



No: A/141(D)/SCIO/2016

MANIPUR INFORMATION COMMISSION

SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.

Appeal Case No: 141 of 2016

Smt. Sanabam Surbala Devi – Appellant

-vs-

The SPIO/Director of Health Services, Govt. of Manipur and another – Respondents

DECISION

Dated 23 March, 2017

Name of Appellant: - Smt. Sanabam Surbala Devi of Wangkhei Pukhrambam Leirak.
Represented by Shri W. Joykumar Singh.
Name of Respondents: - 1) SPIO/Director of Health Services, Govt. of Manipur.
2) FAA/Commissioner (Health), Govt. of Manipur.
Date of RTI application: - 20-6-16
Date of filing First Appeal: - 27-7-16
Date of filing 2nd Appeal: - 29-9-16
Dates of hearing: - 29-10-16, 21-11-16, 14-12-16, 28-12-16, 6-1-17, 17-1-17, 25-1-17,
28-2-17, 16-3-17, 23-3-17.
Date of Decision: - 23-3-17

Brief of the Case: - The brief fact of the present appeal case is that the appellant had filed her RTI application dt.20-6-2016 to the SPIO/Director, Medical & Health Services, Govt. of Manipur thereby seeking certain information relating to recruitment of Grade – IV post in the Health Department, result of which was issued vide Notification dated 2-3-2007.

And, getting no response from the SPIO, the appellant had approached the FAA/Commissioner (Health & FW) vide application dated 27-7-2016. After serving notice to both the SPIO and appellant for appearing on 8-8-2016 at 10:00 am, the FAA had disposed of the First Appeal on 9-8-2006 and directed the SPIO to furnish the information within 30 days.

However, the SPIO failed to provide to requested information to the appellant within the time given by the FAA. Hence, the appellant had filed the present Appeal Case before the Commission on 24-9-2016 with a prayer for accessing the information and also to punish the errant officer.

On the first of the hearing on 29-10-16, the Commission granted 2 (two) weeks time to the SPIO to provide the complete information. And, the SPIO had furnished information dt.18-11-16 to the appellant by Registered post. However, the information was received by the



appellant only on 6-12-2016 and being not satisfied with the information, the appellant had filed her rejoinder dt.14-10-16.

During the course of hearing on 28-12-16, the Ld. Counsel of the SPIO submitted that no further clarification to the rejoinder dt.14-12-16 of the appellant can be given as all the required and available information had already been furnished to the appellant.

The Commission had called the relevant file of the Directorate of Health and Medical Services relating to the recruitment of Class III & IV post in 2006 and examined the same on 17-1-2017. During the course of examination of the said file, the Commission could locate the Govt. approval letter of the DPC proceedings in question but could not find the proposal submitted by the Director (Health) to the Govt. for approval of the DPC proceeding which needs to be examined by the Commission. As directed by this Commission dt.17-1-2017, the FAA had produced Secretariat file bearing No. 2/7/2006 – M containing therein the records of the proceedings of the DPC for recruitment of 118 posts of Ward Attendant (G-84, ST-32, SC-2), 24 posts of Nursing Orderly (G-15, ST-8, SC-1), 8 posts of Ayah (G-5, ST-2, SC-1) and 1 post (G) of Dark Room Assistant in the scale of Rs. 2550/- – 3200/- p.m. in the Medical Department, Manipur. During examination of the said Secretariat file, the Commission finds that the Director of Health Services vide letter No. G/DSRS/2003 – DHS dt.26-12-2006 had submitted said proceedings of the DPC held w.e.f. 6-10-2006 to 23-10-2006.

On examination of the office records, the appellant expressed his satisfaction with the reply of the SPIO dt.18-11-2016 in respect of query No. 3. However, the appellant was not satisfied with the information in respect of query No. 4 and 5 as the tabulated marks awarded to the candidates is available only for a few candidates and for most of the other candidates, the same is reported as unavailable. And, the appellant also alleged that it is a clear case of destruction of office records and as such the SPIO should be penalized u/s 20 of the RTI Act, 2005.

In response, the Ld. Counsel of the SPIO submitted that the present SPIO, at his best level, provided all available information to the appellant and is not liable for the information which was not available with his office inspite of his vigorous search. The representative of the SPIO further submitted that the SPIO cannot provide any additional information in respect of query No. 4 and 5.

As all the tabulated marks awarded to all the candidates who faced the DPC ought to be disclosed to the appellant, the commission vide decision dt. 25-1-17 had directed the Commissioner (Health), Govt. of Manipur to conduct an enquiry through an appropriate and responsible officer of the Government to ascertain the whereabouts of the missing records i.e tabulated marks awarded to the candidates who faced the interview/DPC for recruitment of 118 posts of Wards Attendants, 24 posts of Nursing orderly, 8 posts of Ayahs and 1 post of Dark room Assistant in the DPC held w.e.f 6-10-2006 to 23-10-2006 and if found lost/ untraceable to find out officers/officials responsible for it and submit a report to the Commission within 1(one) month.



The Deputy Secretary (Health & FW), Govt. of Manipur vide letter dt.22-3-2017 submitted the findings of the enquiry report.

On perusal of the enquiry report, the Commission finds that Shri. Dr. Th. Suresh Singh, the then Director of Medical & Health Services, Manipur was the Chairman of the DPC/Selection Committee. Shri T. Lhouvum, the then Administrative Officer, Medical Directorate, Manipur and Shri K.C Laishram, the Under Secretary (GAD/DP), Govt. of Manipur were the members of the DPC/Selection Committee.

The findings of the enquiry clearly reflected that the present 4 seniormost officers of the Directorate including the Director listed at para 4 of the report, who deal with the matter of appointment of Class III & IV employees now, never received the records in question from their successors and ever since Dr. Th. Suresh Singh, the then Director and Chairman of the said DPC in 2006 retired on 31-5-08, 6 Doctors have served as Directors till date. On the other hand Shri. S. Nabadwip Singh who was working as PA to Dr. Th. Suresh Singh, Ex-Director of Health Services also expired and no clue about the whereabouts of the records connected with the said DPC is available. On top of this there has been shifting of office rooms of the Directorate from the old building to the newly constructed building and there is sign of dislocation of the old office records. Maximum amount of records pertaining to the recruitment examination question is not available excepting a few papers which were reportedly available in loose conditions while shifting of office to the new building. The enquiry report in its findings also mentioned that i) Non availability of the tabulated marks of the DPC in respect of all candidates may be due to non-preservation of the said records properly by the concern officer who conducted the recruitment test and also shifting of office, ii) tabulated mark sheets for recruitment of class IV posts cannot be classified as records having research value and to be permanently preserved for administrative purposes and state policy. Since more than 10 years have passed ever since the DPC was conducted in 2006, no justified point is available to maintain the tabulation of marks as such a document/record is normally used for a short period of time for a particular purpose which had already been served long back iii) Guideline No. 85 of Chapter X- Indexing and Recording of the Manual of Office Procedure, 1977 of the Govt. of Manipur, Deptt. of Administrative Reforms States **"Files should be recorded after action on the issues considered thereon has been completed. However, files of a purely emphemeral nature containing papers of little reference or research value may be destroyed after one year without formally recorded"** and iv) there is no sign of intentional destruction of the office records.

On demand, a copy of the enquiry report submitted by the Deputy Secretary (Health & FW), Govt. of Manipur was handed over to the representative of the appellant during hearing on 23-3-17.

Decision: - The SPIO/Director (Health) did not respond to the RTI application dt.20-6-16 of the appellant in time as per provisions of the RTI Act, 2005. Further inspite decision of the FAA dt.9-8-16 directing the SPIO/Director of Health Services, Manipur to furnish the required information to the appellant within a period of 30 (thirty) days, the SPIO could furnish reply/information to the appellant only on 18-11-16 i.e. after filing the second appeal on 29-9-16 and intervention of the Commission. This may be due to rigorous search of the documents in question.



