

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/Complaint-1/2014-15

Dated Kohima, the 1st November, 2014.

Complainant: Shri. H. K. Zhimomi,
Diphupar – A Village,
Dimapur – 797112,
Mobile No. 9436007436

Respondent: 1) The Principal Secretary & First Appellate Authority,
Department of Environment, Forests & Wildlife,
Nagaland, Kohima

2) The concerned PIO,
Department of Environment, Forests & Wildlife,
Nagaland, Kohima

Public Authority: Department of Environment, Forests & Wildlife, Nagaland, Kohima.

Date of first Hearing : 09.09.2014 at 02:00 PM. (No decision)

Date of Hearing : 29.10.2014 at 12:00 PM.

Date of Interim Decision : 01.11.2014.

Present:

1. Smti. Imtienla Ao, Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima.
2. Shri. Kitto Swu, Junior Section Officer, Department of Environment, Forests & Wildlife, Nagaland, Kohima.
3. The applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436.

The Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima did not appear.

FACT OF THE CASE:

An applicant, Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436, had submitted a RTI application dated 08.03.2014 addressed to the PIO, Office of the Principal Secretary to the Govt. of Nagaland, Department of Environment, Forests & Wildlife, Nagaland, Kohima alongwith an application fee of Rs. 10/-, seeking certain information on the following:-

1. That, the panel list of SFS Officers submitted to the Secretary, UPSC (SCM/DPC) for promotion to that of IFS cadre be furnished for the year 2011, 2012, 2013 and the final list for the year 2014 before the DPC/SCM Board on 04.03.2014.

2. The ACRs of the empanelled SFS Officers from 2009, 2010, 2011, 2012, 2013 be furnished under the provision of the Act.
3. Clearance Certificate of the State Government to the Government of India that there is no court cases pending against the SFS Officers to be inducted into IFS cadre as sought by the MoEF Office during 2012 & 2013 before final notification is issued against the inducted officers.
4. Contents of the file note sheet – remarks/ comments of the C&S Forests on the process to submit the panel list before the SCM/DPC Board on 24-25/03/2013 and 04/03/2014 respectively.
5. Forwarding letter to the Secretary, UPSC and the enclosures thereof for the above consecutive years and the dates of SCM/DPC board meeting.

On not getting any reply to his RTI application dated 08.03.2014 from the concerned PIO within the stipulated time frame of 30 days, the applicant had submitted a complaint dated 28.05.2014 before this Commission stating that there was no information received in regard to his RTI application dated 08.03.2014.

Meanwhile, the Commission had also received a reminder dated 26.06.2014 from the applicant(now the complainant) alongwith enclosure letter of the similar RTI application dated 08.03.2014 but with copy endorsed to the Secretary, Ministry of Environment & Forests IFS-II, Paryavaran Bhavan, CGO Complex, , New Delhi – 110003 and the Under Secretary, UPSC, Dhoolpur House, Shahjahan Road, New Delhi; and also a reply letter from the UPSC vide F. No. 12/21/2014-AIS dated 29.04.2014 forwarding his RTI application to the PIO of the Department of Environment, Forests & Wildlife, Nagaland, Kohima.

The Commission had fixed for hearing on **9th September, 2014 (Tuesday) at 2:00 PM** to hear the complaint, giving opportunity to the parties.

Meanwhile, the public authority i.e. the Department of Forest, Ecology, Environment & Wildlife, Nagaland, Kohima had, vide letter No. FOR/ESTT-(RTI)-80/2005/2005 (Vol-II) dated 06.09.2014 requested the Commission for postponement of the hearing in the first week of October, 2014 since both the Appellate Authority and the PIO were unable to appear for the hearing as the Appellate Authority had scheduled a meeting with officials visiting the State and the PIO on official tour overseas. However, the Commission did not accept the request of the public authority for postponement of the hearing, since the Commission had received only in the first hour of the hearing depriving the opportunity to inform the applicant(now the complainant) for which the Commission had taken serious note of it.

Since only the applicant(now the complainant) appeared before the Commission during the hearing on 09.09.2014, the Commission could not proceed with the case further and hence reserved its judgement for the next hearing scheduled on **29.10.2014 at 12:00 noon.**

OBSERVATIONS AND FINDINGS:

The Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima did not appear for the hearing. The Commission did

not receive any prior intimation regarding his absence, which the Commission had expressed its displeasure and had taken serious note of it.

During the hearing held on 29.10.2014 at 12:00 PM, Smti. Imtienla Ao, Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima submitted that two (2) RTI applications on the same subject matter were received – one from the applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436 and the other from Shri. G. Zhekuto Zhimomi, Divisional Forest Officer, Zunheboto, Nagaland.

Smti. Imtienla Ao, Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima submitted that the RTI application dated 08.03.2014 was received by the public authority vide Receipt No. 983 dated 14.03.2014 during the time when there was no PIO in the Department, since Smti. Vikhweno, the former Deputy Secretary & PIO had been transferred out and no PIO had been appointed then. And since there was no PIO designated, the Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima had on **10.03.2014** directed/endorsed to the Secretary to look into the matter till such time a new PIO was appointed.

Smti. Imtienla Ao, Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima had on 12.03.2014, again endorsed it for putting up draft notification. Meantime, the Department had on 28.04.2014 notified the appointment of a new PIO.

Smti. Amenla Wati, Deputy Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima had, vide letter No. FOR/ESTT-(RTI)-80/2005 dated **20.06.2014**, furnished the information, but addressed to the other applicant, Shri. G. Zhekuto Zhimomi, Divisional Forest Officer, Zunheboto, Nagaland referring to the RTI application dated 27.05.2014 submitted by Shri. G. Zhekuto Zhimomi, and only a copy was endorsed to the present applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, apparently because of the similar nature of information sought.

During the hearing, the applicant(now the complainant), Shri. H. K. Zhimomi had submitted that on receiving a call from the public authority, he went to collect the information. And since these two applicants are related, Shri. H. K. Zhimomi had collected the information both for himself and for Shri. G. Zhekuto Zhimomi, Divisional Forest Officer, Zunheboto, Nagaland on **23.06.2014** as evidenced on the copy of the letter No. FOR/ESTT-(RTI)-80/2005 dated 20.06.2014. On receipt of the information, the applicant(now the complainant), Shri. H. K. Zhimomi submitted that he was satisfied with the information and that he had no further complaints.

However, the applicant(now the complainant), Shri. H. K. Zhimomi expressed his dissatisfaction since the information which was furnished by Smti. Amenla Wati, Deputy Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima, vide letter No. FOR/ESTT-(RTI)-80/2005 dated **20.06.2014**, was addressed to the other RTI applicant, Shri. G. Zhekuto Zhimomi, Divisional Forest Officer, Zunheboto, Nagaland referring to the RTI application dated 27.05.2014 submitted by Shri. G. Zhekuto Zhimomi, Divisional Forest Officer, Zunheboto, Nagaland and only a copy was endorsed to him i.e. the applicant(now the complainant), Shri. H. K. Zhimomi.

The Commission observed that since there were two different RTI applications on the similar subject matter, reply should have been given separately to the two applicants, though the applicants are related and that the nature of information sought were similar.

The Commission is also not clear who was the designated PIO during the time when the RTI application dated 08.03.2014 submitted by the applicant(now the complainant), Shri. H. K. Zhimomi was received by the public authority.

INTERIM DECISION

On the above observations and findings, the Commission directs the public authority that:-

1. A copy of the notification appointing new PIO(s) and APIO(s) etc. be submitted to the Commission within one (1) week from the date of receipt of this Commission's Decision.
2. A copy of the information furnished to the applicant(now the complainant), Shri. H. K. Zhimomi shall also be forwarded to the Commission within one (1) week from the date of receipt of this Commission's Decision.

In order to give opportunity of being heard of the new PIO, the Commission reserved its final judgment/decision in the next hearing.

On receipt of the above documents from the public authority, the Commission shall fix the date for next hearing.

Complaint heard on 09.09.2014 in the presence of all parties present.

Copy be given to the parties:

1. The Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima
2. Smti. Imtienla Ao, Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima.
3. The applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner,
Nagaland.