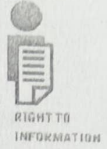


C.P.

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No. NIC/APPEAL-23/2024-25 / 97

Dated Kohima, the 16th April, 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 hearing : 10.04.2026 at 11:00 AM.

Date of Decision : 16.04.2026

Present:

1. Shri. Benjamin Longkap, NCS, Deputy Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8119823872.
2. Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8014598619.
3. Shri. Niepo Vese, Secretariat Assistant, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 9378064406.
4. The applicant (now appellant), Major Vikuto Assumi (Retd.), House No. 81, Lhomithi village, Signal Basti, Dimapur, Nagaland, Email- vikutoasumi82@gmail.com, Mobile No. 9862259701.
5. An acquaintance of the above applicant (now appellant), Shri. Kishor Dass, Rajbari, NL Road, Dimapur, Mobile No. 9615900900.

The following did not appear for the hearing:-

6. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima.
7. Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired).

FACT OF THE CASE

An applicant, Major Vikuto Asumi (Retd.) had submitted a RTI application dated 05.08.2024 addressed to the PIO, Home Department, Police 'B' Branch, Nagaland, Kohima, along with Rs.10/- as application fee, seeking information regarding to the appointments made by the Home Department's Advertisement vide letter No. POL B/SWR/ESTT/1/1/2018 dated 12th February 2020 under the Directorate of Sainik Welfare and Resettlement, Nagaland:-

Query 01: How many Officer Candidates (including Applicants Names) were selected to sit for the interview of Director and Deputy Director post/vacancy who has applied their application after the last day of submission of application i.e. 21 Mar 2020 as per the Home Dept. Pol 'B' Branch dated 12th Feb. 2020.

Query 02: Can you kindly provide a copy of Inspection of Register Record being maintained for the Officers Applicants against the post/vacancy of Director & Deputy Director for Directorate of Sainik Welfare and Resettlement Dept. as per Home Dept. Advertisement dated 12 Feb 2020, and for which I am ready to pay the necessary charges as per the provisions of the RTI Act.

Query 03: Was there any Advertisement/Corrigendum against the initial Advertisement dated 12 Feb 2020 from the Home Department, Pol 'B' Branch for allowing Fresh Officers to submit their application for Director (01) and Deputy Directors (02) post/vacancy interview?

Query 04: Did any candidates from the any Ranks (ESM) officially raised a complaint to the mentioned appointment/email @sshnagaland@gmail.com on the issue of letting the candidates allowed to sit for the interview as per the mentioned last date 07 Dec 2021 given by the Home Department.

Query 05: Did the Home Department, Police 'B' Branch attended/ adhered to the issues being registered by the aggrieved ESM candidates before the interview took place? If Not, then why? Kindly furnish the information in detail.

Query 06: Was the Post vacancy of Joint Director, Directorate of Sainik Welfare and Resettlement, Nagaland being published in the Advertisement letter No. POL-B/SWR/ESTT/1/1/208 DATED 12 Feb 2020 or any other mode of publicity/Advertisement by the Home Department? If yes, kindly produce a certified copy of that.

Query 07: Is it Legal or has an authority that 01 (one) candidate can apply in two (02) different posts/vacancy? If yes, kindly produce the copy of authority guidelines on the policy.

Query 08: Is it legally right and Permittable as per the KSB/RSB guidelines or policy when the officer candidate has applied his application for the post vacancy of Dy. Director and allow to be seated for the interview of Director?

Query 09 : In what authority/guidelines/SOP/policy and rules state that when the officer contravenes the State Govt. order by submitting the application after the last date of submission and also through by hand and not sent by Registered Post and still did not reject his application but yet accepted the application and made the officer attend the interview? if its permitted, kindly produce a copy of the policy/rules.

Query 10: Can your Department produce me the different list of names of candidates (Officers) detailed for the interview for the post of Director and separately for the Dy. director being published from the Kendriya Sainik Board, Delhi and the Pol 'B' Branch, Home Department, Nagaland?

Query 11: Can your Department produce me the Final Mark sheet being prepared for the Interview differently for the Director's post and Dy. Director's post conducted on 13 Dec 2021?

Query 12: Was Computer Knowledge Test conducted for all the Officer's candidate for Dy. Director's post/vacancy on the interview day on 13 Dec 2021 as per the eligible criteria of the Selection Board Members?

Query 13: Was there a Marks allocation given by the Kendriya Sainik Board (KSB) Delhi, during the video Conferencing of interview on 13 Dec 2021? Kindly furnish the details of information on marks allocated to the KSB Members/representatives for Officers Interview.

Query 14: Can you kindly produce a copy of Convening Order on Selection Board for re-employment against post in the Directorate of Sainik Welfare & Resettlement, Nagaland in Zila Sainik Welfare Officer which was out from the Home Department, Police 'B' Branch on Nov 2021 signed by the Chief Secretary, GoN?

Query 15: What was the eligibility and suitability of the Empanelled candidates with reference to the eligibility criteria prescribed by the department of Ex-Servicemen welfare, GoI. MoD New Delhi for appointment of officials in the Directorate of Sainik Welfare and Resettlement, Nagaland in the Directorate Notification No. Home/SSA/8/81 (PT) Dated 29 Feb 2016? Can you kindly produce a copy of the Eligibility Criteria for the same?

Query 16: That Sir, Did the Selection Board Members examined the eligibility and suitability of the empanelled candidates with reference to the eligibility criteria prescribed by the Department of Ex-Servicemen welfare, GoI. MoD, New Delhi for appointment of officials in the Directorate of Sainik Welfare and Resettlement Nagaland?