On the issue of non furnishing of complete information by the SPIO, the Commission has taken up all possible attempts to ascertain the reason of not furnishing complete information by i) requisitioning the relevant main file of the Directorate relating to the recruitment of Class III & IV posts in 2006 and examining of the same, ii) requisitioning the Secretariat Health Deptt. file wherein the approval of the said DPC proceedings in question was granted and examining of the same and iii) directing the Commissioner (Health), Govt. of Manipur to conduct an enquiry through an appropriate and responsible officer of the Govt. to ascertain the whereabouts of the missing records i.e. tabulated marks awarded to the candidates who faced the interview/DPC for recruitment of 118 posts of Ward Attendants, 24 posts of Nursing orderly, 8 posts of Ayah and 1 post of Dark Room Assistant in the DPC held w.e.f 6-10-2006 to 23-10-2006 and if found lost/untraceable, to find out the officers/officials responsible for it.

From the finding of above actions, the Commission observes that all information that is available now with the Public Authority has been provided to the appellant. On the issue of non furnishing of tabulated marksheet of all candidates, records are now not available with the public authority as elaborated in the enquiry report of the Deputy Secretary (Health & FW) mentioned above. The Commission while taking cognizance of the enquiry report feels that as the then Director (Health) (Dr. Th. Suresh Singh) is still surviving and active, his statement should have been taken and reflected in the enquiry report.

The Commission also feels that as RTI Act, 2005 was already in force in the State with the establishment of Manipur Information Commission w.e.f. 12-9-2006, had the appellant filed her RTI application in time immediately after declaration of the DPC results or within 1 (one) year or so, better justice could have been done to her by providing complete information in response to her RTI application. As the enquiry officer appointed by the Commissioner (Health) in her report submits that the records are not available with the Public Authority for the reasons mentioned in her report and as she could not identify any officer/official responsible for the loss of the records/documents, the Commission is unable to fix responsibility and impose penalty to any officer of the Health Department.

However, the appellant, ever since she filed her RTI application on 20-6-16, had waited for almost 9 (nine) months to come to a logical conclusion of her appeal and during this period she had faced lot of hardship in presenting herself or through her representative before the Commission 10 times besides submitting rejoinder at different stages. The Commission feels that for the detriment caused to her, she needs to be compensated. Hence, the Public Authority represented by the Director (Health Services) is directed to compensate the appellant with an amount of Rs. 6000/- (Rupees six thousand) only per Section 19 (8) (b) of the RTI Act, 2005 within a period of 1 (one) month from the date of receipt of this order and intimate to this Commission, the compliance report within 45 days from today.

In order to avoid such situation of missing of records, particularly of DPC for recruitment of staff, the Commission directs the Public Authority represented by the Commissioner (Health) and Director of Health Services to take up effective steps for proper maintenance of office records. For this, necessary instruction in the form of office memorandum may be issued at the earliest so that all officers and staff, on retirement or transfer, prepare an index of records/files/documents dealt by him/her and to hand over the same to the new incumbents.

Further an appropriate staff may be assigned as in-charge of old records and a proper record room may be maintained. Proper Record Retention Policy of Department may also be framed and any destruction/disposal of the old records/documents/files may be done by following the laid down norms in this regard.

With the above observation and direction, the appeal case is closed with liberty given to the appellant to approach the Commission by filing Misc. application in case of non-payment of the compensation by the Public Authority.

Announced in open chamber.

Sd/-

(Th. Ibobi Singh)

State Chief Information Commissioner,
Manipur Information Commission.

Authenticated by

(S. Inao Singh)

Deputy Registrar (Judicial -I)
Manipur Information Commission



Copy to: -

- ✓ 1. The FAA/Commissioner (Health & F.W.), Govt. of Manipur.
2. The SPIO/Director of Health Services, Govt. of Manipur.
3. Smt. Sanabam Surbala Devi. # 9862282207

W. J. Singh
27/3/2017

Directorate of Health Services, Manipur
Receipt No. 15683
Date 27/3/17