

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

No. NIC/Appeal -41/2009/

Dated Kohima, 10th February, 2010.

Appellant : **Shri K.Nangba Phom, Shamkang Ward, Longleng Town
P.O. Longleng, Nagaland.**

Respondent : **Department of School Education**
Public Authority : **Office of the Deputy Inspector of Schools, Longleng,
Nagaland.**

Date of Hearing : **10.2.2010**

Date of Decision : **10.2.2010**

Present : **Shri Nipusilie Angami, Appellate Authority and Director,
School Education, Nagaland, Kohima.**
**Shri P. Lipok Jamir, Public Information Officer and
Deputy Inspector of Schools, Longleng.**
Shri K. Nangba Phom, Longleng, Appellant.

Facts

The Commission received on 21.12.2009 an appeal under Section 19 of the RTI Act, 2005 from Shri K. Nangba Phom, Namkang Ward, Longleng, Nagaland dated 3.12.2009, stating that not satisfied with the information given to him by the PIO and DIS Longleng on 16.9.2009 in response to his application of 27.8.2009, he had appealed to the Appellate Authority and Director of School Education, Nagaland, Kohima on 26.9.2009. He was not satisfied with the decision given by the Appellate Authority on 19.10.2009, which he found ineffective. He therefore requested the Commission to furnish the information under section 19 of the RTI Act 2005.

Shri K. Nangba Phom in his RTI Application of 3.12.2009 had sought the following information.

1. “Smti. N. Vaunyei Phom P/T GNS, Pupei Longleng was found absent in school duty since 2004 upto July 2009, without any leave. Under which Law salary is being paid against non-performing assigned duty by the Govt. servant ?
2. Why third party has involved for releasing of salary/allowances of Smti. N. Vaunyei Phom P/T GMS. Pupei Longleng.
3. As per the verbal agreement or advice of Smti. N. Vaunyei Phom P/T GMS. Pupei, Longleng had appoint Shri K. Nangba Phom, as a PROXY. Teacher in place of Smti. N. Vaunyei Phom P/T GMS. Pupei, Longleng. It is unfair discreditation done by Smti. N. Vaunyei to me, by not paying wage for consecutives six Months”.

The PIO and DIS Longleng Shri P. Lipok Jamir had given information on 16.9.2009 in response to the applicant's RTI application. Not satisfied with the information furnished, Shri K. Nangba Phom had appealed to the 1st Appellate Authority and Director of School Education on 26.9.2009, who had given decision on 19.10.2009. The appellant was again not satisfied with the decision of the Appellate Authority, and submitted appeal to the Commission on 21.12.2009.

During the hearing today, Shri K. Nangba Phom stated that Smti. N. Vaunyei P/T GMS, Pupei, Longleng was found absent in School duty from the year 2004 to July 2009 without any leave and he sought information as to under what law salary is being paid to Government servant who has not performed assigned duty, but the precise information sought was not given by the PIO, only photo copy of School attendance Register was given. He also stated that the PIO in reply had informed him that salaries of Smti. N. Vaunyei P/T GMS, Pupei, Longleng were released on the strength of authorization letter given by her, but he is not satisfied because there is no endorsement or seal of the Chairman of the Town Education Committee. He submitted that as per agreement Smti N. Vaunyei P/T GMS, Pupei, Longleng had requested him to attend as proxy teacher in her place in GMS, Pupei, Longleng but that it is unfair on her part not to pay him the wages for six consecutive months and pay to another third party.

Shri P. Lipok Jamir PIO and DIS Longleng stated that it was not brought to his notice by the School authority nor the Village Education Committee/Town Education Committee Chairman that Smti N. Vaunyei was not performing duty since 2004 upto date, and that her presence in the School attendance register (Photocopy) was given, though the signature in the register was not verified. He submitted that the specific information sought about under which law salaries is being paid to Government Servant who did not perform assigned duty was not furnished to the applicant. He informed that Smti N. Vaunyei P/T GMS, Pupei Longleng had personally handed over to him her authorization letter on 8.7.2009 on the strength of which her salaries were released to the authorized third party. Regarding item 3 of the application, he submitted that no specific information was sought, hence he had only informed the applicant that it is illegal to enter into verbal agreement or advice to work as PROXY in a Government School. His reply to the applicant was given on 16.9.2009.

The Commission note that the photocopy of the School attendance register given by the PIO cover the year 2005 and April to July 2009 – the PIO and DIS had stated that the signatures in the register were not verified by him. Shri K. Nangba clarified that he himself had signed in the attendance register. Shri K. Nangba Phom had also enclosed in his appeal application a certificate issued by the Chairman, Town Education Committee, Government Middle School, Pupei, Longleng dated 18.9.2009 certifying that “Shri K. Nangba Phom has been performing the duty in this School in place of Smti. N. Vaunyei P/T from 2004 basing on their own agreement/permission between them”.

Issues such as who actually performs the duty of the teacher, the teacher attendance register being signed by some one against the legal appointee, role of the VEC/TEC in cases such as the certificate issued by TEC Longleng and genuineness or otherwise of authorization for release of salary are administrative matters under the jurisdiction and purview of the School Education Department and the Commission has no decision on these.

DECISION

The Commission find that the PIO in his response to item No. 1 of this RTI application had not furnished the specific information sought i.e. “under what law salary is being paid against non-performing assigned duty by the Government Servant”, information against item No. 2 has been furnished and that there is no specific information sought at item No.3.

The Commission direct PIO and DIS Longleng, Shri P. Lipok Jamir to furnish the specific information sought at item No. 1 of this RTI application, free of cost, to the applicant within 10 days of pronouncement of this decision, under intimation to the Commission.

Pronounced in open proceedings today.

Copies be given to the parties.

Copy be sent to:

1. Additional Chief Secretary, School Education, Nagaland, Kohima.
2. The Director of School Education, Nagaland, Kohima.

Sd/-

P. Talitemjen Ao, IAS (Rtd)
Chief Information Commissioner,
Nagaland

Sd/-

Rev.Dr. W. Pongsing Konyak
State Information Commissioner,
Nagaland

Sd/-

Dr. Kuhoi K Zhimomi
State Information Commissioner,
Nagaland.

Authenticated by me

Under Secretary
Nagaland Information Commission
Kohima