

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex,

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Nagaland, Kohima - 797001.

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No. NIC/Appeal-3/2016-17

Dated Kohima, the 30th June, 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.

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. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.

FACT OF THE CASE

An applicant, Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123 had submitted an RTI application dated 01.03.2016 addressed to the PIO, Works & Housing Department, Government of Nagaland, Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash seeking information regarding report of a Committee constituted vide OM No. WH/EST/86/2013 dated 29.09.2015 to check the fake appointment in the Department with the following details:-

1. (a) *Furnish Xerox copy of the report.*
(b) *What action has been taken so far?*
(c) *Furnish the details of fake appointment/regularisation/promotion of the employees.*
(d) *Who were involved in this case? Kindly give me the name of Govt. or public involved in this malpractice?*
(e) *Any FIR filed till date? If yes, please give me a copy of such FIR. If no, whether Govt. is going to file FIR or not?*
2. (a) *How many JEs/SDOs were appointed during 2015? Furnish the list of names, designations, place of postings and dates of appointment and mode of appointments.*
(b) *Is there any Govt. Order to appoint JEs/SDOs directly by the Govt. without sending requisition to the NPSC? If yes, furnish the copy.*

The above RTI application dated 01.03.2016 was received by the Public Authority on the same day i.e. on 01.03.2016 as evidenced on the body of the copy of the above RTI application. However, on not getting any information even after the expiry of the stipulated time period, the applicant had preferred first appeal dated 12.04.2016 before the First Appellate Authority, Works

& Housing Department, Government of Nagaland, Nagaland, Kohima. The First appeal was received on the same date i.e. 12.04.2016.

Meanwhile, referring to the RTI application dated 01.03.2016, Shri. Nokchasashi, Deputy Secretary & PIO Works & Housing Department, Government of Nagaland, Nagaland, Kohima had, vide letter No. WH/EST/64/2013(PT) dated **28.04.2016** furnished the information to the applicant (now appellant).

On receipt of the information from the PIO Works & Housing Department, Government of Nagaland, Nagaland, Kohima, the applicant (now appellant) had submitted a second appeal dated 16.05.2016 to this Commission stating that he was not satisfied with the reply to query No. 1(c) as the list of fake appointment/regularisation/promotion was furnished for 2015 only and with the reply to query No. 2 (b) as there was no official order or other documents enclosed.

The Commission has decided to hear the appeal, giving opportunity to all the parties on **14th June, 2016 (Tuesday) at 11:00 AM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The Commission had also directed all the concerned parties to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

Since the applicant (now appellant) had appealed against the reply to his query No. 1(c) and 2 (b), the Commission decided to hear the case on these two queries only.

Regarding query No.1(c) pertaining to the fake appointments, Shri. Himato Zhimomi, Commissioner & Secretary and FAA, Works & Housing Department, Nagaland, Kohima had in his deposition stated that whatever information received from the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima and available with the Department had been furnished to the applicant (now appellant) on 28.04.2016. However, the applicant (now appellant) submitted that the information regarding the fake appointments have not been fully furnished to him since some of the names given by the Office of the Engineer-in-Chief, NPWD were not found in the information provided by the PIO, Works & Housing Department.

In response to the above statement of the applicant (now appellant), the FAA replied that he was not aware of the inconsistent and mismatch records and assured to find out the reason for not furnishing full list of fake appointments by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima. He further informed that a Committee was setup to look into the fake appointment case and the report of the Committee had been forwarded to the Vigilance Commission.

Regarding query No.2 (b), the applicant (now appellant) had submitted that instead of furnishing the Government Order regarding appointment of JE/SDO, he had received only the list of JE/SDO and the criteria for appointment to the post of JEs which states that 90% of the posts to be filled through NPSC and 10% by promotion; and for SDOs, 60% are to be filled through NPSC and 40% by promotion amongst the Degree/Diploma holders.

Further, the applicant (now appellant) had pointed out anomalies in the list of appointments of JE's and SDO's in the **Annexure- E** which was furnished to him by the PIO. The Commission had also taken a serious view on the anomalies and had directed the PIO to rectify and furnish again to the applicant (now appellant).

The Commissioner & Secretary and FAA, Works & Housing Department, Nagaland, Kohima submitted that in conformity with the recent Notification of the P&AR Department on 6th June, 2016, no more contract/adhoc appointments should be made whatsoever and hence there would be no more exigency issue in future. Further, the PIO informed that there are 17 vacant posts of JE and the file is in the process of sending requisition to the NPSC.

The Commission observed that the First Appeal dated 12.04.2016 was received on the same day, however, there was no record of hearing of the first appeal by the FAA. Further, the information was furnished by the PIO only on 28.04.2016 after the First Appeal dated 12.04.2016 was filed before the First Appellate Authority. Therefore, from the date of receipt of

the RTI application dated 01.03.2016 on the same day to the date of furnishing of the information on 28.04.2016, and taking into account the 30 days time for the PIO to furnish the information, there was a delay of 58- 30 =28 days on which penalty is attracted.

DECISION:

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

1. the public authority shall rectify the anomalies in the list of appointments of JE's and SDO's in the **Annexure- E** and furnish to the applicant (now appellant) and with a copy to this Commission **within one (1) week** from the date of receipt of this Commission's Decision.
2. the PIO, Works & Housing Department shall furnish a copy of the letter forwarded to the Vigilance Commission to the applicant (now appellant) and with a copy to this Commission **within one (1) week** from the date of receipt of this Commission's Decision.
3. penalty shall be imposed for the delay in furnishing the information to the applicant (now appellant).

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

Decision pronounced in presence of all parties present on 14.06.2016.

Copy to:-

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. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-

CHANBEMO LOTHIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary