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NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

Below NBCC Convention Centre,

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Nagaland, Kohima - 797004

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No. NIC/APPEAL-15/2023-24/230

Dated Kohima, the 24th January, 2024

- Appellants**
- : i) Shri. Twahei Nda,
Mobile No. 9612608087,
Peren Town.
 - ii) Shri. Namgai Ndong,
Mobile No. 9862644007,
Peren Town.
- Respondents**
- : (i) Shri. Chubawati Chang, NCS
Director & First Appellate Authority,
Directorate of Food & Civil Supplies,
Nagaland, Dimapur-797112.
 - (ii) Shri. Neisazo Domeh,
Assistant Director of Supply & PIO,
Food & Civil Supplies,
Peren, Nagaland.
 - (iii) Shri. Ngaunibo,
Store Keeper,
Food & Civil Supplies,
Peren, Nagaland.

Public Authority : Food & Civil Supplies, Peren, Nagaland.

Date of first hearing : 06.12.2023 at 11:00 AM

Date of first Decision : 07.12.2023.

Date of second hearing : 23.01.2024 at 11:00 AM

Date of second Decision : 24.01.2024.

Present:

1. Shri. Chubawati Chang, NCS, Director & First Appellate Authority, Directorate of Food & Civil Supplies, Nagaland, Dimapur -797112, Mobile No. 9436216757/8731925079.
2. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Food & Civil Supplies, Peren, Nagaland, Mobile No. 8798791297.
3. Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren, Nagaland, Mobile No. 9436073301, 9366028588.
4. The applicants (now appellants), Shri. Twahei Nda (9612608087) and Shri. Namgai Ndong (9862644007), Peren Town.

FACT OF THE CASE

The Commission had, on 06.12.2023 at 11:00 AM, heard the Second Appeal dated 19.09.2023 which was submitted by the applicants (now appellants), Shri. Twahei Nda (9612608087) and Shri. Namgai Ndong (9862644007) against the non-response of the FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur to their First Appeal dated /8.08. 2023, which was submitted against non-response of the PIO, Department of Food & Civil Supplies, Peren, Nagaland to their RTI application dated 73.07.2023.

After the hearing, the Commission had passed order vide letter of even No. dated 07.12.2023, reserving its decision since the Commission needed to hear from Shri. Ngaunibo, Store Keeper, Department of Food & Civil Supplies, Peren, Nagaland who had provided the information to the applicants (now appellants), and also the applicants (now appellants) who had received the information and withdrawn their RTI request.

The Commission had decided to hear the above mentioned appeal once again by giving opportunity of being heard to all the parties, particularly Shri. Ngaunibo, Store Keeper, O/o the Assistant Director, Food & Civil Supplies, Peren, Nagaland, and the applicants (now appellants) on 23rd January, 2024 (Tuesday) at 11:00 AM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima. Therefore, the following parties were notified to appear before this Commission and also directed to bring the files and relevant documents in question for scrutiny on the above date and time for hearing:

1. Shri. Chubawati Chang, NCS, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur.
2. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Food & Civil Supplies, Peren, Nagaland.
3. Shri. Ngaunibo, Store Keeper, O/o the Assistant Director of Supply, Food & Civil Supplies, Peren, Nagaland.
4. The applicants (now appellants), Shri. Twahei Nda (9612608087) and Shri. Namgai Ntang (9862644007).

OBSERVATIONS AND FINDINGS:

During the hearing, the applicants (now appellants) stated that the RTI was filed since in respect of Peren FPS, the beneficiaries used to get less than the allocation in both AAY and PHH. They further stated that when they went to the office on 10.10.2023 to collect the information, since the Assistant Director of Supply & PIO, Peren was not in the office, the Store Keeper had given them the information. Now that they had received the information, they had **expressed satisfaction** with the information so received and a copy of documents was produced before the Commission.

Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren informed that the applicants (now appellants) were told to collect the information from the office on 03.10.2023, however, they came to the office only on 10.10.2023 and had collected the information. He further stated that since the ADS & PIO was not in the office that day, though no such authorisation to furnish the information was given to him, he had handed over a Xerox copy of the information to the applicants (now appellants).

During the hearing, Shri. Neisazo Domeh, ADS & PIO, informed that he had been transferred from Peren to Phek. He stated that he did not remember giving any authorisation nor Xerox copy of the information to Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren.

The Commission observed that since the RTI application was during his tenure and also being the designated PIO, Shri. Neisazo Domeh, ADS & PIO, Peren should have furnished the information within 30 days, however, in his absence in the office, since Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren had furnished the information to the applicants (now appellants) on 10.10.2023, Shri. Ngaunibo, Store Keeper has become the '*deemed PIO*' and hence has the same responsibility as the PIO.

The Commission also observed that from the date of receipt of the RTI application dated 13.07.2023 on 17.07.2023 to the date of furnishing the information to the applicants (now appellants) on 10.10.2023, and considering the 30 days time limit in furnishing the information, the days of delay becomes $85 - 30 = 55$ days for which penalty was attracted. Since both Shri. Neisazo Domeh, ADS & PIO, Peren (now posted at Phek) and Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren had contributed to the delay in furnishing the information to the applicants (now appellants) without reasonable cause, the penalty has to be shared between them.

The Commission further observed that in the recent past cases of the public authority, Shri. Neisazo Domeh, ADS & PIO, Peren (now posted at Phek) has been penalised for the **third time** in No. NIC/APPEAL-11/2023-24, No. NIC/APPEAL-12/2023-24 and including this instant appeal

case. Hence, the Commission took a serious view and strictly warned him to be careful and serious in dealing with RTI matters.

ORDER

On the above observations and findings, the Commission ordered that under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for **fifty five (55) days** amounting to **Rs. 13,750.00** (Rupees thirteen thousand seven hundred and fifty only) is imposed on Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Peren (now posted at Phek) and Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren for contributing to the delay in furnishing the information to the applicants (now appellants) without reasonable cause. The above penalty amount shall be shared equally @ **Rs. 6875.00** between Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Peren (now posted at Phek) and Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren and shall be paid within **within 15 (fifteen) days** from the date of receipt of this order. Since penalty is imposed personally, the penalty amounts shall be deposited into the Government account under one's name, designation and signature through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the **treasury challan** (in original) to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118- Receipts under RTI Act, 2005

Since the applicants (now appellants) had expressed their **satisfaction** in their withdrawal letter dated 13.10.2023 as well as during the hearing before the Commission, on receipt of the above compliances from Shri. Neisazo Domeh, ADS & PIO, Peren (now posted at Phek) and Shri. Naunibo, Store Keeper, Food & Civil Supplies, Peren, the Commission shall declare the case as closed.

Order pronounced in the presence of both the parties on 23.01.2024 at 11:00 A.M.

Copies be given to:

1. Shri. Chubawati Chang, NCS, Director & First Appellate Authority, Directorate of Food & Civil Supplies, Nagaland, Dimapur -797112, Mobile No. 9436216757/8731925079.
2. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Food & Civil Supplies, Peren(now posted at Phek), Nagaland, Mobile No. 8798791297.
3. Shri. Ngaunibo, Store Keeper, Food & Civil Supplies, Peren Mobile No. 9436073301, 9366028588.
4. The Accounts Officer, Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicants (now appellants), Shri. Twahei Nda (9612608087) and Shri. Namgai Ndong (9862644007), Peren Town.
7. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

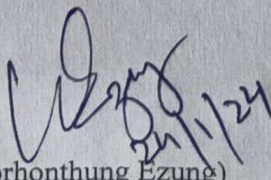
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary