

G.P.

**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-23/2024-25/180

Dated Kohima, the 18th August, 2026

Appellant : Major Vikuto Assumi (Retd.),
House No. 81, Lhomithi village,
Signal Basti,
Dimapur, Nagaland,
Email- vikutoasumi82@gmail.com,
Mobile No. 9862259701.

Respondents : (i) Shri. T. Nungsang Sangtam, NCS
Additional Secretary & FAA,
Home Department, Police 'B',
Nagaland, Kohima.

(ii) Shri. M. Takutemsu, (now retired)
Deputy (then Under) Secretary & PIO,
Home Department, Police 'B' Branch,
Nagaland, Kohima.

(iii) Smti. B. Moishen Phom,
Section Officer & APIO,
Nagaland, Kohima.

Public Authority : Home Department, Police 'B' Branch, Nagaland, Kohima

Date of first hearing : 10.04.2026 at 11:00 AM.
Date of first Decision : 16.04.2026

Date of second hearing : 11.08.2026 at 11:00 AM.
Date of second Decision : 18.08.2026

Present:

1. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8787735865.
2. Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired), Mobile No. 9436077127/ 8729913185.
3. Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8014598619.
4. Shri. Niepo Vese, Secretariat Assistant, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 9378064406.
5. The applicant (now appellant), Major Vikuto Assumi (Retd.), House No. 81, Lhomithi village, Signal Basti, Dimapur, Nagaland, Email- vikutoasumi82@gmail.com, Mobile No. 9862259701.
6. An acquaintance of the above applicant (now appellant), Shri. Kishor Dass, Rajbari, NL Road, Dimapur, Mobile No. 9615900900.

FACT OF THE CASE

The Commission had on 10.04.2026 at 11:00 AM heard the Second Appeal dated 30.01.2025, submitted by Major Vikuto Asumi (Retd.), House No. 81, Lhomithi village, Signal Basti, Dimapur, Nagaland, Email- vikutoasumi82@gmail.com, Mobile No. 9862259701, against the unsatisfactory reply of the FAA to his first appeal dated 21.09.2024 and which was submitted against the non-response of the Home Department, Police 'B' Branch, Nagaland, Kohima, to his RTI application dated 05.08.2024.

After the hearing of the second appeal, the Commission had passed decision of even No. dated **16.04.2026**, wherein at **point No. 1** of the order of the Commission, Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA was directed to produce a copy of Medical Certificate along with related medical documents to the Commission within 20 (twenty) days from the date of receipt of its decision, and at **point No. 2**, the former PIO, Shri. M. Takutemsu, Deputy (then under) Secretary to the Govt. of Nagaland & PIO (now retired), Home Department, Police 'B' Branch, Nagaland, Kohima was directed to submit an **explanation** to the Commission for his non-appearance before the Commission in the hearing without any reason or prior information within 20 (twenty) days from the date of receipt of its decision.

In compliance to **point No. 1** of the Commission's decision dated **16.04.2026**, the Commission had, on 04.05.2026 received a letter dated **NIL** from Shri. T. Nungsang Sangtam, Additional Secretary & FAA, Police 'B' Branch, forwarding his Medical Treatment Certificate dated 26.04.2026 certified by Dr. A. Murry, MBBS, Dip. Psy., Murry Clinic & Diagnostic Centre, Khormalal, Dimapur, Regd. No. 35096. NMC:524.

In compliance to **point No. 2** of the Commission's decision dated **16.04.2026**, Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO (now retired), Home Department, Police 'B' Branch, Nagaland, Kohima had, vide letter dated **08.07.2026** submitted his explanation that *for non-appearance before the Commission in the hearing was not because of wilful negligence but owing to the fact that he was out of station at Mokokchung to tend to his ailing mother.*

Since the above 2 (two) compliances have been received and accepted, the Commission had decided to hear again the above mentioned appeal giving opportunity of being heard to all the parties on **11th August 2026 (Tuesday) at 11:00 AM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima** and had also notified the following parties to appear before this Commission and **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima.
2. Shri. M. Takutemsu, Deputy Secretary to the Govt. of Nagaland & PIO (now retired), Home Department, Police 'B' Branch, Nagaland, Kohima.
3. The applicant (now appellant), Major Vikuto Assumi (Retd.), House No. 81, Lhomithi village, Signal Basti, Dimapur, Nagaland, Email- vikutoasumi82@gmail.com, Mobile No. 9862259701.

