

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO.148
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-22/2011-12/

Dated Kohima, the 5th July, 2012

Appellant:

1. Mrs. Neilakuo-ü, President of Nurses of FHW (ANM), NHA, Kohima. Mobile No: 9863143440
2. Mrs Neikonuo, Vice President of Nurses of FHW (ANM) NHA, Kohima. Mobile No.9856582698
3. Ms. Imtimerenla, Secretary of Nurses of FHW(ANM), NHA, Kohima.

Respondent:

Principal, Director, Health & FW, Nagaland, Kohima.

Public Authority:

Directorate of Health & FW, Nagaland, Kohima.

Date of hearing:

05.07.2012

Date of final decision:

05.07.2012

Present:

1. Dr Yangerlemla, Principal Director & FAA, Health & FW, Nagaland, Kohima.
2. Dr. N. Savino, Addl. Director & PIO, DHFW, Nagaland, Kohima.
3. R.F. Lotha, Addl. Drugs Controller & former PIO, Directorate of Health &FW, Nagaland, Kohima.
4. Mrs. Amenla Jamir, Accounts Officer, DHFW, Nagaland, Kohima.
5. Dr.Vizolie Suorhie, Medical Superintendent & PIO, NHA, Kohima.
6. Mr Joshua Sheqi, Gauhati High Court, Kohima Bench, Kohima.
7. Mrs Neilakuo-ü, President of Nurses of FHW(ANM), NHA, Kohima.
8. Mrs Neikonuo, Vice President of Nurses of FHW (ANM), NHA, Kohima.
9. Ms. Imtimerenla, Secretary of Nurses of FHW (ANM), NHA, Kohima.

10. Mr Joshua Sheqi, Gauhati High Court, Kohima Bench, Kohima, learned Counsel for appellants.

Facts of the case

The appellant filed an RTI application before the PIO, Health &FW on 2nd December, 2011 requesting information on six (6) items namely:

1. The yearly GPF Statement of all the FHW/ANMs from 2004 to 2011.
2. A complete set of the Bill pertaining to pay arrear statement of ACP 1st lift with A/Roll.
3. ROP/2010 pay arrear statement with IPS & A/Roll.
4. Account section NHA Kohima, photocopy extracted from the double salary registers both monthly and pay arrears.
5. How and why has the word 'Promotion' in the Notifications altered with the word 'Up-gradation' in the Service Book entry when the employees were alleviated to the next higher stage?
6. Copy of the Service Rules governing the service of FHW/ANM.

Item 5 is basically for seeking clarification.

On 19th December, 2011, the PIO of the DHFW furnished information to the applicant on query Nos. 5 and 6 and further advised the applicant to obtain information on serial Nos. 1 to 4 from the Naga Hospital Authority, Kohima (NHAK) on the ground that the said records were not maintained by the DHFW. Accordingly, the PIO, DHFW, Kohima endorsed the query Nos. 1 to 4 to the Medical Superintendent, NHAK on 19.12.2011 for necessary action.

The Medical Superintendent & PIO, NHAK, Kohima stated that he received the said letter in question only on 11.04.12 and held discussion with FHW/ANM members on 21.05.12, 22.05.12 and on 30.05.12 and asked them to collect the information regarding query Nos. 1 to 4. However, according to the Medical Superintendent, NHAK, Kohima the same was not collected by the FHW/ANM members.

The applicants thereafter on the ground that the PIO of the NHAK and PIO, DHFW had not furnished full information to their queries filed an appeal before the Principal Director & FAA, DHFW, on 12.01.2012 in which the appellants, Deputy Director, Nursing Section, DHFW, Accounts Officer, DHFW, Former PIO of the DHFW were present. The Commission, however, observed that the decision of the FAA pursuant to the hearing held on 08.02.2012 is not conclusive and does not redress the grievances of the appellant. As the Principal Director & FAA, DHFW her decision which should have been a quasi judicial decision based on hearing held on 08.02.2012 should have been conclusive,

specific and fully redressed the expectations of the appellants. The FAA Order of 09.02.12 is flawed and inadequate.

The appellants not satisfied with the decision of the Principal Director & FAA, DHFW filed an appeal before the Nagaland Information Commission on 22.03.2012 which was received on the same day. The Commission meanwhile issued the directive to the Principal Director & FAA, DHFW on 03.04.2012 to furnish the satisfactory information to the applicants (now appellants) within 30 days from the date of receipt of the Commission's letter dated 3rd April, 2012.

The Principal Director & FAA, DHFW furnished the reply to the Commission which is found to be grossly unsatisfactory and unacceptable.

Accordingly, the Commission fixed 05.07.2012 at 2 PM for hearing.

Decision

Based on the facts highlighted and having heard the appellants, the Principal Director & FAA, DHFW, the previous PIO, DHFW etc., the Commission decides as under:-

Query No. 1 Whereas, the yearly GPF Statement of all FHW/ANMs maintained by Account General, Nagaland is being issued to them every year, the concerned FHW/ANMs whose GPF Statements contain errors or missing columns etc. shall bring the same to the notice of the concerned DDOs who shall issue them the Statement of GPF **deductions** made in the monthly pay bills in respect of every FHW/ANM for the particular **periods** in which their GPF Statements contained **errors** or **blank** entries etc. The concerned DDOs may take up the matter with the Accountant General, Nagaland to rectify the errors of omission or commission.

Principal Director & FAA, HFW shall issue directives to all DDOs on the matter.

Query No. 2 Photocopy of the complete set of the Bills pertaining to pay arrear statements of ACP 1st lift with A/Roll shall be made available to the FHW/ANM Association within 1 (one) month of the issue of order/decision by the NIC.

Query No. 3 ROP/2010 pay arrear statement with IPS & A/Roll of FHW/ANMs shall be made available by the Department of H&FW for FHW/ANM Association within 1 (one) month from the date of issue of order/decision by the NIC.

Query No. 4 On the issue of maintenance of double salary registers for both for monthly and pay arrears, the Medical Superintendent & PIO, NHAK shall file an affidavit within one week of issue of the order, to the

effect that NHAK is **NOT** maintaining any double salary registers for monthly salary or pay arrears etc. and submit the same to the Nagaland Information Commission with photocopy to FHW/ANM Association.

Query No.5 This being more of a clarification being sought than that of a request for information, the Department of H&FW through its Administrative Office may furnish clarification on the matter and the same shall be forwarded to the FHW/ANM Association under intimation to the NIC.

Query No. 6 The Department acknowledged that they have not yet framed any Service Rules for FHW/ANMs which the Commission opined is rather unfair. Hence, the Principal Director & FAA, Health & FW Directorate shall immediately initiate action to frame Service Rules for HFHW/ANM and have it approved by the appropriate authorities at the earliest.

Decision made in the presence of all present on this day the 05.07.2012.

Copy be given to all concerned:-

1. Dr Yangerlemla, Principal Director & FAA, Health & FW, Nagaland, Kohima.
2. Dr. N. Savino, Addl. Director & PIO, DHFW, Nagaland, Kohima.
3. R.F. Lotha, Addl. Drugs Controller & former PIO, Directorate of Health & FW, Nagaland, Kohima.
4. Mrs Amenla Jamir, Accounts Officer, DHFW, Nagaland, Kohima.
5. Dr. Vizolie Suorhie, Medical Superintendent & PIO, NHA, Kohima.
6. Mr Joshua Sheqi, Gauhati High Court, Kohima Bench, Kohima.
7. Mrs Neilakuo-ü, President of Nurses of FHW (ANM), NHA, Kohima.
8. Mrs Neikonuo, Vice President of Nurses of FHW (ANM) NHA, Kohima.
9. Ms. Imtimerenla, Secretary of Nurses of FHW (ANM), NHA, Kohima.

Sd/-

Lalhuma IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

Authenticated by:

Secretary
Nagaland Information Commission