

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001

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No. NIC/APPEAL-17/2022-23

Dated Kohima, the 10th August, 2022

Appellant : Shri. Medovizo Solo,
C/o Gauhati High Court, Kohima Bench,
Old Ministers' Hill, Kohima,
Mobile No. 7005226593

Respondents : (i) Er. Repangyangba Longkumer,
Chief Engineer & First Appellate Authority,
PHED,
Nagaland, Kohima-797001.

(ii) Er. Inashe Kiba,
Addl. Chief Engineer & PIO,
PHED,
Nagaland, Kohima-797001.

Public Authority : Office of the Chief Engineer, Nagaland, Kohima.

Date of hearing : 04.08.2022 at 11:30 AM.

Date of Decision : 10.08.2022.

Present:

1. Shri. Repangyangba Longkumer, Chief Engineer & FAA, PHED, Nagaland, Kohima.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima.

The applicant (now appellant), Shri. Medovizo Solo, C/o Gauhati High Court, Kohima Bench, Kohima did not appear for the hearing.

FACT OF THE CASE

Shri. Medovizo Solo had submitted an RTI application dated **07.07.2020** along with application fee of Rs. 10/- only to the PIO, PHED, Nagaland, Kohima seeking the following information:

1. *Common and Division wise Seniority list of Work-Charged Fitter Grade-II maintained by the Department as on June, 2020.*
2. *List of regular appointment made to the post of Grade IV from January, 2010 - June, 2020.*
3. *List of Work-Charged employees regularized by the department who were appointed after 1990, indicating the date of appointment and regularization.*
4. *List of future vacancies of Fitter Gr. I & II in the department from January, 2020 – December, 2021.*
5. *Criteria and hierarchy for promotion for Fitter Gr-II in the department.*

On receipt of the above RTI application by the public authority vide **Receipt No. 19** dated **07.07.2020**, since there was no response of the PIO, the applicant had submitted first appeal dated **03.09.2020** to the Chief Engineer & FAA, PHED, Nagaland, Kohima for intervention, which was received by the department vide **Receipt No. 219** dated **03.09.2020**.

On receipt of the first appeal dated **03.09.2020** by the public authority vide **Receipt No. 219** dated **03.09.2020**, since there was no response or action from the FAA, the aggrieved applicant submitted a Second Appeal dated **02.12.2020** to the Commission.

On receipt of the Second Appeal on 03.12.2020, the Commission had, vide letter **No.NIC/Gen/RTI-19/17/1262** dated **21.12.2020**, directed the Chief Engineer & FAA, PHED, Nagaland to hear the first appeal within **45 days** from the date of receipt of its directive and submit a copy of the decision to the Commission.

Since the FAA had failed to comply with or respond to the above directive of the Commission, the Commission had, vide letter **No. NIC/Gen/RTI-19/17/1559** dated **31.05.2022**, reminded the FAA to submit action taken report within **15 days** from the date of the receipt of its reminder.

Since there was no response to the Commission's directive dated **21.12.2020**, and reminder dated **31.05.2022** from the Chief Engineer & FAA, PHED, Nagaland, the Commission had decided to hear the above mentioned second appeal giving opportunity of being heard to all the parties on **4th August, 2022 (Thursday) at 11:30 AM in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had directed the parties 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, with preventive measures such as wearing of face mask and social distancing, etc.

1. Shri. Repangyangba Longkumer, Chief Engineer & FAA, PHED, Nagaland, Kohima.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima.
3. The applicant (now appellant), Shri. Medovizo Solo, C/o Gauhati High Court, Kohima Bench, Kohima.

Subject: **Notice for Hearing on 4th August, 2022 (Thursday) at 11:30 AM**

WHEREAS, the Commission had received a Second Appeal dated **02.12.2020** on **03.12.2020** from Shri. **Medovizo Solo**, C/o Gauhati High Court, Kohima Bench, Old Ministers' Hill, Kohima, Ph. No. 7005226593, against the non-response of the FAA to his first appeal dated **03.09.2020** which was submitted against the non-response of the PIO to his RTI application dated **07.07.2020**.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant), Shri. Medovizo Solo did not appear for the hearing, however his representative, Shri. _____ appeared before the Commission on his behalf.

Shri. _____ informed that Shri. Medovizo Solo could not attend the hearing since he was having cases in higher and lower courts. However, neither the Commission nor the public authority and the representative of the applicant were not aware of any authorization given by the applicant. There was no authorization by the applicant.

He further stated that RTI was filed in two chambers and had received the reply in one case.

Shri. Medovizo Solo had, vide letter dated _____ informed the Commission that due to mis communication, someone had received the information

The FAA stated that the former APIO expired last year and the present APIO could not attend the hearing as he was attending another meeting. He further informed that the applicant had received the information and was satisfied and withdrawn the appeal. Copy of receipt was produced before the Commission.

He stated that the information was furnished only on 15.09.2020 and the information was received on 19.09.2020. there was delay in furnishing the information due to the pandemic lockdown.

However, the Commission observed that the applicant had withdrawn the appeal stating satisfaction only after the notice for hearing was served and since there was no such authorization letter to represent his case in the hearing, the Commission was not convinced and gave the benefit of doubt – suspicion grew.

Also there was no signature, name or address of the receiver of the information. The representative could also not identify the receiver.

DECISION

The Commission had received an authorization letter dated 04.08.2022 from Shri. Medovizo authorising Mr. Manheih Konyak to appear on his behalf for the hearing.

Hearing adjourned for 24.08.2022.

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

Decision pronounced in the presence of both the parties on 04.08.2022 at 11:30 AM.

Copies be given to:-

1. Er. Repangyangba Longkumer, Chief Engineer & FAA, PHED, Nagaland, Kohima.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima.
3. The applicant (now appellant), Shri. Medovizo Solo, C/o Gauhati High Court, Kohima Bench, Kohima (Ph. No. 7005226593).
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

(I.MEYIONEN JAMIR)
Chief Information Commissioner

(WORHONTHUNG EZUNG)
Deputy Secretary
Nagaland Information Commission