OBSERVATIONS AND FINDINGS:

On being asked by the Commission during the hearing, the reasons for his non-satisfaction, the applicant (now appellant) stated that one post of Director, two posts of Deputy Director, one post of Superintendent, and several other non-gazetted posts in the Directorate of Sainik Welfare and Resettlement, Nagaland were advertised on 12.02.2020 with a given last date

of submission of applications on **21.03.2020**, however in July, 2022, Lt Col Chubasashi (Retd.) was appointed as Joint Director though the post was not even in the advertisement and both Lt. Col. David Toshi Jamir (Retd.) and Major Merenwati Jamir (Retd.) were also appointed to the posts of Deputy Director when they all had submitted their applications after the dateline.

In the month of August, 2022, the applicant (now appellant) had approached the Hon'ble High Court and the Court had, in WP(C) No. 176/2022 squashed the appointment of Major Merenwati Jamir (Retd.) from the post of Deputy Director. Hence, against the resultant vacancy of the post of Deputy Director caused as a result of the above Court Order, the applicant (now appellant) having scored the **second highest marks** in the interview and his name listed in the approved panel of officers, requested the Home Commissioner and the Special Secretary, Home Department for appointment, however, there was no response or action, and instead the post of the Deputy Director was re-advertised.

On being aggrieved, he had filed RTI applications to six (6) different Public Authorities that were members of the Selection Board. In the instant RTI case pertaining to the Home Department under which the Directorate of Sainik Welfare and Resettlement, Nagaland falls, he had filed his RTI application on 05.08.2024, however since there was no reply, he had filed first appeal on 21.09.2024. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima had heard his first appeal on 09.10.2024, however no FAA's Order was given to him. Later, on submission of his second appeal dated 30.01.2025 and on the direction of the Commission on 09.04.2025, the FAA had, vide letter No. POL/SWR-RTI/32/2013(Pt) dated 29.04.2025 submitted a copy of the FAA's Order dated 09.10.2024 to the applicant (now the appellant) and to the Commission.

The former PIO, Shri. M. Takutemsu, Deputy Secretary to the Govt. of Nagaland & PIO (now retired) and who also had dealt with the matter before his retirement from service stated that the reply was furnished to the applicant (now appellant) on **25.09.2024**, and during the FAA's hearing on 09.10.2024, all his 53 queries were discussed at length and even re-furnished the replies on **28.10.2024**. He informed that due to the COVID lockdowns, the interview could be held only in December, 2021 and the appointment letters issued in July, 2022. He further stated that it was always the AHOD or HOD that decides all matters.

On being asked by the Commission as to why the applicant (now appellant), inspite of having scored the **second highest marks** in the interview and his requests to the Home Commissioner and the Special Secretary, Home Department for appointment, was not appointed to the vacant post of the Deputy Director, the former PIO, Shri. M. Takutemsu replied that no Waiting List was maintained and since the Hon'ble High Court had given the liberty to the respondents to take steps for filling of the resultant vacancy, the post of the Deputy Director was re-advertised.

As observed in the last hearing held on 10.04.2026, regarding the allegation of the letter No. POL/SWR/ESTT-1/2/2020 dated 25.11.2020 written to the Kendriya Sainik Board (hereafter KSB), New Delhi as '**Fake**', the former PIO, Shri. M. Takutemsu (now retired) clarified that though it was addressed to the KSB New Delhi, due to typographical error, '*Government of Nagaland*' was written instead of '*Government of India*'. He further stated that the letter was drafted by his dealing assistant and on the approval of the Special Secretary (Home), he had issued the letter.

However, the applicant (now appellant) pointed out that there were some discrepancies in the letter to the KSB as the letter was signed by the former PIO, Shri. M. Takutemsu who was the then Under Secretary and that the content of the letter was not connected to the subject line and was not regarding the post of the Joint Director. The applicant (now appellant) also pointed out that in the Grading/Mark sheet conveyed by the KSB, New Delhi vide letter No.

019/Policy/Appt/Nagaland dated 14.12.2021, there was no test of Computer Knowledge, however, out of 5 marks on Computer Knowledge, 8 marks were allotted to each candidate. Also, on the appointment of the Joint Director when the post was not even in the advertisement, the applicant (now appellant) pointed out that in reply to a different RTI application, the PIO of the P&AR Department had replied that '*candidate cannot be appointed if he/she has not applied*', and hence stated that the Home Department had failed to scrutinise properly the applications of all the candidates.

The former PIO, Shri. M. Takutemsu replied that any officer can sign and that since there were no officer(s) between him and the Special Secretary, Home Department, he had signed the letter on government official capacity. However, the Commission observed that while verbal authorisation by higher authority was not acceptable, it was not convinced since there are certain protocols to be followed in government system.

On being asked by the Commission as to whether the KSB, New Delhi had replied to the said letter, the former PIO, Shri. M. Takutemsu (now retired) submitted that the KSB had, vide letter No. 019/Policy/Appt/Nagaland dated 18.02.2021 replied and a copy of the letter was produced before the Commission during the hearing. On examination of the above letter dated 18.02.2021 of the KSB, the Commission observed that as stated by the applicant (now appellant), the reply was not about the post of Joint Director but regarding "*Additional Approved Panel of Officers for the Post of Two DSWOs, RSB in the State of Nagaland*" wherein the names of Lt. Col. David Toshi Jamir and Maj. Vikuto Assumi (the applicant) had been in the approved panel list of officers for the post of two DSWOs. Also, while conveying the approved list of officers, the KSB had clearly instructed that the selection of the various posts be carried out in accordance to the Ministry of Defence (MOD) letter No. F.No.22(5)/2013-D(Res.II) dated 26.12.2013. It was also observed that as per the *Panel of officers for the post of Joint Director, Deputy Director and Zila Sainik Welfare Officers in RSB, Nagaland* submitted by the Home Department, Government of Nagaland to the KSB, New Delhi, vide letter No. POL/SWR/ESTT-1/2/2020 dated 25.11.2020, the names of Lt. Col. David Toshi Jamir and Maj. Vikuto Assumi were in the panel of officers but the names of Lt. Col. Chubasashi (Retd.) and Major Merenwati Jamir (Retd.) were not found in the list. Further, as per the list of applicants for the various posts under the Rajya Sainik Board, Nagaland, Lt. Col. Chubasashi Jamir (Retd.) had submitted his application on 08.11.2021; Lt. Col. David Toshi Jamir (Retd.) on 19.02.2021 and Major Merenwati Jamir (Retd.) on 04.12.2021, which were all after the given deadline i.e. **21.03.2020**. The Commission further observed that there was no corrigendum or addendum or separate advertisement regarding the addition of the post of Joint Director in the advertisement and that the High Court in WP(C) No. 176/2022 had also observed that there was no such corrigendum or other advertisement extending the deadline for submission of application.

The Commission observed that when the applicant (now appellant) had submitted his application on **18.03.2020** before the given deadline on 21.03.2020 and that his name was also in the approved panel of officers as conveyed by KSB on 18.02.2021, he was not selected, and instead the following retired officers were appointed: -

1. Lt. Col. Chubasashi Jamir (Retd.) was appointed as Joint Director even though the post was not in the advertisement and had his application submitted on 08.11.2021 which was after the deadline.
2. Lt. Col. David Toshi Jamir (Retd.) was appointed as Deputy Director as his name was in the approved panel of officers however he had submitted his application on 19.02.2021 which was after the deadline.
3. Major Merenwati Jamir (Retd.) was also appointed as Deputy Director even though his name was not in the approved panel of officers and had submitted his application on 04.12.2021 which was after the deadline.

Further, having scored the second highest marks in the interview and his requests for appointment to the resultant vacancy of the post of Deputy Director caused as a result of the High Court Order, the applicant (now appellant) was not selected or appointed, and instead two (2) posts of Deputy Director (probably including the resultant vacancy) was re-advertised vide No.POL-B/SWR/ESTT/1/2/20(Pt) dated Jan, 2025 (signed on 20.1.2025) and later an Addendum dated Feb. 2025 was issued increasing the number of posts of Deputy Director from 02 to 03.

On being asked by the Commission whether any selection has been made after the re-advertisement, Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima replied that no selection or appointment has been made till date since a new guideline based on the Ministry of Defence (MOD) letter No. F.No.22(5)/2013-D(Res.II) dated 13.08.2024 is under review by the P&AR Department. She also informed that since no Waiting List was maintained, the applicant (now appellant) was not offered the vacant post of the Deputy Director inspite of his requests and hence the post was re-advertised.

Since the Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi had come out with the guidelines on 13.08.2024, the Commission observed that the Home Department, Police 'B' Branch, Nagaland should have first finalised and notified the new guidelines before advertising the various posts in January, 2025. Hence, while waiting for the notification of the new guideline, no selection could be done till date for more than one and half years (as on the date of this hearing) since the posts were advertised. There is already shortage of officers in the Directorate of Sainik Welfare and Resettlement, Nagaland and waiting for the new guidelines may take some time delaying further in the selection and filling up of the vacancies.

Referring to the documents submitted by the applicant(now appellant) during the hearing, the Commission had observed that on expiry of the tenure of 2 years in August, 2022 and on attaining 60 years of age in May, 2025, Lt. Col. David Toshi Jamir (Retd.), Deputy Director was given extension of his service two (2) times – first from 01.06.2025 to 31.05.2026 vide Notification No. POL-B/SWR/ESTT-1/24 (Pt) (B) dated 17.09.2025 and then from 01.06.2026 to 31.05.2027 vide Notification No. POL-B/SWR/ESTT-1/24 (Pt) dated 30.05.2026. However, in the case of the applicant (now appellant), inspite of submitting his application within the given deadline, his name approved by the KSB and his several requests for appointment to the vacant post of Deputy Director vacated by Major Merenwati Jamir (Retd.), he was not even responded and instead the resultant vacancy post was re-advertised.

On the above submission of the applicant (now appellant), the Commission observed that when the post of Joint Director which was not even in the advertisement and application submitted after the deadline was appointed, and that the two Deputy Directors who had also submitted their applications after the deadline were appointed even though one of them was not even in the approved panel list of officers given by the KSB, New Delhi, and also when the other Deputy Director had been given extension of services twice, there was blatant discrimination meted out to the applicant (now appellant) and hence some relief ought to be given to the applicant (now appellant). Therefore, the Commission took a very serious view on the biasness, irregularity and discrimination meted out to the applicant(now appellant) and held that the Home Department should resolve the issue and further cautioned to refrain from such irregularities in the future As observed earlier during the first hearing held on 10.4.2026 that ***instead of re-advertising, the Public Authority (i.e. Home department) could have given preference to the applicant by offering the post of the Deputy Director since he had secured the second highest mark and was assumed to be in the 'Waiting List'***, the Commission had further observed that since the applicant (now appellant) had submitted his application within the given deadline and that his name was also in the approved panel of officers conveyed by the KSB, New Delhi, he deserved to be appointed.

From the proactive disclosures, it was found that the salary drawn by a Deputy Director in the Directorate of Sainik Welfare and Resettlement, Nagaland per month is Rs. 1,20,000.00, and since the applicant (now appellant) was not selected or appointed, he was deprived of rendering his service for 4 years or 48 months (i.e. from July, 2022 when the Joint Director and Deputy Directors were appointed to the date of hearing in August, 2026). Hence, if he had been appointed, the total amount of salary due to him till date could have been Rs. 1,20,000.00 X 48 months = Rs. 57,60,000.00.

The Commission had further observed that the RTI application dated 05.08.2024 was delivered by HAND on 05.08.2024 and since there was no reply within the stipulated time limit, the applicant (now appellant) had submitted his first appeal dated 21.09.2024. After filing the first appeal, the first reply was given on 25.09.2024 which was **after 51 days** from the date of receipt of the above RTI application. After the FAA's hearing on 09.10.2024 and on the direction of the FAA, the information was re-furnished on 28.10.2024. Hence, considering the first reply and the 30 days time limit for the PIO to furnish the information, the number of days of delay becomes $51 - 30 = 21$ days for which penalty was attracted.

DECISION

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

1. Under Section 19(8)(b) of the RTI Act 2005, the Home Department is directed to compensate to the applicant (now appellant) an amount of Rs. 50,00,000.00 (Rupees fifty lakhs only) which is roughly the total salary of a Deputy Director for four years (48 months) as shown in the above calculation, for the detriment suffered to him and in denying him services, failing which an appointment be given to the applicant (now appellant) against the resultant vacant post of Deputy Director **within one (1) month** from the date of receipt of this decision.
2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the delay of 21 days amounting to Rs. 5250.00 (Rupees five thousand two hundred and fifty only) is imposed on the former PIO, Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired) 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 one (1) week** from the date of receipt of this decision. Since penalty is imposed personally, the penalty amount shall be deposited into the Government account under his 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 compliances to the above directions, the Commission shall close the case.

Decision pronounced in the presence of both the parties on 11.08.2026 at 11:00 AM.

Copy be given to:-

1. The Home Commissioner, Government of Nagaland, Nagaland, Kohima.
2. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8787735865.

3. Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired), Mobile No. 9436077127/ 8729913185.
4. Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8014598619.
5. Shri. Niepo Vese, Secretariat Assistant, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 9378064406.
6. The Accounts Officer, Nagaland Information Commission, Nagaland, Kohima.
7. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website.
8. The applicant (now appellant), Major Vikuto Assumi (Retd.), House No. 81, Lhomithi village, Signal Basti, Dimapur, Nagaland, Email- vikutoasumi82@gmail.com, Mobile No. 9862259701.
9. Office copy.

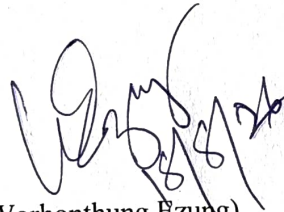
Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

Sd/-

Y. P. CHILLIO KHIAM
State Information Commissioner

Authenticated true copy:



(Worhonthung Ezung)
Deputy Secretary