

NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

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No. NIC/APPEAL-21/2023-24/638

Dated Kohima, the 26th May, 2025

Appellant : Shri. P. Sendongmeren,
Lerie Chazou Colony,
Kohima,
Mobile No. 9862869828.

Respondents : (i) Shri. Kuko Mero, NCS
Secretary & FAA,
Home Department,
Police Establishment Branch,
Nagaland, Kohima.

(ii) Smti. Chubasangla Longkumer, NSS
Joint Secretary & PIO,
Home Department,
Police Establishment Branch,
Nagaland, Kohima.

Public Authority : Home Department, (Police Establishment Branch),
Nagaland, Kohima.

Date of hearing : 20.05.2025 at 11:30 AM.

Date of Decision : 26.05.2025.

Present:

1. Shri. Kuko Mero, NCS, Secretary & FAA, Home Department (Police Establishment Branch), Nagaland, Kohima.
2. Smti. Chubasangla Longkumer, NSS, Joint Secretary & PIO, Home Department (Police Establishment Branch), Nagaland, Kohima, Mobile No. 8787492438.
3. The applicant (now appellant), Shri. P. Sendongmeren, Lerie Chazou Colony, Kohima, Ph. No. 9862869828.

FACT OF THE CASE

An applicant, Shri. P. Sendongmeren had submitted a RTI application dated **13.09.2023** along with an application fee of Rs. 10/- addressed to the PIO, Home Department (Police Establishment Branch), Nagaland, Kohima seeking the following information: -

1. *The Service Rules on the basis of which current charges were given to the following officers under the Police Department vide Order No. POL-1/ESTT/2013/A/1439 dated 18th August 2023.*
 - a. *Shri. Naieem Mustafa Mansury IPS (2012)*
 - b. *Shri. T. Uniel Kichu Ao, IPS (2012)*
 - c. *Shri. Imnalensa, IPS (2012)*
2. *The Charge report of the above officers at the time of joining in the N. P. as ASP.*
3. *The proposal for current charge in respect of the above officers send by PHQ to Home Department.*

4. *The proposal send by PHQ to Home Department for officiating promotion/ current charge the following officers.*
 - a. *Shri. Lerimo Tsopoe Lotha, IPS - IGP to ADG*
 - b. *Shri. Aotemsu, IPS - DIG to IG*
 - c. *Shri. P. Sendongmeren, IPS – DIG to IG*
 - d. *Shri. Videlalie Angami, IPS – DIG to IG*
5. *The reasons for denying officiating promotion/ current charge to Shri. P. Sendongmeren, IPS – DIG to IG, inspite of having clear vacancy in the rank of IGP on the verge of retirement which would not have any financial expenditure to the state exchequer.*
6. *A copy of the Lalthara Committee report. Has this Committee report been approved by the State Government. If so, a copy of the Nagaland Gazette in which the same was published may kindly be produced.*

The above RTI application dated 13.09.2023 was received by the public authority on the same date i.e., 13.09.2023 as evidenced on the body of the application, however on not getting any response from the PIO within the stipulated time frame of 30 days, the applicant had submitted a First Appeal dated 19.10.2023 addressed to the FAA, Home Department (Police Establishment Branch), Nagaland, Kohima.

On not getting any response from the FAA to the First Appeal, the applicant (now appellant) had submitted a Second Appeal dated 14.12.2023 to the Commission for intervention and necessary action.

On receipt of the above Second Appeal, the Commission had, vide Directive of even No. dated 11.01.2024, directed the FAA, Home Department (Police Establishment Branch), Nagaland, Kohima to take up the First Appeal dated 19.10.2023 by hearing the parties i.e., the applicant and the PIO concerned and pass decision within 45 (forty five) days from the date of receipt of its directive and submit a copy of the decision to the Commission.

On non receipt of any action taken report by the FAA on the Commission's Directive dated 11.01.2024 even after lapse of the given 45 (forty five) days time period, the Commission had, vide directive of even No. dated 05.04.2024, issued a reminder to the FAA to hear the First Appeal dated 19.10.2023 and to submit action taken report within 7 (seven) days from the date of receipt of its directive.

In response to the Commission's directive dated 11.01.2024, Smti. Chubasangla Longkumer, Deputy Secretary, Home Department (Police Establishment Branch), Nagaland, Kohima had, vide letter No. POL/ESTT-3/08/2016/212 dated 28.02.2024, informed the Commission that the department had, vide Order No. POL/ESTT-3/08/2016/183 dated 23.02.2024, fixed a hearing of the above First Appeal on 27.02.2024 at 12:00 Noon, however, the hearing was postponed on the request of the applicant vide letter dated 26.02.2024 to defer the hearing to after 20th March, 2024 as he would be out of station for medical treatment.

The applicant had, vide letter dated 22.04.2024 requested the Addl. Secretary (Home) & FAA, Police Establishment Branch, Home Department to refix the date of hearing which was postponed earlier.

Even after sufficient time had passed, since no action taken report had been received from the public authority in spite of directives dated 11.01.2024 and 05.4.2024, the Commission had, vide directive of even No. dated 12.07.2024, issued another reminder to the FAA to hear the First Appeal and submit action taken report within 7 (seven) days from the date of receipt of its reminder.

Smti. Chubasangla Longkumer, NSS, Deputy Secretary, Home Department (Police Establishment Branch), Nagaland, Kohima had, vide No. POL/ESTT-3/08/2016/822 dated 17.07.2024, informed the Commission that the First Appeal hearing was held on 11.06.2024 at 01:00 PM and the requisite information was furnished to the applicant on 21.06.2024.

Shri. Kuko Mero, NCS, Secretary & FAA, Home Department (Police Establishment Branch), Nagaland, Kohima had, vide No. POL/ESTT-3/08/2016/ dated 30.09.2024, informed the Commission that the First Appeal hearing was held on 11.06.2024 and the information was furnished to the applicant by the PIO vide letter No. POL/ESTT-3/08/2016/717 dated 21.06.2024 as shown below: -

1. *The Service Rules on the basis of which current charges were given to the following officers under the Police Department vide Order No. POL-1/ESTT/2013/A/1439 dated 18th August 2023.*

d. *Shri. Naieem Mustafa Mansury IPS (2012)*

e. *Shri. T. Uniel Kichu Ao, IPS (2012)*

f. *Shri. Imnalensa, IPS (2012)*

Ans: Current charge was issued on the recommendation of the Police Establishment Board (PEB) copy enclosed.

2. *The Charge report of the above officers at the time of joining in the N. P. as ASP.*

Ans: Charge report copy enclosed.

3. *The proposal for current charge in respect of the above officers send by PHQ to Home Department.*

Ans: PHQ proposal copy enclosed.

4. *The proposal send by PHQ to Home Department for officiating promotion/ current charge the following officers.*

e. *Shri. Lerimo Tsopoe Lotha, IPS - IGP to ADG*

f. *Shri. Aotemsu, IPS - DIG to IG*

g. *Shri. P. Sendongmeren, IPS - DIG to IG*

h. *Shri. Videlalie Angami, IPS - DIG to IG*

Ans: PHQ proposal copy enclosed.

5. *The reasons for denying officiating promotion/ current charge to Shri. P. Sendongmeren, IPS - DIG to IG, inspite of having clear vacancy in the rank of IGP on the verge of retirement which would not have any financial expenditure to the state exchequer.*

Ans: The Police Establishment Board (PEP) has not recommended for officiating promotion/ current charge.

6. *A copy of the Lalthara Committee report. Has this Committee report been approved by the State Government. If so, a copy of the Nagaland Gazette in which the same was published may kindly be produced.*

Ans: NIL

On receipt of the letter No. POL/ESTT-3/08/2016/822 dated 17.07.2024, the Commission had, vide Directive of even No. dated 24.10.2024, directed the Deputy Secretary & PIO, Home Department (Police Establishment Branch), Nagaland, Kohima to confirm satisfaction/ non-

satisfaction from the applicant (now appellant) within 30 (thirty) days and thereafter, submit a copy of the confirmation along with the information furnished to him for further necessary action.

On not getting any response from the public authority to the above directive dated 24.10.2024, the Commission had, vide Directive of even No. dated 22.01.2025, issued a reminder to confirm satisfaction/ non-satisfaction from the applicant of the information received and thereafter, submit a copy of the confirmation along with the information furnished to him for further necessary action.

On receipt of the above reminder, Smti. Chubasangla Longkumer, NSS, Joint Secretary & PIO, Home Department (Police Establishment Branch), Nagaland, Kohima had, vide No. POL/ESTT-3/08/2016/58 dated 04.02.2025, reminded the applicant to confirm his satisfaction/ non-satisfaction of the information received within 30 (thirty) days from the date of issue of the reminder, and failing which, the matter would be considered as satisfied.

