

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-3/2019-20.

Dated Kohima, the 10th February, 2020.

Sub: Notice for Hearing on 25th February (Tuesday), 2020 at 12:00 Noon.

WHEREAS, under Section 19 of the RTI Act, 2005, the Commission had received a second appeal dated 22.08.2019 from Shri. P. Ruty, PWD Colony, Kohima, Nagaland Mobile No.8787672406/ 8014986753/ 9612131038 stating that he was not satisfied with the reply to his first appeal dated 02.05.2019 which was submitted against incomplete information given by the PIO, Directorate of Technical Education, Nagaland, Kohima, in response to his RTI application dated 11.03.2019.

AND WHEREAS, the applicant, Shri. P. Ruty, had earlier submitted RTI application dated 11.03.2019 alongwith the application fee of ₹10/- paid in cash seeking the following information:-

1. *Kindly furnish the sanction order, work order, DPR, completion certificate and utilization certificate in respect of the Administrative and Academic building at Tuensang.*
2. *With reference to the Government Administrative Approval letter No.HTE/TE/2-/2010 dated Kohima, the 10th January 2013 and Directorate of Technical Education letter No.DTE/PIU-COR/2012/4038 dated Kohima, the 5th March 2013, information and explanation is sought from the department as to how the fund allocated for construction of Polytechnic at Sedem, Tuensang allotted to M/s Levi Sangtam, fell short within a time span of 2 (two) months prior to issuing of any work order and tendering ?*
3. *With reference to letter No.DTE/CIVIL-TSG/20212/8879 dated Kohima, the 7th May 2016, wherein, Director, Higher & Technical Education clearly stated that the fund was diverted for completion of Administrative and Academic Building on priority basis. In this regard, kindly furnish photocopy of the file notings and Govt. approval order for diversion of fund amounting to Rs.107.10 lakh for the completion of Administrative and Academic Building.*
4. *Kindly furnish related forwarding letters and file notings in connection to Govt. letter No.HTE/TE/2-5/2010 dated Kohima, the 26th May 2016, whereby Govt. has sought clarification from the Director of Higher & Technical Education department on the diversion of fund allotted for construction of Lecturer's quarter at Sedem, Tuensang.*
5. *Kindly furnish the Drawal authority from Finance Department in regard to New Polytechnic in District wise.*
6. *Kindly refer letter No.DTE/CIVIL-TSG/2012/8879 dated 7th May 2016, whereby it clearly stated that the fund allocated for Lecturer's quarter at Sedem, Tuensang amounting to Rs.107.10 lakh was diverted for completion of Administrative and Academic building.*

This letter is in total contrary to the RTI reply furnished by the PIO vide letter No.DTE/ESTT-3/2018/0138 dated Kohima, the 27th September 2018, wherein the PIO, Directorate of Higher & Technical Education clearly stated that the Department cannot divert any fund allotted by the Government for other purposes. Now therefore, proper clarification is sought from the Department in writing on the diversion of that particular fund amounting to Rs.107.10 lakh.

AND WHEREAS, the above RTI application was received by the Public Authority on the same date i.e. 11.03.2019 vide Receipt No.0415 as evidenced on the body of the application.

AND WHEREAS, on receipt of the above RTI application dated 11.03.2019, Shri. Tiakaba Amer, PIO, Directorate of Technical Education, Nagaland, Kohima had, vide letter No.DTE/ESTT-3/2018(IV)/0624 dated 05.04.2019 furnished the information to the applicant.

AND WHEREAS, on not getting the complete information from the PIO, Directorate of Technical Education, Nagaland, Kohima, the applicant had preferred a first appeal dated 02.05.2019 addressed to the FAA, Directorate of Technical Education, Education, Nagaland, Kohima.

AND WHEREAS, on receipt of the first appeal dated 02.05.2019 by the Public Authority on 09.05.2019 vide Receipt No. 0644 as evidenced on the body of the first appeal, Er. Vipulhou Lhounu, Officer on Special Duty, Directorate of Technical Education, Nagaland, Kohima had, vide letter No.DTE/ESTT-3/2016-17(V)/0795 dated 04.06.2019 replied to the applicant stating that since the Director was on leave from 31.05.2019 to 30.06.2019, no hearing could be held at that juncture since the Director is the First Appellate Authority and had enclosed a copy of the leave application including Medical Certificate of the Director.

AND WHEREAS, the applicant (now appellant) had submitted second appeal dated 22.08.2019 stating that the FAA and PIO had furnished him incomplete, misleading and unsatisfactory information. Further, the applicant (now appellant) stated that after the return of the Director from his leave, he had personally went to meet the Director & FAA on 17.07.2019 to discuss about the hearing date, however, to his utter surprise, the Director & FAA had answered that no hearing nor any negotiation would be held and to take whatever step he wanted to take. Furthermore, he also stated that since he had faced immense hardship and difficulties physically, mentally and financially for eight (8) years, he had requested the Commission to kindly grant him some compensation for all the financial losses made during his struggle for eight (8) years.

AND WHEREAS, on receipt of the second appeal dated 22.08.2019, since the first appeal was not heard, the Commission had, vide letter of even No. dated 11.09.2019 directed the Director & FAA, Technical Education, Nagaland, Kohima to take up the first appeal by hearing the parties i.e. the applicant (now appellant) and PIO concerned and pass decision within 1(one) month from the date of receipt of the directive. Thereafter, the hearing of the first appeal, the decision on the first appeal be submitted to the applicant (now appellant) and with a copy to this Commission.

AND WHEREAS, in compliance to the above directive of the Commission dated 11.09.2019, Er. Arjun Singh, Director & FAA, Technical Education, Nagaland, Kohima had, after hearing the first appeal on 16.10.2019 passed decision vide Order case No.1/2019 dated 16.10.2019 wherein the replies to all the queries were furnished. Regarding Query No.1, the entire original file has been under the custody of the Nagaland Lokayukta Police prior to the receipt of RTI application dated 11.03.2019 from the appellant, for which the PIO could not furnish the DPR, Completion Certificate and Utilization Certificate as sought by the applicant (now appellant). In respect of Query No.2, it was found that since the RTI application filed by the appellant in the Higher & Technical Education and Directorate of Technical Education are similar in nature and arising out of the same issue, the matter had already been disposed off by the Secretary & FAA, Higher & Technical Education Department vide letter No.HTE/RTI-FAA/01/18 dated 19.12.2018 where the PIO was personally present at the time of the hearing. Further, the fund allocated to the entire project of the proposed Govt. Polytechnic at Sadem, Tuensang was never diverted as the Director of Technical Education had written to the Department of Higher & Technical Education vide letter dated 05.03.2013 for non inclusion of Lecturer's quarter in the 2nd phase due to shortfall of funds amounting to Rs.107.10 Lakh. The Department of Higher & Technical Education in response to the letter of the Directorate of Technical Education vide letter dated 16.03.2013 advised the Directorate of Technical Education to take up the work under State plan as and when fund was made available. It was also submitted by the PIO that the Government Administrative letter No.HTE/TE/2-5/2010 dated Kohima, 10.01.2013 was only an approval letter and not work order, and moreover due to shortfall of funds for completion of four (4) components of the entire project of the proposed Govt. Polytechnic at Sadem, Tuensang in the 2nd Phase, the Directorate could take up only three sub-items on priority by issuing work order, leaving aside the construction of Lecturer's quarter to be constructed as and when there was an additional fund made available under the State plan. Regarding Query No.3 and in referring to the letter No.DTE/CIVIL-TSG/2012/8879 dated 07.05.2016, the PIO stated that the word 'diverted' as used by the Director in the said letter was due to ignorance and sought apology for the same. It was also clarified that the fund was never diverted as alleged by the applicant and there was no such records. In respect to Query No.4, the PIO had

already stated that the entire original file was under the custody of the Nagaland Lokayukta Police prior to the receipt of RTI application dated 11.03.2019 from the appellant, and therefore it was unable to furnish the same to the applicant (now appellant). In respect of the **Query No.5**, the PIO had submitted that the drawal authority do come under district wise as such he had furnished only sanction order from the Ministry of Human Resources Development and sought apology for the same and further apprised the appellate that information as sought by the appellant in respect of the drawal authority from the Finance Department in regards to New Polytechnic in district wise shall be furnished to him. On **Query No.6**, the FAA observed that the applicant (now appellant) did not seek any clarification from the PIO, instead the applicant (now appellant) was just referring to the PIO in respect of letter No.DTE/CIVIL-TSG/2012/8879 dated 07.05.2016, and letter No.DTE/ESTT-3/2018/0138 dated Kohima the 27th September 2018, wherein the PIO, Directorate of Technical Education clearly stated that the Department cannot divert any fund allocated by the Government for other purposes. Further, the FAA was satisfied with reply and submission made by the PIO and accordingly the appeal filed by the applicant (now appellant) P. Ruty was disposed off.

AND WHEREAS, since the applicant (now appellant) was not satisfied with the above decision of the Director & FAA, Technical Education, Nagaland, Kohima stating that it was misleading, contradictory and unsatisfactory, the Commission has decided to hear the appeal giving opportunity of being heard to both the parties on **25th February, 2020 (Tuesday) at 12:00 Noon** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are directed to appear before this Commission and also **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. Er. Arjun Singh, Director & FAA, Technical Education, Nagaland, Kohima.
- ii. Shri. Tiakaba Amer, PIO, Directorate of Technical Education, Nagaland, Kohima.
- iii. The applicant (now appellant), Shri. P. Ruty, Lower PWD Colony, Kohima, Nagaland.

Sd/-

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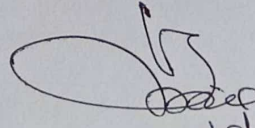
State Information Commissioner

Dated Kohima, the 10th February, 2020.

No.NIC/Appeal-3/ 2019-20. 991

Copy to:

1. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
2. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
3. Er. Arjun Singh, Director & FAA, Technical Education, Nagaland, Kohima.
4. Shri. Tiakaba Amer, PIO, Directorate of Technical Education, Nagaland, Kohima Mobile No. 9436019863.
5. The applicant (now appellant), Shri. P. Ruty, Lower PWD Colony, Kohima, Nagaland, Mobile No.8787672406/ 8014986753/ 9612131038.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.


10/02/20
(OBANGLA JAMIR)
Secretary