

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO.148
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-16/2011-12

Dated Kohima, the 28th Feb. 2012.

Appellant : Mr. T. Ruovi
Assembled Organisation, Kohima.

Respondent : Secretary, Food & Civil Supply
Deptt. Kohima.

Public Authority : Secretary, Food & Civil Supply
Deptt. Kohima.

Date of Hearing : 28.02.2012

Date of Decision : 28.02.2012

Present :

1. Shri K.T. Sukhalu, IAS, Commissioner & Secy, Food & Civil Supply Deptt. Nagaland, Kohima.
2. Shri Ramongo Lotha, IAS, Addl. Secy., Food & Civil Supply Deptt, Nagaland, Kohima.
3. The appellant Shri T. Ruovi, Kohima village, L. Khel, Kohima.
4. The appellant Shri Rugeisier, Kohima village, L. Khel, Kohima.

Brief of the fact of the case

The petitioners had submitted applications to the Additional Secretary and PIO, Food & Civil Supplies Deptt. three times namely on **20.07.2011** in the name of Assembled Organization and again on **12.08.2011**. In both cases the proper address of the applicants were not available hence, the Addl. Secretary and PIO, Food & Civil Supplies Department wrote to the Assembled Organization on **24.08.2011** to furnish the proper address. The third application signed by T. Ruovi of Assembled Organization which was filed on **12.09.2011** was received and acknowledged by the Addl. Secretary, PIO. However, as per the statement of the PIO he had directed his staff to process the application on **13.09.2011** and also to process the case for appointment of his replacement since he was going on induction training to Mussoorie on **15.09.2011** and would be returning only on **21.11.2011**.

Furthermore, the Government had appointed Shri H. Lungalang, Joint Secretary, Food & Civil Supplies Deptt as PIO in place of the Addl. Secretary Shri Ramongo Lotha, only on 11.10.2011. The date of taking over by Shri H. Lungalang, Joint Secretary in the Department needs to be ascertained too. It was obviously after 11.10.2011.

After a lapse of 39 (thirty nine) days from the date of the filing of the original application by the petitioners on 12.09.2011, and not getting any information from the PIO, the petitioners filed an appeal before the Secretary, Food & Civil Supplies Deptt. and FAA on 21.10.2011.

According to the statement of the Secretary, Food & Civil Supplies and FAA he has not seen the copy of the appeal filed by Shri T. Ruovi to him on 21.10.2011 even though the records showed that the appeal letter was received and signed by the S.O. of the Department on 21.10.2011. The contention of the Secretary, Food & Civil Supplies & FAA was that no decision was taken by him since the appeal letter was never seen by him or put up to him.

The petitioners were also given the opportunity to submit the statement and they have accepted the statement given by the Addl. Secretary and PIO that the three (3) applications were submitted to the PIO on 20.07.2011, 12.08.2011 and finally on 12.09.2011 since the first two applications did not contain detailed address of the applicants and only on receipt of the letter dated 21.08.2011 from the PIO that they furnished the final and complete applications on 12.09.2011. Shri Rugeisier, who is a member of Assembled Organization stated that he had gone to the Nagaland Secretariat to submit the appeal letter to the First Appellate Authority on 21.10.2011 but the Secretary, Food & Civil Supplies Deptt. and FAA and also the PS to the Secretary, F&CS were not available in the office so he had handed over the appeal letter to the S.O. of the Department whose name was not written in the acknowledgement even though the said SO had acknowledged the receipt of the appeal letter submitted signed by Shri T. Ruovi and handed over to the SO of Food & Civil Supplies Department by Shri Rugeisier.

From the fact of the case which was brought to light by the statement of the Addl. Secretary, F&CS and PIO and also the Secretary, F&CS and FAA, there is evidence to believe that the Secretary, FAA of F&CS Deptt. and the Addl. Secretary, PIO, F&CS Deptt. had no intention to obstruct information sought from being given to the applicants/petitioners.

Interim decision

In the light of the position elaborated, the Commission reserves decision and passes the followings **interim orders**:-

- i. The Addl. Secretary, F&CS and PIO shall not later than **15th March, 2012** submit the fully and detailed circumstances for his non submission of information sought within the stipulated time of thirty (30) days from the date of receipt of the RTI application on **12.09.2011**.

- ii. The Secretary, F&CS & FAA shall conduct detailed inquiry into the circumstances of the appeal letter filed before him on 21.10.2011 which appeal letter was received and acknowledged by the SO of F&CS Department on 21.10.2011 not being put up to him even till date..
- iii. The F&CS Department shall in the mean time collect and compile all the information sought by the petitioners highlighted in their RTI application file on 12.09.2011 and their appeal filed on 21.10.2011 and submit to the petitioners latest by 31st March, 2012 under intimation to the Commission.
- iv. The Secretary & Appellate Authority, F&CS Deptt. shall immediately hold a separate hearing of the petitioners and PIO as per the procedure laid down in the RTI Act and give his quasi judicial decision under intimation to the Commission.

The final hearing and pronouncement of the final judgment of the case shall be made on 11.04.2012 at 1 PM.

Copy of the interim order be given to:-

1. The Secretary, F&CS Department & FAA, Nagaland, Kohima.
2. The Addl. Secretary, F&CS Department and PIO, Kohima.
3. The Appellants Shro T. Ruovi, Shri Rugeisier, Shri Irene, Shri Kevi and Thepfutseilie of Kohima village, L. Khel.

Sd/-

Lalhuma IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

Sd/-

Kevinino P.Meru
State Information Commissioner,
Nagaland, Kohima.

Sd/-

Bukchem Phom
State Information Commissioner,
Nagaland, Kohima

Authenticated by

Secretary
Nagaland Information Commission