Query 17: Can you kindly produce a copy of empanelled officer candidates being sent to Kendriya Sainik Board (KSB) New Delhi for final Scrutiny of candidates for interview to be held on 13 Dec 2021?

Query 18: That Sir, In pursuant to the convening order for the Pol 'B' Branch Home Department, Nagaland, on Nov 2021, presided by Chief Secretary, GoN, did the Selection Board Members examined the desirability of relaxation of guidelines, and if 'Yes', Kindly produce the copy of Meeting Minutes on the recommendation being discussed.

Query 19 :Can you kindly produce a copy (complete set) of Directorate Notification No HOME/SSA/B/81 (PT) dated 29 Feb 2016?

Query 20 :Can you kindly Produce a copy of eligibility criteria prescribed by the Department of Ex-Servicemen welfare, GoI, MoD, New Delhi for the appointment of officials in the Directorate of Saint welfare and Resettlement, Nagaland? If not available particularly for Nagaland, can be of any States.

Query 21 : Who was the officer responsible from the Home Department, Pol " Branch, Nagaland to accept and induct the names of Lt. Col. Chubasashi Jamir (Retd.) and Maj. Merenwati Jamir (Retd.) to the Final empanelled list of candidates selected for interview and on what ground they were accepted? Kindly furnish the information in details.

Query 22: Does the officials of Home Department, Pol 'B' Branch Nagaland clearly aware about the Guidelines, SOP, policy and rules laid down by the KSB, New Delhi and R50 Nagaland, and also about the eligibility criteria prescribed by the department of Ex-Servicemen Welfare GoI, MoD, New Delhi in respect to appointment of officials in the Directorate of Sainik welfare and Resettlement in the State? If Yes, why the effort was not made to avoid violation of Rights under Article 14 & 15 of the constitution, In allowing officer candidates to sit for interview in direct contravention to rules and policy of KSB & RSB and even selecting officers for the post/vacancy (Joint Director) which was not even advertised/published and also selecting a Dy. Director of ZWSO, Kohima who was seated for the Interview only of Director, failed and also his name was not available in the Final Mark sheet list of interviews for Dy. Director, ZWSO.

Query 23: Is there any rules, guidelines or policy that, after an Officer Candidates did not make it in the interview for the particular post/vacancy, he/she can be given an

appointment/selection in other post/vacancy for which he/she has not been interviewed and applied for?

Query 24: Can you kindly produce the complete details (Age, RSB appointment date & year and total years of service in RSB/ZSWO till date) of Officers presently posted in the Directorate of Sainik welfare & Resettlement, Nagaland and ZSWO's in all districts?

Query 25: What is the Final Age Limit of the Director, RSB?

Query 26: In what Criteria and authority can the Director, RSB be given Service extension after crossing age limit and for how many years?

Query 27: What is the criteria for granting Honorarium status and reasons for retaining in service for particular period?

Query 28: Who is the Authority/Rank/Department for granting Honorarium Status to ESM?

Query 29: Who is the authorized Officer/appointment who processed for Honorarium from RSB Dept. and from the Home Dept. Police 'B' Branch, Nagaland?

Query 30: Who is the final authority to decide and executes as per Rules once the final contractual service of an Officer terminates or attains the Age limits as per the guidelines/policy & rules of KSB/RSB?

Query 31: What is the immediate procedure to be followed by the state Directorate Sainik Welfare and Resettlement and Home Department, Police "B" Branch, Nagaland as per the guidelines/policies/rules once an Officer/PBOR completes the final contractual service terminates or attains the final Age limits?

Query 32: There a latest Notification/Policy being made from the Rajya Sainik Board (RSB)/Home Department Police 'B' Branch, Nagaland and on the issue of extension of contractual service beyond the Final contractual service (10 years) as been laid down in the SOP/guidelines/policy/rules of KSB & RS87 If yes, you are kindly requested to produce one (01) copy.

Query 33: Did the selection Board Members for Officers Interview know about the empanelled officers candidates (prepared by the Home Department, Police 'B' Branch, Nagaland & Recommended by KSB, New Delhi) consist of 02 Officer candidates whose application was sent to Home Dept. Nagaland after the Last Date Submission i.e. 21 Mar 2020 and also not through REGISTERED POST but submitted BY HAND which was in direct contravention to the Advertisement Notification rules on print Media's dated 12 Feb 2020.

Query 34: Is the selection of Officer Candidates during the interview based on capability, Merits or seniority basis in services or any other special criteria's involved?

Query 35: Does the Officer candidates who is an Army Cadet College (ACC) entry (soldier becoming officers from Jawan's Rank) and also Junior in Service to other Officer Candidates (Direct Commissioned Officer) be given priority in selection for appointment as per the Inter-Seniority Policy of KSB/RSB?

Query 36: As per the Home Department, Pol 'B' Branch NOTIFICATION Appointment Orders dated 21 July 2022 by Mr Abhijit Sinha, IAS, Home Commissioner, Nagaland, How was Lt Col (TA) David Toshi Jamir (Retd.) been appointed as Dy. director at ZWSO, Kohima, when he has been interviewed for the Post/vacancy of Director and his name is also not available in the Marksheet for selection of Two (02) ZSWO's for the State of Nagaland.

Query 37: As per the Home Department, Pol 'B' Branch NOTIFICATION on appointment Orders dated 22 Jul 2022 by Mr Abhijit Sinha, IAS Home Commissioner, Nagaland, what recommendations of the Selection Board and in what special interest of Public service made the Hon'ble Governor, Nagaland pleased to appoint Lt. Col. Chubasashi of Indian Army

(Retd.) to the Vacant post of Joint Director of Directorate of Sainik welfare and Resettlement, Nagaland when the:-

(a) Vacant post of Joint Director was not even advertised by the Home Department, Pol 'B' Branch Nagaland.

(b) The mentioned officer submitted his application after the last date of submission.

(c) The mentioned officer has submitted his application by Hand which was to be sent through Registered Post.

(d) The mentioned officer has only applied his application for the post of Deputy Director.

(e) Interestingly, made him sit for the interview of Director and

(f) Surprisingly, appointing him to the post of Non- Declared/Advertised JOINT DIRECTOR.

QUERY: (a) Is this appointment orders legal and as per prescribed eligibility criteria?

(b) Which particular Govt. Officer shall be held responsible for this appointment?

Query 38: Who was the Govt. Officer responsible from the Home Department, Nagaland to correctly/rightly appraise the Hon'ble Governor, Nagaland on the Ethical/Legal Recommendation in the interest of the Public service on all official Correspondence?

Query 39: May I know the complete address of the Appellate Authority of your good office under RTI Act? Kindly furnish the information.

Query 40: When was the last date of submission of application as per the advertisement/notification dated 12 Feb 2020?

Query 41: Did Lt. Col. Chubasashi I Jamir (Retd.) and Maj. Merenwati (Retd.) submit their application before 21 Mar 2020?

Query 42: Was it permitted or allowed to submit the application BY HAND to the Home Department as per the Advertisement/Notification dated 12 Feb 2020?

Query 43: Did Lt. Col. Chubasashi (Retd.) and Maj. Merenwati (Retd.) submit their application through REGISTERED POST to the Home Department for the Officers Post/Vacancy at Directorate of Sainik Welfare and Resettlement?

Query 44: When did Lt. Col. Chubasashi I Jamir (Retd.) officially got retired from Active Service?

Query 45: When did Maj. Merenwati Jamir (Retd.) officially got retired from Active Service?

Query 46: Can the Post of Joint Director be filled without official Advertisement/Notification or declaring as VACANT as per the guidelines/Policy/SOP/Rules of KSB/RSB? If Yes, Kindly furnish information details.

Query 47: Who is the particular Govt. Officer responsible for Recommending and Sanctioning the Appointment of the Post of Joint Director to Lt. Col. Chubasashi (Retd.)? Request to kindly furnish information.

Query 48: Was Lt. Col. David Toshi (Retd.) being interviewed for the vacant post of Dy. Director? Does his name appear in the Marksheet of Dy. Directors interview List? If no, kindly furnish reasons and information for his appointment.

Query 49: Did the Selection Board Members interview Lt. Col. Chubasashi (Retd.) for the post/vacancy of Joint Director of Directorate of Sainik Welfare and Resettlement, Nagaland? If yes, request to kindly produce the Marksheets of Joint Directors interview recommended by all the Selection Members Board.

Query 50: Did any official special recommendation from the Rajya Sainik Board (RSB) about an Officer candidates being received by the Home Department, Pol 'B' Branch, Nagaland? If yes, kindly furnish a copy for the same.

Query 51: Was the Officers interview legally and ethically conducted on 13 Dec 2021 as per the Guidelines/Policy/SOP/Rules and as per the Eligibility and Criteria being recommended by the Selection Board Members?

Query 52: Did your office receive any Representations/Complaints from any Officer candidates won the Unethical, Illegal and Backdoor Appointment earlier? How many Representations received with Date and Year? What positive Action being taken? Why delay in the Process? Kindly furnish all the information details point wise.

Query 53: Did your Department receive any letter from Officer Candidates and civilian Advocates requesting appointment with a copy of Court case Judgement Case No: WP(C)/176/2022? If yes, kindly furnish Date and Year? Why delay? What positive Actions and Measures your department has taken? Kindly furnish all information details point wise.

On not getting any reply to the above RTI application, the applicant had submitted First Appeal dated 21.09.2024 to the Home Commissioner & FAA, Home Department, Civil Secretariat, Nagaland, Kohima.

Shri. M. Takutemsu, Under Secretary to the Govt. of Nagaland had, vide letter No.POL/SWR-RTI/32/2013(Pt)/65 dated 25.09.2024, furnished the replies to the RTI application dated 05.08.2024 to the applicant and had regretted the delay in furnishing the reply.

On receipt of the above first appeal dated 21.09.2024, Smti. B. Moishen Phom, Section Officer, Police 'B'; Branch & APIO had, vide letter No. POL-B/SWR-RTI/32/2013 (Pt) dated 04.10.2024 summoned the applicant for a hearing of the first appeal on 09.10.2024 at 11:00 AM in the Office Chamber of the FAA.

As agreed during the FAA's hearing of the first appeal dated 21.09.2024 on 09.10.2024, Shri. M. Takutemsu, Under Secretary to the Govt. of Nagaland had, vide letter No.POL/SWR-RTI/32/2013(Pt)/79 dated 28.10.2024, furnished the necessary information to the applicant as follows:-

1. How many officer candidates (including applicant names) were selected to sit for the interview of Director and Deputy Director post/Vacancy who has applied their application after the last day of submission of application i.e., 21 March 2020 as per the Home Department, Pol 'B' Branch dated 12 February, 2020.

- As stated earlier in the replies, 24 (Twenty Four) applicants were empanelled to appear for the posts of Director, Dy. Director & Superintendent as conveyed by the KSB.

2. Can you kindly provide a copy of Inspection of Register Record being maintained for the Officers applicants against the post/vacancy of Director & Deputy Director for Directorate of Sainik Welfare & Resettlement Dept. as per Home Dept. Advertisement dated 12 Feb 2020, for which I am ready to pay the necessary charges as per the provisions of the RTI Acts?

- As furnished earlier in the replies, the department did not maintain any inspection register.

3. Was there any Advertisement/Corrigendum against the initial advertisement dated 12 February, 2020 from the Home Department, Pol 'B' Branch for allowing fresh officers to submit their application for Director (01) and Deputy Director (02) post/vacancy interview?

- No supplementary advertisements were issued subsequent to the original notice as stated earlier. However it is to state that the department processed for re-advertisement /issue corrigendum etc. however owing to the government's ban on appointment invoked during the COVID 19 period, the matter was not taken further.

4. Did any candidates from the any ranks (ESM) officially raised a complaint to the mentioned appointment/email @ssshnagaland@gmail.com on the issue of letting the candidates allowed to sit for the interview as per the mentioned last date 07 Dec 2021 given by the Home Department?

- No.

5. Did the Home Department, Police 'B' Branch attended/ adhered to the issues being registered by aggrieved ESM candidates before the interview took place? If Not, then why? Kindly furnish the information in detail.

- No issues or Concerns were raised prior to the conduct of the interview.

6. Was the post vacancy of Joint Director, directorate of Sainik Welfare and Resettlement Nagaland being published in advertisement letter NO.POL-B/SWR/ESTT/1/1/2018 Dated 12 Feb 2020 or any other mode of publicity/ Advertisement by the Home Department? If yes, Kindly Produce A certified copy of that.

- No.

7. Is it legal or has an authority that 01(one) candidate can apply in two (02) different posts/vacancy? If yes, kindly produce the copy of authority guidelines on the policy.

- In any central or State govt. departments, options are given/provided to applicants to choose any one or two posts, provided they meet the eligibility criteria, as there are no specific guidelines restricting post selection. Hence there is no illegality on this.

8. Is it legally right and permissible as per the KSB/RSB guidelines or policy when the officer candidates has applied his application for the post/vacancy of deputy Director and allowed to be seated for the interview of Director?

- As stated in the earlier replies, a day was selected for holding the interview and all the applicants for appointment to the class I Gazetted Posts were called and interviewed on the same day. As such, the permissibility to sit for an interview does not arise at all.

9. In what authority/guidelines/SOP/policy and rules states that, when the officer contravenes the state Govt. order by submitting the application after the last date of submission and also through by hand and not sent by Registered Post and still did not reject his application but yet accepted the application and made the officer attend the interview? If it's permitted, kindly produced a copy of the policy /rules.

- Some applications were received by the department through hand and not by registered posts and those applicants were also allowed to sit for the interview. However, after the results were declared, some applicants for both Gazetted and Non-Gazetted posts went to the court of law demanding their rights and as per the direction of the court, action has been taken accordingly. Hence as action has been taken accordingly as per the direction of the Hon'ble Court, the matter rests there once and for all.

10. Can your department produce me the different list of names of candidates (officers) detailed for the interview for the post of Director and separately for the Dy. Director being published from the Kendriya Sainik Board, Delhi and POL 'B' Branch, Home Department, Nagaland?

- Copy of the lists of candidates has been furnished earlier.

11. Can your department produce me the final mark sheet being prepared for the interview differently for the Director's post and Dy. Director's post conducted on 13 December, 2021?

- As stated at para 10 above.

12. Was Computer knowledge Test Conducted for all the Officer's candidates for Dy. Director post/vacancy on the interview day on 13 December, 2021 as per the eligible criteria of the selection board members?

- As requested by the applicant, the matter was discussed during the sitting of the first appeal and hence the matter may not be deliberated further.

13. Was there a mark allocation given by the Kendriya Sainik Board(KSB), Delhi, during the video conferencing of interview on 13 Dec 2021? Kindly furnish the details of information on marks allocated to the KSB members/representatives for officer's interview.

- Yes, copy has been furnished earlier too.

14. Can you kindly produce a copy of Convening order on selection Board for re-employment against post in the Directorate of Sainik welfare & Resettlement, Nagaland in Zila Sainik Welfare Officer which was out from the home Department, police 'B' branch on Nov 2021 signed by the Chief secretary, GoN?

- Furnished earlier in the replies.

15. What was the eligibility and suitability of the Empanelled candidates with reference to the eligibility criteria prescribed by the Department of Ex-Servicemen, GOI, MOD, New Delhi for appointment of officials in the Directorate of SWR, Nagaland, in all the Directorate Notification No. Home/SSA/8/81(PT0 dated 29 February, 2016)? Can you kindly produce a copy of eligibility criteria for the same?

- Copy was furnished earlier.

16. That sir, did the selection Board Members examined the eligibility and suitability of the empanelled candidates with reference to the eligibility criteria prescribed by the department of SWR, GoI, MOD, New Delhi for appointment of officials in the DSWR, Nagaland?

- Yes, as stated earlier in the replies, empanelled candidates were evaluated for the eligibility and suitability based on the Government of India, Department of Sainik Welfare and Resettlement Criteria.

17. Can you kindly produce a copy of empanelled officer candidates being sent to Kendriya Sainik Board (KSB) New Delhi for final security of Candidates for interview to be held on 13 December, 2021?

- This is a repetition of query No 10 above. Copy of the list of empanelled candidates has been furnished earlier.

18. That sir, in pursuant to the convening order for the Pol 'B' Branch Home department, Nagaland, on November, 2021, presided by chief secretary, GON, did the selection Board Members examined the desirability of relaxation of guidelines, and if 'Yes'. Kindly produce the copy of Meeting minutes on the recommendation being discussed.

-As stated earlier and apprised the appellant in the first appeal. No minutes were prepared except the marks obtained by the candidates themselves which were based on their merit for appointment.

19. Can you kindly produce copy (complete set) of Directorate Notification No. HOME/SSA/8/81(PT) dated 29 February, 2016?

- Reply already furnished earlier.

20. Can you kindly produce a copy of eligibility criteria prescribed by the Department of ex Servicemen welfare, GOI, MoD New Delhi for the appointment of officials in the directorate of SWR, Nagaland? If not available for Nagaland, can be of any states.

-This is a repetition of query No 10, reply furnished earlier.

21. Who was the officer responsible from the Home Department, POL'B' Branch, Nagaland to accept and induct the names of Lt. Col. Chubasashi Jamir(Rtd.) and Maj. Merenwati Jamir (Rtd.) to the final empanelled list of the candidates selected for the interview and on what ground they were accepted? Kindly furnish the information in details.

- Reply furnished. In addition the matter was discussed and the appellant was apprised of the case during the sitting of the first appeal and hence the matter need not be insisted further.

22. Does the officials of home Department, Pol 'B' Branch Nagaland Clearly aware about the guidelines, SOP, policy ad rules laid down by the KSB, New Delhi and RSB Nagaland. and also about the eligibility criteria prescribed by the Department of SWR, MOD New Delhi in respect to appointment of Officials in the Directorate of SWR in the state/ if Yes, why the effort was not made to avoid violation of Rights under Article 14 & 16 of the constitution, in allowing officer candidates to sit for interview in direct contravention to rules and policy of KSB 7 RSB and even selecting officers for the post/Vacancy(Joint Director) which was not even advertised/published and also selecting a Dy. Director of ZSWO, Kohima who was seated for the interview only of Director, failed and also his name was not available in the final mark sheet list of interviews for dy. Director, ZSWO.

- As equal opportunity was given to each and every candidate as envisaged in the Constitution, no violation, as claimed by the applicant, was made.

23. Is there any rule, guidelines or policy that, after officer candidates did not make it in the interview for the particular post/vacancy, he/she can be given an appointment /selection in other post/vacancy for which he/she has not been interviewed and applied for?

- No

24. Can you kindly produce the complete details (Age, RSB appointment date & year and total years of service in RSB/ZSWO till date) of officers presently posted in the Directorate of Sainik Welfare & Resettlement, Nagaland and ZSWO's in all districts?

- This was also discussed in the first sitting of the first appeal and the appellant was apprised as stated earlier in the replies.

25. What is the final age limit of the Director, RSB?

- 60-65 years of age.

26. In what criteria and authority can the Director. RSB be given service extension after crossing age limit and for how many years?

- As stated earlier, as per the KSB guidelines.

27. What is the criterion for granting Honorarium status and reason for retaining in service for particular period?

- There is no criterion for granting Honorarium status, however as per the exigencies that arises, usually, the applicant applies for appointment or extension of his service period after relieving from service, the matter is examined and after obtaining prior approval of the consultant department for fixation of pay/emoluments, the applicants are appointed on honorarium basis for a particular period till such time the vacancies are filled.

28. Who is the authority/Rank/department for granting Honorarium Status to ESM?

- The Government of Nagaland.

29. Who is the authorized officer/appointment who processed for Honorarium from RSB Dept. and from the Home Department, Police 'B' Branch, Nagaland?

-The Government of Nagaland.

30. Who is the final authority to decide and executes as per Rules once the final Contractual service of an Officer terminates or attains the age limits as per the guidelines /policy & rules of KSB/RSB?

- The Government of Nagaland.

31. What is the immediate procedure to be followed by the state Director of SWR and Home Department, Pol B' Branch, Nagaland as per the guidelines/Policy/Rules, once an

officer/PBOR completes the final contractual service terminates or attains the final Age limits?

- Obviously, as per rules.

32. Is there a latest notification/policy being made from the RSB/Home Department, Pol "B" Branch, Nagaland on the issue of extension of contractual service beyond the final contractual service (10 years) as been laid down in the SOP/Guidelines/policy/Rules of KSB/RSB? If yes, you are kindly requested to produce one copy?

- No

33. Did the state board member for the officers interview know about the empanelled officers candidates (prepared by the Home Department, Pol 'B' branch Nagaland & Recommended by KSB, New Delhi) consist of 02 officers candidates whose application was sent to the Home Department, Nagaland after the last date of submission i.e., 21 March 2020 and also not through registered post but submitted by hand which was in direct contravention to the advertisement Notification rules on print Media's dated 12 February, 2020.

- As stated in Query No. 9 above. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter which he also acknowledged accordingly.

34. Is the selection of officer candidates during the interview based on capability, merits or seniority basis in services or any other special criteria's involved?

-Yes, the selection of officer is purely based on merit and good personality.

35. Does the officers Candidates who is in an army cadet college entry (soldier becoming officers from jawan's rank) and also Junior in service to other Officer Candidates (Direct Commissioned officer) he given priority in selection for appointment as per the inter-seniority policy of KSB/RSB?

- Selection is based on merit and marks obtained during the interview and not on whether the official is a junior or senior irrespective of whether he is a direct recruit or a promote. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter which he also acknowledged accordingly.

36. As per the Home Department. Pol B Branch Notification appointment orders dated 21 July 2022 by Mr. Abhijit Sinha, IAS Home Commissioner Nagaland, how was Lt. Col. (TA) David Toshi Jamir (Rtd.) been appointed as Dy. Director at ZSWO Kohima, when he has been interviewed for post/vacancy of director and his name is also not available in the mark sheet for selection of two ZSWO's for the state of Nagaland.

- As per the recommendation of the Board. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter.

37. As per the Home Department. Pol 'B' Branch Notification on appointment orders dated 22 July, 2022 by Mr. Abhijit Sinha, IAS Home Commissioner Nagaland, what recommendations of the selection board and in what special interest of public service made the Hon'ble governor, Nagaland pleased to appoint Lt. Col. I. Chubasashi of Indian Army (Rtd.) to the vacant post of Joint Director of Directorate of Sainik Welfare and Resettlement, Nagaland-when the:-

(a) Vacant post of Joint Director was not even advertised by the Home Department, Pol B Branch Nagaland.

(b) The mentioned officer submitted his application after the last date of submission.

(c) The mentioned officer has submitted his application by hand which was to be sent through registered post.

(d) The mentioned officer has only applied his application for the post of deputy director.

(e) Interestingly, made him it for the interview of Director and

(f) Surprisingly, appointing him on the post of Non-declared/Advertised joint director.

QUERY-(A) Is this appointment order legal and as per prescribed eligibility criteria?

- Yes, the appointment was made after due process of screening were done.

(B) Which particular Govt. officer shall be held responsible for this appointment?

- The final decision for appointment to any point is the prerogative of the administrative head of office and as such appointment was made on the basis of the interview and as per the exigencies that prevailed during the period and hence there is no particular officer responsible for the appointment.

38. Who was the Govt. officer responsible from the Home Department Nagaland to correctly rightly appraise the Hon'ble governor, Nagaland on the ethical legal recommendation in the interest of the public service on all official correspondence?

- As stated in above para 37.

39. May I know the complete address of the appellate authority of your good office under RTI Act? Kindly furnish the information.

- Information furnished earlier.

40. When was the last date of submission of application as per the advertisement notification dated 12 February, 2020?

- Information furnished earlier.

41. Did Lt. Col. Chubasashi I Jamir and Maj. Merenwati (Rtd.) submitted their application before 21 March 2020?

- No. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter which he also acknowledged accordingly.

42. Was it permitted or allowed to submit the application by hand to the Home Department as per the advertisement/ Notification dated 12 February, 2020?

- Information furnished earlier.

43. Did Lt. Col. Chubasashi Jamir and Maj. Merenwati (Rtd.) submitted their application through Registered post to the Home DEPARTMENT FOR THE Officers Post/Vacancy at directorate of Sainik Welfare and Resettlement?

- This is a repetition of the query at para above. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter which he also acknowledged accordingly.

44. When did Lt. Col. Chubasashi I Jamir (Retd.) officially retired from Active service?

- The information furnished earlier.

45. When did Major Merenwati Jamir (Retd.) did officially retired from Active service?

- The information furnished earlier.

46. Can the post of Joint Director be filled without official Advertisement /Notification or declaring as vacant as per the guidelines/policy/sop/rules of KSBORSB/ if yes, kindly furnish information.

- As stated in para 36 and 37 above, the post was filled as per the exigencies that arose during the period.

47. Who is the particular officer Govt. Officer, responsible for recommendation and sanctioning the appointment of the post of Joint director to Lt. Col. Chubasashi (Retd.)? Request to kindly furnish information.

- As stated at para 37 and 46 above.

48. Was Lt. Col. David Toshi (Retd.) being interviewed for the vacant post of Dy. Director? Does his name appear in the marksheet of Dy. Director Interview list if No, Kindly furnish reasons and information for his appointment.

-As stated in the earlier paras, there were 27 candidates empanelled by the KSB basing on which the interview was conducted and appointment made accordingly as per procedure. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter.

49. Did the selection board members interview Lt Col Chubasashi (Retd.) for the post/vacancy of joint Director of Directorate of SWR, Nagaland? If yes, request to kindly produce the marksheet of Joint Director Interview recommended by all the selection member board.

- Yes the officer was interviewed along with all the empanelled officers who appeared the interview board. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter.

50. Did any official special recommendation from the RSB about an officer candidates received by the Home Department, Pol 'B' Branch, Nagaland/? If yes, kindly furnish a copy for the same.

- No.

51. Was the officer interview legally and ethically conducted on 13th December, 2021 as per the guidelines/policy/SOP/rules and as per the eligibility and criteria being recommended by the selection board members?

- Yes.

52. Did your office receive any representations/Complaints from any officer candidates on the unethical, illegal and backdoor appointment earlier? How any representations received with date and year? What positive action being taken? Why delay in the process/kindly furnish all the information details point wise.

-Some representation were received pertaining to the matter which was disposed off accordingly after due examination.

53. Did your Department receive any letter from officer candidates and civilian advocates requesting appointment with a copy of court case judgment case No: WP(C) 176/2022 if Yes, kindly furnish date and year? Why Delay/ what positive actions and measures your department has taken? Kindly furnish all information details point wise.

- Yes, the department received two applications from one applicant namely Maj. Vikuto Assumi (Retd.) for appointment to the post of Deputy ZSWO which was vacated by Maj. Merenwati (Retd.) who was released in pursuance of the Hon'ble High Court judgment order. However, on the basis of the above mentioned Court Order the department decided to go for direct recruitment by advertising the posts vacated by the individuals along with other vacant posts in the Directorate. The matter was also discussed in the sitting of the first appeal and the appellant was apprised of the matter.

However, on not being satisfied with the information furnished by the PIO, the applicant (now appellant) had submitted second appeal dated 30.01.2025 to the Nagaland Information Commission.

On receipt of the above second appeal dated 30.01.2025, the Commission had, vide letter of even No. dated 09.04.2025, directed the FAA, Home Department, Police 'B' Branch, Nagaland, Kohima to furnish a copy of the FAA's order/decision of the first appeal hearing to the Commission within 15 (fifteen) days from the date of receipt of its directive for further necessary action.

In compliance to the Commission's directive dated 09.04.2025, Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch had, vide letter

No.POL/SWR-RTI/32/2013 (Pt) dated 29.04.2025, submitted a copy of the FAA's order/ decision wherein it stated that:-

"The appellant categorically asserted that his primary objective was not to deliberate on the substantive aspects of the RTI queries but the nature/precedents leading to Court Case (WP(C)No. 176/2022 in which the petitioner (here appellant) won. With a hint of dissatisfaction, the appellant himself admitted his extensive and lengthy RTI queries stating that deliberating each queries in his RTI applications would take more than a day. He also questioned the rationale behind the transfer of his RTI applications submitted to various department including the Chief Secretary's Office, P&AR Department and Law and Justice Departments, to the Police 'B' Branch, Home Department.

Additionally, the appellant also highlighted his distinctive status as Short Service Commission retiree, lacking any pension benefits. However, it must be noted that the recruitment process was based on merit, not emotionally/personally driven based. Further, this stature may render him ineligible for ESM registration and associated interviews.

Following the PIO's clarification, the Appellate Authority offered/directed the PIO to furnish more comprehensive information within 20 (twenty) days of the first appeal hearing to which the appellant agreed."

On receipt of the above FAA's order/decision dated 29.04.2025, the Commission had, vide letter of even No. dated 11.06.2025, directed the applicant (now appellant) to kindly confirm the receipt and satisfaction/dissatisfaction of the information so furnished to him and also the disposal of the court Case WP(C) No. 176/2022.

In compliance to the Commission's directive dated 11.06.2025, the applicant (now appellant) had, vide letter dated 27.10.2025, informed the Commission that he had received the replies on 03.11.2025, furnished by the PIO, however he was still not satisfied with the information and decision of the FAA.

Since the applicant (now appellant) is not satisfied with the information furnished, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **10th April, 2026 (Friday) at 11:00 AM, in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima** and 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. The FAA, Home Department, Police 'B' Branch, Nagaland, Kohima.
2. Shri. M. Takutemsu, Under Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima.
3. Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima.
4. 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 the day of the hearing, the Commission had received a letter dated NIL from Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima informing that he would not be able to attend the hearing as he had recently suffered injuries due to an accident and was undergoing medical treatment. However, the Commission decided to go ahead with the hearing since the above request letter dated NIL was received only on the same day of the hearing.

The Commission also observed that Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired) was directed and required to be present in the hearing since he had furnished the replies, however he did not appear before the Commission for the hearing without any reason or prior intimation to the Commission. The Commission, therefore took a serious view of the absence of both the above FAA and the former PIO in the hearing.

During the hearing, the applicant(now appellant) stated that he had submitted his application for the post of Deputy Director in response to an advertisement No. POL-B/SWR/ESTT/1/1/2018 dated 12.02.2020 for the post of Director, Deputy Director, Superintendent, and several non-gazetted posts in the Directorate of Sainik Welfare and Resettlement, Nagaland, however since he was not selected, he wanted to know the reason and hence filed **six (6) different RTI applications** to (i) the Chief Secretary Office, Nagaland; (ii) Home Department, Nagaland; (iii) Law & Justice Department, Nagaland; (iv) P&AR Department, Nagaland; (v) Directorate of Sainik Welfare and Resettlement, Nagaland; and (vi) Kendriya Sainik Board (KSB), New Delhi.

The applicant(now appellant) also stated that the **Selection Board** which comprised of:-

- i. the Chief Secretary as the Chairman;
- ii. Principal Secretary (Home)/Home Commissioner as Member;
- iii. Principal Secretary, Law & Justice Department as Member;
- iv. Principal Secretary, P&AR as Member;
- v. Special Secretary, Home Department as Member;
- vi. Representative of Ex-Servicemen Welfare Department, GOI, MOD as Member;
- vii. Secretary/representative of Kendriya Sainik Board (KSB), GOI, MOD as Member;
and
- viii. Director of Sainik Welfare and Resettlement, Nagaland as the Member Secretary,

had, after having conducted the interview for the gazetted posts of Director, Deputy Director and Office Superintendent in the Directorate of Sainik Welfare and Resettlement, Nagaland on 13.12.2021 at 11:00 AM in the Office Chamber of the Chief Secretary took biased decision by selecting persons who had applied after the dateline on 21.03.2020 and who did not qualify as per the Guidelines of the Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi and the Notification of the Directorate of Sainik Welfare and Resettlement, Nagaland. He pointed out that when the post of the Joint Director was not even in the advertisement No. POL-B/SWR/ESTT/1/1/2018 dated 12.02.2020, Lt Col Chubasashi (Retd.) was appointed as the Joint Director and that too his application dated 08.11.2021 was submitted after the given dateline on 21.03.2020. Similarly, Major Merenwati Jamir (Retd.) was also appointed to the post of Deputy Director when he had submitted his applications dated 25.11.2021 and 04.12.2021 only after the dateline which expired on 21.03.2020. He further pointed out that the names of Lt Col Chubasashi (Retd.) and Major Merenwati Jamir (Retd.) were not even found in the Approved panel of officers applied for the various posts.

