision pronounced in presence of all parties present on 07.09.2016.

Copy to:-

1. Shri. Himato Zhimomi, Commissioner & Secretary and FAA, Works & Housing Department, Nagaland, Kohima, Mobile No. 9436061415.
2. The Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
3. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
4. Shri. Nokchasashi, Deputy Secretary & PIO Works & Housing Department, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436831044.
5. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-

CHANBEMO LOTHIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary