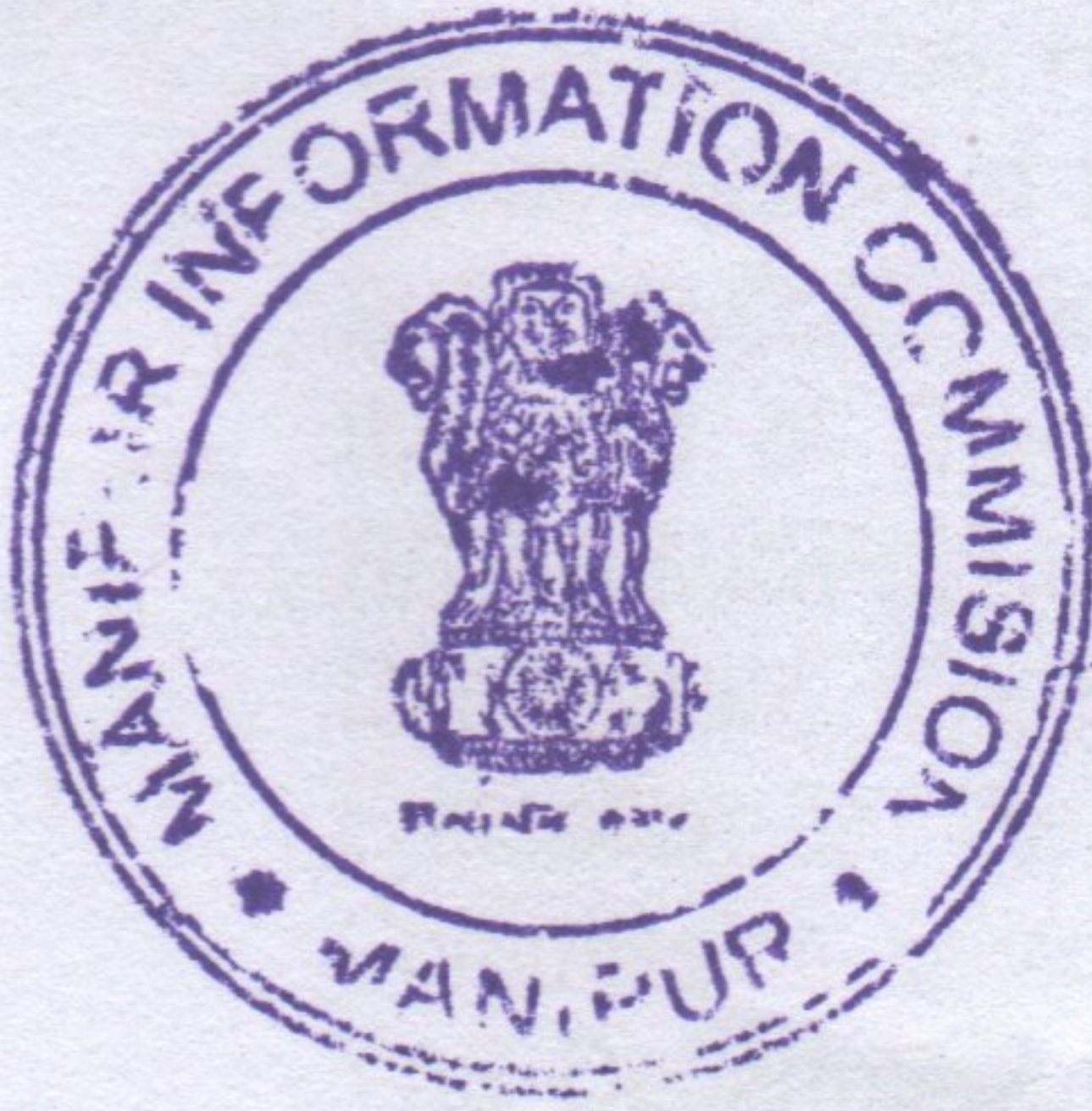


No: A/7/ MIC - 2024

## MANIPUR INFORMATION COMMISSION

SECRETARIAT NORTH BLOCK, GROUND FLOOR,  
BEHIND WESTERN BLOCK,  
IMPHAL, MANIPUR.  
Phone No: 0385-2456495



### Appeal Case No. 7 of 2024

S. Dhanabir Mangang

– Appellant.

-Vs-

The SPIO/ Director (YAS), Manipur & Anr.

– Respondents.

### JUDGEMENT

12.8.2024

The FAA/ (YAS), Government of Manipur is represented by Konsam Nalini Devi, Deputy Secretary (YAS). Smt. Jamuna Devi, Section Officer (YAS), Smt. Niranjana Devi (YAS). The deemed SPIO/ Director, Education (S) is represented by Shri Y. Nongdrenkhomba, OSD, Legal, Education Department. The SPIO/ Director (YAS) is represented by U. Augusta, Advocate. The Appellant is present.

#### **Brief Facts of the Case:**

This is an RTI Application filed by S. Dhanabir Mangang on **22.8.2023** to the SPIO/ Director, (YAS), Manipur seeking information on 19 points u/s 6 (1) of the RTI Act, pertaining to the aims and objectives for creation of Physical Education Teacher posts in the YAS Department.

Thereafter, the Appellant filed First Appeal to the Joint Secretary (YAS) Govt. of Manipur on **10.10.2023**.

The appellant filed his Second appeal to the Commission on **08.1.2024** under section 19 (3) of the RTI, Act, 2005, contending that the public authorities has not furnished the information sought in his RTI application.

#### **Summary of the Hearings:**

The Second Appeal petition was heard on **12.2.2024**. During the course of hearing, the representative of the Public Authorities submitted that all the available information had already been furnished direct to the Appellant. She also submitted that some of the queries are closely related with the Directorate of Education (S) Department. Accordingly, the Commission directed the Director, YAS to transfer part of the RTI queries to the concerned Public Authority within two days as per the RTI Act, 2005 with copy endorsed to the Appellant.

During the course of hearing on **29.2.2024** the Appellant pointed out non-compliance of the Commission's direction/ Order passed on **12.2.2024** pertaining to the transfer part of the RTI queries to the concerned Public Authority. The Commission again directed the Public Authorities, YAS to comply with the order/ direction given by the Commission. The Public Authority was also warned that non-compliance of such Commission's order/ direction by the Public Authority may invite penal action under the provision of the RTI Act.

During the course of hearing on **11.3.2024**, the Commission received a copy of letter **No. 2/8/2021-YAS/886** dated, **8.3.2024**, pertaining to the transfer of some part of the RTI application to the concerned SPIO/ Directorate of Education (S) Department. The said letter also conveyed that the Youth Affairs & Sports Department was bifurcated from the Education Department and the post of Physical Education Teacher was created by the Education Department and carried forward from the Education Department. The said Letter also reflected that the reply pertaining to the aim & purpose for the creation of Physical



Education Teacher is more relevant for the Education (S) Department. The Appellant submitted receipt of information from the Public Authority, Director, YAS. However, he expressed his dissatisfaction with the said information. He also prayed the Commission to allow him to file a written rejoinder indicating point wise dissatisfaction of the said information. The Commission perused the information furnished by the Public Authority (YAS) vide letter **No. MSC-1/198/2023-YAS/S-YAS**, dated, 7.2.2024 wherein copies of the RR for the post of Graduate Physical Education Teacher in the YAS, Department, Manipur **No. 1/8/2009-RR(YAS)/DP(S)** Imphal, dated 13.10.2009; RR for Under Graduate Physical Education Teacher in YAS Department, Manipur **No. 1/8/2009-RR (YAS)/DP**, Imphal, 13.10.2009 and the RR for Lecturer in Physical Education in the YAS Department, Manipur **No. 1/8/2009-RR (YAS)/DP**, Imphal, 15.4.2010. The Commission asked the representative of the Public Authority the purpose for creation of these posts in the YAS Department and failure for giving information regarding the same. The representative of the Public Authority replied that she has no knowledge about it. After perusing the said notification dated **13.10.2009** and **15.4.2010** issued by the DP, Government of Manipur conferred powers to make Rules and Regulations for recruitment of the above mentioned posts by the YAS, Department. However, the inability of the YAS Department to furnish reply on query No. 1 of the RTI application, pertaining to aim & purpose for creation of Physical Education Teachers in the YAS, Department, Government of Manipur is perplexing. The Commission viewed the conduct of Public Authorities as unfortunate for sending representatives with no knowledge of the sought queries during the hearing. Accordingly, the Commission directed the SPIO/ Deputy Secretary, (YAS) to appear in person. The Commission also treated the SPIO/ Director, Education (S) as the deemed SPIO and further directed he/ she or their duly authorized representative to appear in the hearing with the sought information on query No 1 of the RTI application. Lastly, the Commission advised the Appellant to file a written rejoinder to the Commission indicating point wise dissatisfaction of the said information, with copy endorsed to the Public Authority.

During the course of hearing on **1.4.2024**, the deemed SPIO/ Education (S) submitted that the said information had been furnished to the Appellant. The Appellant submitted a set of written rejoinders to the Commission. He also stated that he did not receive any information furnished by the SPIO/ YAS. The Commission handed over a copy of the said information to the Appellant during the course of the hearing. After hearing the submissions from the parties, the Commission directed the SPIO/ YAS to furnish a point wise information on the RTI queries along with the reply of rejoinder.

During the course of hearing **2.5.2024**, the Appellant expressed his unhappiness on the conduct of the Public Authorities for not appearing in the hearing. He further submitted that he had sought information on nineteen queries with the concerned SPIO, Director (YAS), Manipur under Section 6 (1) of the RTI Act. He added that, out of nineteen queries he had received information on five queries, i.e., (8), (13), (16), (17) & (18) and expressed his satisfaction with the above information. However, reply to the remaining queries are not satisfactory and irrelevant, he added. He further contended that the concerned Public Authority, (YAS) did not comply with the direction of the Commission passed on 1.4.2024. Lastly, he prayed the Commission to take penal action against the SPIO, YAS under Section 20 (1) & (2) of the RTI Act for violation of the provision laid down by the said Act. After hearing the submission of the Appellant, the Commission issued a Show Cause notice to the SPIO, Director, YAS and asked him as to why penal action under Section 20 (1) & (2) of the RTI Act should not be initiated against him for not complying with the earlier decision of the Commission passed on 1.4.2024.

During the course of hearing **14.05.2024**, the Appellant expressed his unhappiness on the conduct of the Public Authority, Director (YAS) for not appearing in the hearing; and for non-compliance of the Show Cause notice served by the Commission on **2.5.2024**. The Appellant further submitted in his 2<sup>nd</sup> rejoinder dated 30.4.2024, that he was very disappointed with the SPIO (YAS) for taking too much time and for not willing to give appropriate answer/ reply for his RTI queries by using non definitive terms such "may be", "may not be" and "approximately" in the furnished information/ reply. He also alleged that all the information/ replies are misleading and not convincing. He further submitted that the enclosed annexures in his rejoinder are all self-explanatory. Lastly, he prayed the



Commission to take appropriate action against the SPIO/ Director, (YAS) under Section 20 (1) & (2) for non-compliance and wilful disobedience of the Commission's decision. He had also sought for an adequate compensation from the Public Authority for the loss of time, energy and money in pursuing this case under Section 19 (8) (b) of the RTI Act, 2005. The Commission opined that in such important issues/ hearings the failure of the SPIO Director, (YAS) and other Public Authorities to appear in the hearing on time despite notices served to them tantamount to violation of the rules laid down under the provision of the RTI Act, 2005. Such irresponsible conduct of the Public Authorities shows bad impression to the information seekers and also wasted the valuable time and energy of the Appellants. After minute reading of the contents furnished by the parties, it had been found that the SPIO (YAS) intentionally had given wrong information to the Appellant. For instance, in query No. 2, under the Recruitment Rules for the post of Graduate Physical Education Teacher (PET), the sanctioned posts are 109 however, the SPIO had given 119. Similarly, in query No. 3, the sectioned post for Lecturer (PET) post in the YAS, Department are 17 in number, however, the Public Authority had given it as 16 numbers. In addition to such mistakes, the Commission had found misleading information in most of the information/ reply furnished by the SPIO/ Director (YAS). Furthermore, the SPIO/ Director (YAS) had failed to furnish the reply of the Show Cause notice served against him on **2.5.2024**. The Commission's order was received by the office of the Director (YAS) on **8.5.2024**. The Commission directed the SPIO/ Director (YAS), Manipur to pay a sum of Rupees twenty five thousands (25,000/-) only as per Section 20 (1) of the RTI Act, 2005 within 30 days from the date of the receipt of this order. The Penalty may be deposited to: -

Major Head	- 0070	- Other Administrative Services
Sub - Major	- 01	- Administrative of Justice
Major	- 501	- Services & Service Fees.

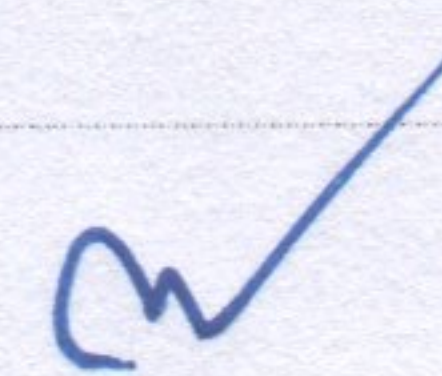
The Commission further directed the concerned DDO/ YAS to deduct the said penal amount from the salary of the SPIO/ Director (YAS). The Commission also directed the SPIO/ Director (YAS) to furnish all the sought information direct to the Appellant

During the course of hearing **23.5.2024**, after perusing the reply to the Show Cause notice and the submissions made thereafter by the representative of the SPIO/ Director (YAS), the Commission had come to the conclusion that the reply to the Show Cause notice should have been furnished to the Commission within the stipulated timeline and not after the initiation of any penal action. The Commission had given sufficient time to furnish the said reply, however, the same had not only been furnished timely but at the same time neither the SPIO nor his representative appeared before the Commission on the day of the hearing. The prayer for condonation of penal action under Section 20 (1) of the RTI Act, imposed against the SPIO/YAS, cannot be recalled/ set aside as there is no provision for review or revision of the order passed by this Commission under the Act. And as such, the request for condonation of penal action taken up by the Commission was not acceded to.

On the last day of the hearing on **29.7.2024**, the Ld. Counsel of the Public Authority submitted a Challan copy for Rs. 25,000/- deposited to the Head of Government Account as a penalty to the Commission. He also explained a clear reply for every queries sought by the Appellant. He stated that all the information/ reply sought by the Appellant had already been provided to the Appellant, and no further information is left out. He also submitted that the verbal submission for additional information not related in the original RTI Application by the Appellant during the course of hearings may unnecessarily prolong the present case. He asked the Appellant to file fresh RTI Application, if any further additional information is required.

#### **Judgement:**

The Commission has checked all the information/ reply furnished by the Public Authority and after observing all the verbal and written submissions from the parties, the Commission is of the view that the Public Authority has furnished all the sought information/ reply as stated in the present RTI Application. The



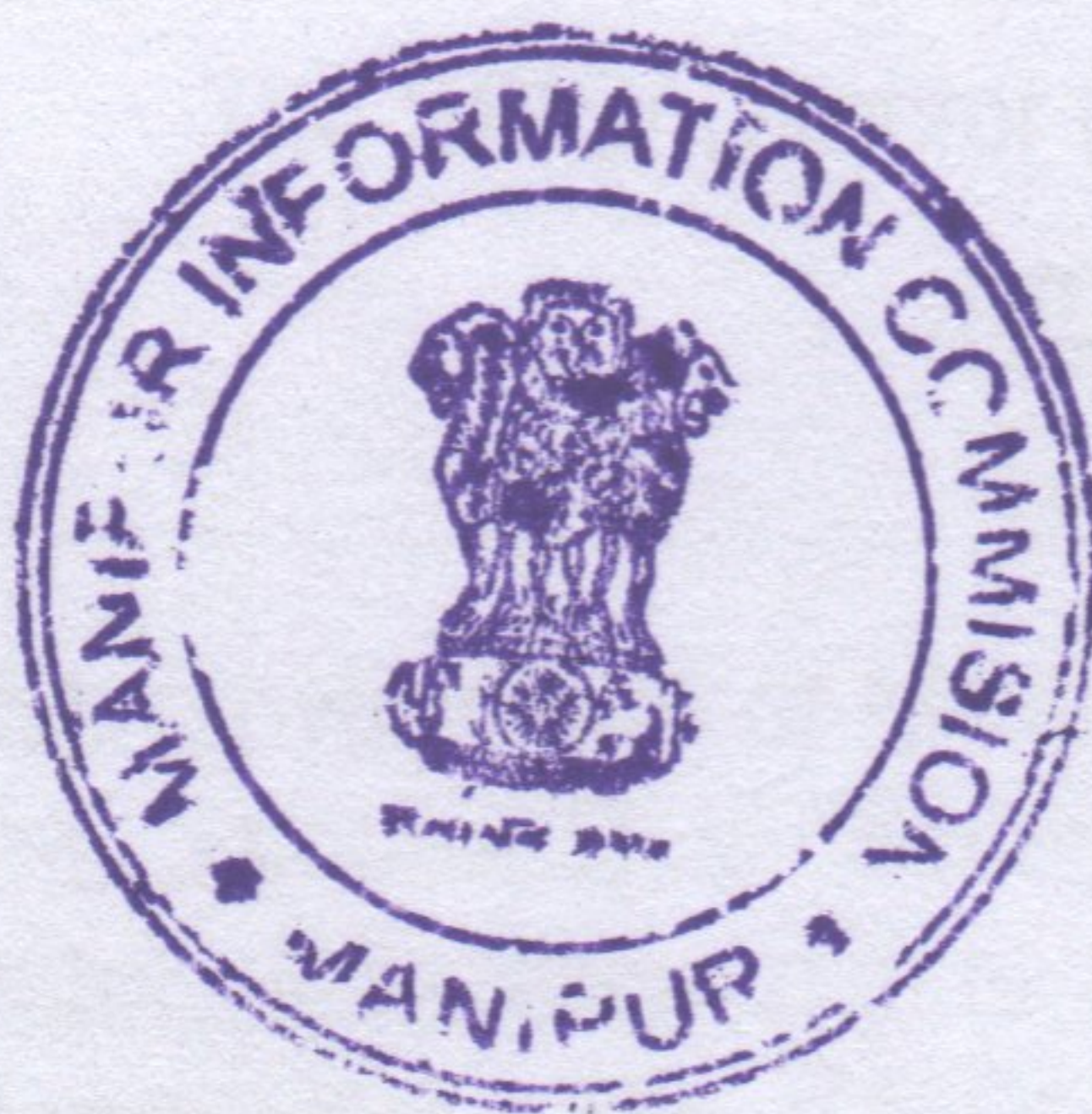


subsequent submission raised by the Appellant on the contents of the information furnished by the Public Authority does not correlate with the original RTI application and hence, it can be construed as a demand for new/ fresh information.

Accordingly, there is no need for further intervention.

With this view the present Second Appeal case is disposed of.

Judgement announced in open Chamber.



Sd/-

(K. Radhashyam Singh)  
State Chief Information Commissioner,  
Manipur Information Commission.

Authenticated by: -

(L. Premananda Singh)  
Deputy Registrar (Judl. – II),  
Manipur Information Commission

Copy to: -

1. The FAA/ Addl. Chief Secy./ Principal Secy./ Commissioner/ Secy./Joint Secretary (YAS) Govt. of Manipur.
2. The SPIO/ Deputy Secretary, (YAS), Government of Manipur.
3. The SPIO/ Director, (YAS), Manipur.
4. The deemed SPIO/ Director, Education (S), Manipur.
5. S. Dhanabir Mangang, # 7085190495.

*Note: Parties may attend the hearing online and for online hearing, he/ she is requested to download the **Jitsi Meet** App for use on a mobile phone or use the link <https://meet.jit.si/MIC1> for video conference (VC) and enter the room name as **MIC1***