Referring to the letter No. POL-B/SWR/ESTT-1/2/2020 dated NIL (but signed on 25.11.2020) regarding submission of list of panel of officers (Joint Director, Deputy Director and ZSWOs) submitted to Kendriya Sainik Board (KSB), New Delhi for approval by Shri. M. Takutemsu, the then Under Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired), the applicant (now appellant) alleged it was "fake" since there was an error in the address line and that the references No. POL-B/SWR/ESTT-1/1/2018 dated 04.10.2020 and No. 019/Policy/APPT/Nagaland dated 23.06.2020 made in the said letter were not regarding the post of the Joint Director. He further pointed out that the enclosed approved panel of officers who had applied for the various posts did not mention their applications for the post of Joint Director as it (the post of Joint Director) was not in the advertisement.

The present PIO, Shri. Benjamin Longkap, NCS, Deputy Secretary, Home (Police - B) stated that all the replies were given by the former PIO and hence he was not aware of the alleged "fake" letter for advertisement of the post of Joint Director.

On being asked by the Commission what action had been taken by the Home Department after the Hon'ble High Court (Kohima Bench) had in WP(C) No. 176/2022 squashed the appointment of Major Merenwati Jamir (Retd.), Deputy Director, Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima replied that the High Court had squashed the appointment of Major Merenwati Jamir (Retd.), Deputy Director since he had submitted his application only after the dateline. She also informed that the post of the Deputy Director had been re-advertised.

The applicant(now appellant) stated that he got the second highest mark in the interview conducted by the Selection Board, but he wanted to know why he was not qualified or selected. He had, therefore submitted representations to the Home Commissioner on 01.03.2024, Special Secretary on 01.03.2024 and 3 representations to the Chief Secretary's Office on 17.08.2022, 12.07.2024 and 18.07.2025, however, he did not receive any response to his representations.

The Commission asked when the applicant, Major Vikuto Assumi (Retd.) had secured the second highest marks in the interview, why was his appointment to the post of Deputy Director vacated by Major Merenwati Jamir (Retd.) not considered but re-advertised? Shri. Niepo Vese, Secretariat Assistant, Home Department, Police 'B' Branch replied that the post of the Deputy Director was re-advertised since the Hon'ble High Court had in its order stated that *the respondents would be at liberty to take such steps as envisaged under law for filling of the resultant vacancy.*

While due acknowledgement and credit ought to be given to the Ex-servicemen for their service and sacrifice towards the Nation, the Commission observed that the Public Authority should not have any biasness, and instead of re-advertising, preference could have been given by offering the post of the Deputy Director to the applicant since he had secured the second highest mark and was assumed to be in the 'Waiting List'. The Commission also observed that justice should have been done or appears to have been done, but here was a case of clear biasness and irregularity.

On the **six (6) different RTI applications** filed by the applicant (now appellant) to (i) the Chief Secretary Office, (ii) Home Department, (iii) Law & Justice Department, (iv) P&AR Department, and the (v) Directorate of Sainik Welfare and Resettlement, Nagaland and (vi) Kendriya Sainik Board (KSB), New Delhi, the Commission observed that since the subject matter is the same in all the above RTI applications and that the main/parent department is the Home Department, Police 'B' Branch, the Commission is of the view that by tackling this instant second appeal pertaining to the Home Department, the remaining five (5) other RTI applications and appeals filed pertaining to the (i) the Chief Secretary's Office, (ii) Law & Justice Department, (iii) P&AR Department, and the (iv) Directorate of Sainik Welfare and Resettlement, Nagaland and (v) Kendriya Sainik Board (KSB), New Delhi would be covered and taken care of. Hence, no separate hearing for these five (5) public authorities.

DECISION

On the above observations and findings, since the FAA and the former PIO who gave the replies did not appear in the hearing and they could not be heard, final decision could not be arrived at and hence the Commission reserved its decision for the next hearing which shall be notified later. Meanwhile, the Commission directed that:-

1. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, shall produce a copy of Medical Certificate along with related medical documents to the Commission within **twenty (20) days** from the date of receipt of this decision.
2. 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) shall submit to the Commission an **explanation** for his non-appearance

before the Commission in the hearing without any reason or prior intimation within twenty (20) days from the date of receipt of this decision.

Decision pronounced in the presence of both the parties on 10.04.2026 at 11:00 AM.

Copy be given to:-

1. Shri. T. Nungsang Sangtam, NCS, Additional Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima.
2. Shri. Benjamin Longkap, NCS, Deputy Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8119823872.
3. Shri. M. Takutemsu, Deputy (then Under) Secretary to the Govt. of Nagaland & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima (now retired).
4. Smti. B. Moishen Phom, Section Officer & APIO, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 8014598619.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website.
6. The applicant (now appellant), Major Vikuto Assumi (Retd.), House No. 81, Lhomithi village, Signal Basti, Dimapur, Nagaland, Email- vikutoasumi82@gmail.com, Mobile No. 9862259701.
7. Office copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

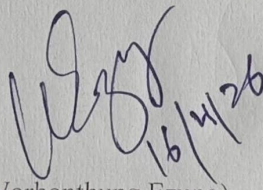
Sd/-

Y. P. CHILLIO KHIAM
State Information Commissioner

Sd/-

JOSEPH HESSO, IPS (Retd.)
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary