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**NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
BELOW NBCC CONVENTION CENTER
POST BOX NO - 148**



Nagaland: Kohima - 797004

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in

No. NIC/APPEAL-1/2023-24

Dated Kohima, the 23rd May, 2024

SHOW CAUSE NOTICE

WHEREAS, the Commission had received a Second Appeal dated 11/04/2023 preferred by Shri. Senkalemba, Ex- Handyman (Roller), PWD (Mechanical), Pfutsero Division, Phek District and a resident of Near CPO Hall, Chumukidema Town, Nagaland, Mobile No-8575303813 against O/o the Chief Engineer, PWD (Mechanical), Kohima for non-response by the Chief Engineer & FAA, to his First Appeal dated 21/02/2023 which was submitted against the non-response to his RTI application dated 25/11/2022.

2. AND WHEREAS, the applicant had submitted an RTI application dated 25/11/2022 to the O/o the Chief Engineer, Mechanical Division, Nagaland, Kohima along with RTI application fee of Rs. 10 seeking the following information:-

1. Appointment order (handyman roller) at pfutsero under EE (Mechanical) Phek District 2007.
2. Termination order from service 2008.
3. Show cause notice on the eve of termination from service 2008.
4. Reason for termination of service.

3. AND WHEREAS, on non receipt of any information from the PIO, the applicant had filed first appeal dated 21/02/2023 to the Chief Engineer & FAA, Mechanical (PWD), Kohima.

4. AND WHEREAS, again on non action of the Chief Engineer & FAA, the applicant (now appellant) had preferred second appeal dated 11/04/2023 to the Nagaland information Commission.

5. AND WHEREAS, on receipt of the second appeal, the Commission had, vide letter No.NIC/APPEAL-1/2023-24 dated 26/04/2023 directed the Chief Engineer & FAA, O/o the Chief Engineer, PWD (Mechanical), Nagaland, Kohima to hear the first appeal and pass decision within 20(twenty) days from the date of receipt of this directive and submit a copy of the decision to this Commission.

6. AND WHEREAS, in compliance to the above directive, Er. Neingumeu Kire, Chief Engineer & FAA, Mechanical, PWD, Nagaland, Kohima had, vide letter No.CE/M/PW/M/EST/RTI/2022 dated 08/05/2023 submitted to the Commission that the applicant was informed to collect his RTI information, but the applicant had not collected the information so far. And, the photocopies of the reply to the applicant were enclosed for reference, wherein it was found that Er. Moijum Konyak L, Mechanical Engineer (PWD), Mechanical Division No.II, Kohima had, vide letter No.ME-II/KMA/RTI-43/619 dated 10/03/2023 submitted the RTI reply to the Chief Engineer, Mechanical (PWD), Kohima, Nagaland stating that "*no official Appointment letter and joining report of the said person was received by the Division till date and no salary has been prepared and credited to the applicant from this Division. Therefore, this Division cannot furnish his documents as there is no record or documents present in this Division*". And on receipt of the reply from the Mechanical Engineer, Er. Ekon Murry, Superintending Engineer & PIO, PWD Mechanical, Nagaland, Kohima had, vide letter No.CE/PW/M/ESTT/RTI/2022 dated 04/04/2023 furnished the information to the applicant.

7. AND WHEREAS, the Commission had observed that since reply had been already furnished to the applicant, the applicant was directed vide directive No.NIC/APPEAL-1/2023-24/60 dated 27/07/2023 to confirm receipt and satisfaction of the information furnished by the PIO, PWD, Mechanical, Nagaland, Kohima within 15(fifteen) days from the date of receipt of its directive.

8. AND WHEREAS, the Commission had also, vide letter No.NIC/APPEAL-1/2023-24/61 dated 27/07/2023 directed the Chief Engineer & FAA, PWD (Mechanical), Nagaland, Kohima to confirm (with proof) whether the information furnished by the PIO, PWD, Mechanical, Nagaland, Kohima had been received by the applicant, Shri. Senkalemba, Ex- Handyman

(Roller), PWD (Mechanical), Pftusero Division, Phek District within 15(fifteen) days from the date of receipt of its directive.

9. AND WHEREAS, in compliance to the Commission's directive dated 27/07/2023, Er. Neingumeu Kire, Chief Engineer & FAA, Mechanical, PWD, Nagaland: Kohima, had, vide letter No.CE/PW/M/ESTT/RTI/2022/278-279 dated 17/08/2023 informed the Commission that the applicant had, vide letter dated 10/08/2023 received the information and the applicant had in turn requested for a hearing of the First Appeal.

10. AND WHEREAS, on request of the applicant, Er. Neingumeu Kire, Chief Engineer & FAA, Mechanical, PWD, Nagaland, Kohima, had, vide letter No.CE/PW/M/ESTT/RTI/2022/276-277 dated 17/08/2023 fixed the first appeal hearing on 21/08/2023 at 12:00 Noon in the office chamber of the Chief Engineer, PWD, Mechanical.

11. AND WHEREAS, since there was no response or decision of the hearing of the first appeal from the FAA, the Commission had, vide letter No.NIC/APPEAL-1/2023-24/183 dated 20/11/2023 directed to submit a copy of the decision of the FAA.

12. AND WHEREAS, in compliance to the Commission's directive, Er. Neingumeu Kire, Chief Engineer & FAA, Mechanical, PWD, Nagaland, Kohima, had, vide letter No.CE/PW/M/ESTT/RTI/2022/288 dated 06/12/2023 submitted a copy of the decision of the FAA which was passed vide letter No.CE/PW/M/ESTT/RTI/2022 dated 30/08/2023 stating that:-

1. *The PIO stated the information sought by the applicant pertaining to the year 2007 & 2008 was not found, but after further investigation prior to the hearing, an information was found pertaining to the year 2006 which relates to the information sought by the applicant (now appellant).*
2. *The PIO had produced the information to the applicant (now appellant), Shri. Senkalemba, and the applicant was satisfied with the information furnished to him during the hearing.*

13. AND WHEREAS, on receipt of the above first appeal decision of the FAA, the Commission had, vide letter No.NIC/APPEAL-1/2023-24/215 dated 11/01/2024 directed the Chief Engineer & FAA, PWD (Mechanical), Nagaland, Kohima to submit a copy of the information furnished to the applicant within 15(fifteen) days from the date of receipt of its directive.

14. AND WHEREAS, on receipt of the above first appeal decision of the FAA, the Commission had, vide letter No.NIC/APPEAL-1/2023-24/216 dated 11/01/2024 directed the applicant (now appellant), Shri. Senkalemba, to submit confirmation of satisfaction or non-satisfaction of the information received from the PIO, O/o the Chief Engineer, PWD (Mechanical), Nagaland, Kohima within 15(fifteen) days from the date of receipt of its directive.

15. AND WHEREAS, in compliance to the Commission's directive dated 11/01/2024, Er. Neingumeu Kire, Chief Engineer & FAA, Mechanical, PWD, Nagaland, Kohima, had, vide letter No.CE/PW/M/ESTT/RTI/2022/459 dated 29/01/2024 submitted the copies of the information furnished to the applicant (now appellant), Shri. Senkalemba.

16. AND WHEREAS, also in compliance to the Commission's directive dated 11/01/2024, the applicant (now appellant), Shri. Senkalemba had, vide letter No NIL dated 04/04/2024 submitted satisfaction with the information so furnished by the PIO.

17. AND WHEREAS, the Commission had observed that on receipt of the RTI application dated 25/11/2022, Er. Ekon Murry, Superintending Engineer & PIO, PWD Mechanical, Nagaland, Kohima had given to the RTI applicant on 04/04/2023 the reply which was in most probability, the information submitted by Er. Moijum Konyak L, Mechanical Engineer (PWD), Mechanical Division No.II, Kohima to the Chief Engineer office on 10/03/2023.

18. AND WHEREAS, Section 7(1) of the RTI Act, 2005 mandate that the PIO, on receipt of a request under Section 6 shall, as expeditiously as possible, and in any case within 30 days of the receipt of the request either provide the information sought or reject the request in accordance with the provision of the RTI Act. However, the Commission observed that the reply to the RTI application dated 25/11/2022 (though receipt by the PIO is not known) was given only after 130 days by Er. Ekon Murry on 04/04/2023 and considering the 30 days time to furnish the information, the No. of days of delay becomes $130 - 30 = 100$ days. Further, since the information

could be furnished to the applicant (now appellant) only after it was submitted to the O/o the Chief Engineer, Mechanical, PWD, Nagaland by Er. Moijum Konyak L, Mechanical Engineer (PWD), Mechanical Division No.II, Kohima on 10/03/2023, which was after 105 days and considering the 30 days time to furnish the information, the No. of days of delay becomes 105-30= 75 days. And on receipt of the information from Er. Moijum Konyak L, Mechanical Engineer (PWD), Mechanical Division No.II, Kohima, Er. Ekon Murry, Superintending Engineer & PIO, PWD Mechanical, Nagaland, Kohima had furnished the information to the applicant (now appellant) on 04/04/2023 which was after 25 days (counting from 10/03/2023 to 04/04/2023). Hence, out of the total 100 days of delay, Er. Moijum Konyak L, Mechanical Engineer (PWD), Mechanical Division No.II, Kohima had contributed 75 days of delay and Er. Ekon Murry, Superintending Engineer & PIO, PWD Mechanical, Nagaland, Kohima had contributed 25 days of delay, for which penalty is attracted.

19. NOW THEREFORE, the following are directed to submit a written explanation to the Commission with all relevant documents in their support **within 15 (fifteen) days** from the date of receipt of this Show Cause Notice as to why penalty Under Section 20(1) of the RTI, Act, 2005 shall not be imposed @250 /- per day of delay for contributing to the delay in furnishing the information to the applicant without reasonable cause. In case you fail to submit your written explanation within the above time specified by the Commission, it will be presumed that you have no explanation to offer and final order will be passed based on the material available on record.

Sl. No	PIO/Deemed PIO	Days of Delay	Penalty @250/-
1	Er. Ekon Murry	25	Rs. 6,250
2	Er. Moijum Konyak	75	Rs. 18,750
Total=		100 Days	Rs. 25,000/-

To,

1. Er. Ekon Murry, Superintending Engineer & PIO, PWD Mechanical, Nagaland, Kohima.
2. Er. Moijum Konyak L, Mechanical Engineer (PWD), Mechanical Division No.II, Kohima.

Sd/-

L.MEYIONEN JAMIR

Chief Information Commissioner

Dated Kohima, the 23rd May, 2024

No. NIC/APPEAL-1/2023-24 / 306
Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the Chief Information Commissioner.
2. The PA to the SIC (N), Nagaland Information Commission for kind information of the State Information Commissioner.
3. The PA to the SIC (K), Nagaland Information Commission for kind information of the State Information Commissioner.
4. The Chief Engineer & FAA, Mechanical, PWD, Nagaland: Kohima.
5. The Accounts Officer, Nagaland Information Commission.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. The applicant (now appellant), Shri. Senkalemba, Near CPO Hall, Chumukidema Town, Mobile No- 8575303813, Nagaland.
8. Office Copy.

(WORHONTHUNG EZUNG)
Deputy Secretary