

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex,

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Nagaland, Kohima - 797001.

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No. NIC/Complaint-8/2014-15

Dated Kohima, the 13th April, 2015.

Complainant: Shri. Yanrenthung Kikon,
UDA, Judicial Section,
Deputy Commissioner's Office,
Wokha, Nagaland,
Mobile No. 9856538858

Respondent(s) : 1) Er. Huskha Yeptho,
Executive Engineer & PIO,
Office of the Executive Engineer, Irrigation & Flood Control,
Wokha, Nagaland - 797111.
2) Shri. E.V. Mamen,
Surveyor,
Office of the Executive Engineer, Irrigation & Flood Control,
Wokha, Nagaland - 797111.

Public Authority : Office of the Executive Engineer, Irrigation & Flood Control,
Wokha, Nagaland.

Date of first hearing : 23.03.2015 at 2:30 PM.
Date of Interim Decision : 24.03.2015.

Date of second hearing : 08.04.2015 at 2:30 PM.
Date of Interim Decision : 13.04.2015.

Present:

1. Er. Huskha Yeptho, Executive Engineer, Irrigation and Flood Control, Wokha, Nagaland, Mobile No. 9436008645.
2. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
3. Er. A. Roland Jami, former Executive Engineer & PIO, Irrigation & Flood Control, Wokha, Nagaland.
4. Er. J. Lanu Longchar, former Executive Engineer & PIO, Irrigation & Flood Control, Wokha, Nagaland.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 9856538858.

FACT OF THE CASE

During the hearing held on 23.03.2015 at 2:30 PM, since the Commission observed that the applicant(now complainant) had, vide letter dated **23.02.2015** **withdrew his complaint case** stating that the concerned PIO had furnished him the required information as sought, however, there was neither any **record or proof of letter** regarding furnishing of information nor any **copy** or **enclosure** of the information so furnished to the applicant on the **relevant file** which was produced before the Commission by the new PIO, Er. Huskha Yeptho, Executive Engineer, Irrigation and Flood Control, Wokha, Nagaland, except that his immediate predecessor, Er. A. Roland Jami had, vide letter No. IFC/WKA/ESTT-1/2011 dated **29.09.2014** written to his predecessor, Er. J. Lanu Longchar regarding the RTI matter on the ground that the information sought were not during his tenure but during his predecessor, Er. J. Lanu Longchar's tenure, the Commission had decided to hear the complaint case again on **08.04.2015 at 2:30 PM** with the following persons:-

1. Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland - 797111. Mobile No. 9436008645.

2. Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436001935.
3. Er. J. Lanu Longchar, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9612165252.
4. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 9856538858.

OBSERVATIONS AND FINDINGS:

During the hearing held on 08.04.2015, the applicant (now complainant) had submitted that he withdrew his complaint case since he had received the information on **03.02.2015** and was satisfied with the information so received.

And during the hearing, since different Executive Engineers & PIOs were posted in the Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, the Commission, on the submission of the respondents ascertained their tenures as:-

- i. Er. J. Lanu Longchar from 2010 to July, 2013;
- ii. Er. A. Roland Jami from July, 2013 to September, 2014;
- iii. No E.E or PIO from September to December, 2014;
- iv. Er. Huskha Yeptho from December, 2014 till date.

And on the above submission of the respondents, the Commission observed that the RTI application dated 11.08.2014 was received during the time of Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland.

Er. A. Roland Jami submitted that he took charge of the Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland from July, 2013 to September, 2014. And on his transfer out from Wokha in September, 2014, there was no Executive Engineer posted from September to December, 2014 in the Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland.

Further, Er. A. Roland Jami submitted that since the information sought were not during his tenure but during his predecessor, Er. J. Lanu Longchar's tenure and that the information sought **were not available** with him during the time when the RTI application dated 11.08.2014 was received, he had, vide letter No. IFC/WKA/ESTT-1/2011 dated **29.09.2014** wrote to his predecessor, Er. J. Lanu Longchar. And on receipt of the information from Er. J. Lanu Longchar, Er. A. Roland Jami had, vide letter No. IFC/WKA/RTI-1/2013-14 dated **17.09.2014** furnished to the applicant(now complainant). Copies of the above mentioned letters and the information so furnished were produced before the Commission during the hearing.

However, on scrutiny of the above letters and the relevant file produced before the Commission during the hearing, the Commission observed the following that:-

- a. on receipt of the RTI application dated 11.08.2014, Er. A. Roland had written to his predecessor, Er. J. Lanu Longchar only on 29.09.2014 i.e. after **49 days**.
- b. there was no record of any information submitted nor any reply from Er. J. Lanu Longchar to the letter dated 29.09.2014 which was written to him by Er. A. Roland Jami.
- c. Er. A. Roland Jami had, vide letter No. IFC/WKA/RTI-1/2013-14 dated **17.09.2014** furnished the information sought to the applicant(now complainant) and that the applicant (now complainant) had acknowledged receipt of the information on **03.02.2015**. However, the Commission observed that how the information was furnished to the applicant (now complainant) on **17.09.2014**, even before the information was received from Er. J. Lanu Longchar on **29.09.2014**? And how the

applicant(now complainant) had received the information after a gap of more than **four(4) months?**

- d. only Query No.1 regarding the Detailed Statement of M.I project under Wokha District from 2009 to 2013 was furnished, and there was no record of furnishing the information regarding Query No. 2 to the applicant(now complainant).

INTERIM DECISION:

On the above observations and findings, the Commission decided to hear the parties again on **12th May, 2015 (Tuesday) at 2:30 PM.** with the following parties:-

1. Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland - 797111. Mobile No. 9436008645.
2. Er. A. Roland Jami, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima, Mobile No. 9436001935.
3. Er. J. Lanu Longchar, former Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland and now the Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Mokokchung, Nagaland, Mobile No. 9612165252.
4. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 8974146911.

The Commission also directed all the above parties to appear before this Commission **without fail** and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

Decision pronounced in presence of all parties present on 08.04.2015.

Copy be given to:-

1. Er. Huskha Yeptho, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland - 797111. Mobile No. 9436008645.
2. Er. A. Roland Jami, Executive Engineer, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima, Mobile No. 9436001935. .
3. Er. J. Lanu Longchar, Executive Engineer & PIO, Office of the Executive Engineer, Irrigation & Flood Control, Mokokchung, Nagaland, Mobile No. 9612165252.
4. Shri. E.V. Mamen, Surveyor, Office of the Executive Engineer, Irrigation & Flood Control, Wokha, Nagaland, Mobile No. 9436406680.
5. The applicant(now complainant), Shri. Yanrenthung Kikon, UDA, Judicial Section, Deputy Commissioner's Office, Wokha, Nagaland, Mobile No. 8974146911.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Under Secretary