In response to the above PIO's letter dated 04.02.2025, the applicant (now appellant) had, vide letter dated NIL and with a copy to the Commission submitted that he was not satisfied with the information provided by the public authority with regard to **Query No. 5** of his RTI application dated 13.09.2023 on the following grounds: -

"In spite of having clear vacancy, officiating promotion/ current charge was denied. On what ground or reason did the PEB not consider? In many uniform services honorary higher rank is given on retirement as a goodwill gesture. (Many such instances have been observed, with example as under)

Smti. Imcharenla IPS was given officiating promotion/ current charge as IGP on her retirement without having vacancy in the rank of IGP. Further to state that Shri. Martin Pienyu IPS (INT) was given officiating promotion/ current charge on his retirement superseding 3 (three) officers senior to him. This clearly shows that the PEB (Home Deptt) does not follow the same yardstick and is biased towards the applicant.

Requested to furnish the grounds or reason of PEB why officiating promotions/ current charge was denied in spite of having clear vacancy with no financial implication."

On receipt of the above letter of the applicant (now appellant) on 26.02.2025, the PIO had, vide No. POL/ESTT-3/08/2016/296 dated 26.03.2025, informed the applicant (now appellant) and with a copy to the Commission reiterated the decision of the higher authority vide letter dated 21.06.2024 against Query No. 05 of the RTI application dated 13.09.2023 which stated that *"The Police Establishment Board (PEB) has not recommended for officiating promotion/ current charge."*

Since the applicant (now appellant) is still not satisfied with the reply to query No. 05 furnished by the public authority, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **20th May, 2025 (Tuesday) at 11:00 AM** in the **Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, Nagaland, Kohima** and the following parties were directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. The Secretary & FAA, Home Department (Police Establishment Branch), Nagaland, Kohima.
2. The Joint Secretary & PIO, Home Department (Police Establishment Branch), Nagaland, Kohima.
3. The applicant (now appellant), Shri. P. Sendongmeren, Lerie Chazou Colony, Kohima, Mobile No. 9862869828.

OBSERVATIONS AND FINDINGS:

Since the applicant (now the appellant) was not satisfied with the reply to query No. 5 and had appealed to the Commission, the Commission took up only Query No. 5 for the hearing.

During the hearing, the applicant (now appellant) stated that in the uniformed services such as the Police, mostly honorary rank or promotion is given at the time of retirement with no increase in pay scale or any financial implication. He stated that he was not given officiating promotion/ current charge in spite of having clear vacancy in the rank of IGP on the verge of his retirement, however, his immediate senior was given the officiating promotion at the time of her retirement without having vacancy in the rank of IGP and more recently, some retiring officers had also been given the honorary rank. He further stated that he had submitted earlier, however since there was no action, he had again submitted for the second time and received the reply which was not satisfactory.

Shri. Kuko Mero, NCS, Secretary & FAA, Home Department (Police Establishment Branch), Nagaland, Kohima stated that on being posted, he had joined the Department on 08.05.2024 and on the directive of the Commission, the first appeal hearing was held on 11.06.2024 wherein the PIO was directed to furnish the reply. Accordingly, the PIO had on **21.06.2024** furnished the replies to the applicant (now appellant).

Smti. Chubasangla Longkumer, Joint Secretary & PIO, Home Department, Police Establishment Branch, Nagaland, Kohima explained that in the Police, transfer, posting and promotions are taken up by the Police Establishment Board (hereafter PEB). She stated that the applicant's name (*Shri. P. Sendongmeren, IPS*) was also in the list of proposal, however his case was not considered by the PEB. He had submitted for the second time, but the same reply was given to him stating that it's the discretion and decision of the PEB. However, the applicant (now appellant) stated that he had not received the PEB Minutes, and if received, he would be satisfied.

The PIO had produced a copy of the PEB Minutes before the Commission and a copy was also handed over to the applicant (now appellant) during the hearing.

Since as per the RTI application dated 13.09.2023, the applicant had sought **the reason** denying officiating promotion/ current charge to him, the Commission asked the PIO if any reasons had been mentioned or recorded in the file note sheets, to which the PIO replied that there was no such reason mentioned in the note sheets.

The Commission pointed out that as per DOPT (DOPT OM No.1/7/2009-IR dated 1st June, 2009), "*RTI Act does not include answers to questions like 'WHY' "* and hence, WHY type of questions should not be asked in RTI. The Commission also explained that RTI is a tool to furnish whatever information available in the public authority, and that information cannot be created for the applicant.

The Commission observed that there was considerable delay in giving the reply to the applicant(now appellant). From the date of receipt of the RTI application dated 13.09.2023 on the same date i.e. **13.09.2023** to the date of first reply by the PIO on **21.06.2024**, there was a total of **282 days**. Considering the 30 days time limit for the PIO, the delay becomes **282 – 30 = 252 days**, which exceeded 100 days and for which the maximum penalty is attracted.

Smti. Chubasangla Longkumer, Joint Secretary & PIO, Home Department, Police Establishment Branch, Nagaland, Kohima had pleaded to consider the penalty, and the Commission had allowed her to submit her justifications and the reasons for the delay to the Commission **within one (1) week.**

The PIO submitted that the delay was not intentional and since there were several officers come and go in the Department/Branch, the matter could not be processed on time. Moreover, the matter was further delayed as the applicant had, vide his letter dated 26.02.2024 also requested to defer the hearing of his first appeal to after 20th March, 2024 as he would be out of station for

medical treatment. She had, therefore, requested the Commission to condone the delay which was beyond her control.

The Commission had also pointed out that in spite of its directive dated 11.01.2024 to the FAA to hear the first appeal, and reminders dated 05.04.2024 and 12.07.2024, there was no response or action and the FAA had replied to the Commission only on 30.09.2024. Also when the PIO was directed to confirm satisfaction/non-satisfaction of the applicant (now the appellant) on 24.10.2024, there was no response at all, but only after the Commission's reminder dated 22.01.2025, did the PIO replied on 04.02.2025. The Commission took a serious view of the lackadaisical attitude of both the FAA and PIO, which had stretched the instant RTI matter for long and had therefore, cautioned them to take RTI matters seriously and promptly.

ORDER

On the above observations and findings, the Commission ordered that:-

1. As far as furnishing of information regarding query No. 5 is concerned, since the applicant(now appellant) had received a copy of the **Police Establishment Board (PEB) Minutes** and had expressed his satisfaction during the hearing, no further action is required.
2. Smti. Chubasangla Longkumer, Joint Secretary & PIO, Home Department, Police Establishment Branch, Nagaland, Kohima had, vide letter No. POL/ESTT-3/08/2016/78 dated 23.05.2025 submitted her justifications and the reasons for the delay to the Commission, however, the Commission was not convinced with her submission since it was not the justifications or the reasons but more of the chronological events indicating that without the intervention of the FAA she was unable to furnish the information. Therefore, under Section 20 (1) of the RTI Act 2005, since the delay exceeded 100 days, maximum penalty amounting to **Rs. 25,000.00** (Rupees twenty five thousand only) is imposed on Smti. Chubasangla Longkumer, Joint Secretary & PIO, Home Department, Police Establishment Branch, Nagaland, Kohima for contributing to the delay in furnishing the information to the applicant (now appellant) without reasonable cause. The above penalty amount shall be paid **within 15 (fifteen) days** from the date of receipt of this decision. Since penalty is imposed personally, the penalty amount shall be deposited into the Government account under her 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

On receipt of the above compliance to the above decision at **point No. 2**, the Commission shall close the case.

This Order is passed in the presence of both the parties i.e the respondents and the applicant (now appellant) on 20.05.2025 at 11:30 AM.

Copies be given to:

1. Shri. Kuko Mero, NCS, Secretary & FAA, Home Department (Police Establishment Branch), Nagaland, Kohima.
2. Smti. Chubasangla Longkumer, NSS, Joint Secretary & PIO, Home Department (Police Establishment Branch), Nagaland, Kohima, Mobile No. 8787492438.

3. The applicant (now appellant), Shri. P. Sendongmeren, Lerie Chazou Colony, Kohima, Mobile No. 9862869828.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office Copy.

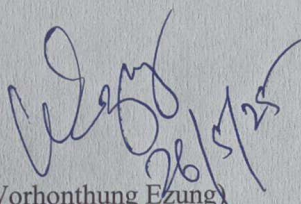
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary