

C.P.

**NAGALAND INFORMATION COMMISSION**

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New Capital Complex

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No. NIC/APPEAL-3/2024-25

Dated Kohima, the 11<sup>th</sup> September, 2024

**Subject: - Closing Order of Appeal Case**

WHEREAS, this Commission had received a Second Appeal dated **10.05.2024** submitted by Shri. **Akhrieu Chusi**, Advocate, Gauhati High Court, Kohima Bench against incomplete and unsatisfactory reply of **Dr. Soumya Chakraborty** in response to his First Appeal dated **01.04.2024** and which was submitted against unsatisfactory reply to his RTI application dated **07.02.2024**.

2. AND WHEREAS, the applicant had submitted a RTI application dated 07.02.2024 along with an application fee of Rs. 10/- to the PIO, Nagaland Institute of Medical Sciences & Research, Kohima, Nagaland seeking the following information: -

1. *Number of sanctioned Grade-IV post created at NIMSR.*
2. *Whether any appointments were made against the said post till date?*
3. *Whether the Office Memorandum dated 04.06.2016 for appointment of Grade III & IV post for indigenous inhabitant of District Offices was followed?*
4. *Whether any appointments to Grade IV posts were made against non sanctioned post?*
5. *If any appointments were made under Grade IV, whether it was done through proper advertisement and selection process?*
6. *List of the appointment orders of the appointees against Grade IV post.*
7. *Whether the recruitment were done as per the recruitment policies of the institute. Kindly furnish the recruitment policies.*

3. AND WHEREAS, on receipt of the RTI application dated 07.02.2024, **Dir. Prof. Dr. Soumya Chakraborty**, Director cum Dean & PIO, NIMSR had, vide **No. NIMSR/10/1/RTI/2023/1556** dated **08.03.2024**, furnished the replies to the applicant.

4. AND WHEREAS, on receipt of the reply of the PIO, the applicant had submitted a First Appeal dated **01.04.2024** to the FAA, NIMSR stating that the information furnished to Query Nos. 03, 05, 06, & 07 were incomplete and unsatisfactory and hence requested the FAA to direct the PIO to provide the complete information.

5. AND WHEREAS, on the advice of the Department of Health & Family Welfare, Nagaland, Kohima vide letter **No. HFW (A) NIMSR/17/6/2023/36** dated **23.04.2024**, the PIO, NIMSR had, vide letter **No. NIMSR-10/1/RTI/2023 (Pt-3)/44** dated **24.04.2024**, requested the applicant to clarify as in what manner the reply to his RTI application vide letter dated **08.03.2024** was found to be incomplete.

6. AND WHEREAS, the applicant (now appellant) had submitted a Second Appeal dated 10.05.2024 to this Commission stating that the information furnished to him was incomplete and unsatisfactory and hence requested to pass necessary order as deem fit and proper.

7. AND WHEREAS, since the First Appeal dated 01.04.2024 had not been heard by the FAA, the Commission had, vide directive of even No. dated **22.05.2024**, directed the Commissioner & Secretary & FAA, Department of Health & Family Welfare, & Chairman, Executive Committee, NIMSR Society, Nagaland to hear the above First Appeal with both the concerned parties, i.e., the applicant and the PIO, **within 15 (fifteen) days** from the date of receipt of its directive and to submit a copy of the FAA's decision to this Commission for further necessary action.

8. AND WHEREAS, on not getting any compliance from the FAA to the directive of the Commission dated 22.05.2024, this Commission had, vide directive of even No. dated **30.07.2024**,

issued a reminder to the FAA to submit a copy of the FAA's decision *within 10 (ten) days* from the date of receipt of its reminder for further necessary action.

9. AND WHEREAS, in compliance to the directive of the Commission dated 22.05.2024 and reminder dated 30.07.2024, the Commission had received a copy of the FAA's Order vide *No. HFW(A)-12/NIMSR-RTI/215/2024(Pt)/292* dated *19.07.2024* stating that on receipt of the Commission's directive dated 22.05.2024 on 27.05.2024, a hearing of the First Appeal was held on *03.06.2024* wherein, the Director cum Dean & PIO, NIMSR was directed to furnish to the applicant (now appellant), the requisite information free of cost within a period of 1 (one) week in view of delay in disposal of the matter.

10. AND WHEREAS, on receipt of the above decision dated 19.07.2024 of the FAA on 09.08.2024, the Commission had, vide directive of even No. dated *14.08.2024*, directed the applicant (now appellant) to submit confirmation of receipt and satisfaction/ dissatisfaction of the information so furnished by the PIO, NIMSR along with a copy of the information received *within 15 (fifteen) days* from the date of receipt of its directive.

11. AND WHEREAS, in compliance to the above directive of the Commission, the applicant (now appellant) had, vide letter dated *20.08.2024*, submitted to the Commission, stating that he had received the requisite information via e-mail on 24.07.2024 from the Director cum Dean & PIO, NIMSR and that the information so furnished was satisfactory and had enclosed a copy of the information so received.

12. AND WHEREAS, the Commission had observed that on receipt of the RTI application dated 07.02.2024, since the PIO had given the reply on 08.03.2024, there was no delay. Further, since the applicant had also confirmed receipt and was satisfied with the information, the Commission has decided to close the Appeal case.

13. NOW THEREFORE, it is notified to all the parties that this Appeal case is hereby declared as *closed*.

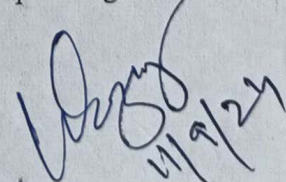
1. Shri. *V. Kezo*, Commissioner & Secretary & FAA, Department of Health & Family Welfare, Nagaland & Chairman, Executive Committee, NIMSR Society, Nagaland .
2. *Dir. Prof. Dr. Soumya Chakraborty*, Director cum Dean & PIO, NIMSR, Nagaland.
3. The applicant (now appellant), Shri. *Akhrieu Chusi*, Advocate & Legal Consultant, Advocates' Chamber, Vizo Dental Clinic Building, 2<sup>nd</sup> Floor, New Secretariat Road, High School Area, Kohima-797001, Nagaland, Ph. No. 7085974748.

Sd/- **I. MEYIONEN JAMIR**  
Chief Information Commissioner

Dated Kohima, the 11<sup>th</sup> September, 2024

No. NIC/APPEAL-3/2024-25 /410  
Copy to: -

1. The PS to CIC for kind information of the Chief Information Commissioner.
2. The PS to SIC (N) for kind information of the State Information Commissioner.
3. The PA to SIC (K) for kind information of the State Information Commissioner.
4. Shri. *V. Kezo*, Commissioner & Secretary & FAA, Department of Health & Family Welfare, Nagaland & Chairman, Executive Committee, NIMSR Society, Nagaland .
5. *Dir. Prof. Dr. Soumya Chakraborty*, Director cum Dean & PIO, NIMSR, Nagaland.
6. The applicant (now appellant), Shri. *Akhrieu Chusi*, Advocate & Legal Consultant, Advocates' Chamber, Vizo Dental Clinic Building, 2<sup>nd</sup> Floor, New Secretariat Road, High School Area, Kohima-797001, Nagaland, Ph. No. 7085974748.
7. Shri. *S. Chumbemo Kithan*, Computer Programmer, NIC for uploading on the Commission's website.
8. Office copy.

  
(**WORHONTHUNG EZUNG**)  
Deputy Secretary