

No: C/9/MIC - 2025
MANIPUR INFORMATION COMMISSION
SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.
Phone No: 0385-2456495

Complaint Case No. 9 of 2025

Kh. Suplenkhombi Chanu

- Complainant

-vs-

The SPIO/ Manipur Building & other Construction Workers, Welfare
Board, Manipur (MBOCWWB)

-Respondent

For FAA (MBOCWWB) : (noted absent due to non-designation)
For SPIO (MBOCWWB) : In person
For Complainant : In person.
Date of Hearing : 28-07-2025
Date of Decision : 28-07-2025

D E C I S I O N

Brief Facts of the Case:

The Complainant filed an RTI application dated 21-04-2025 with the SPIO, MBOCWWB, seeking information on:

1. the number of contractual and regular staff and their appointment orders;
2. categories of posts, approved posts, names of staff, recruitment rules, post creation orders, and selection/non-selection status;
3. details of staff regularization, including government orders, transfer/posting offers, and joining letters;
4. funding patterns for staff salaries for 2020-2021, 2021-2022, and 2022-2023;
5. a copy of Office Order No. MBCWB/Pub&Ad-20/2021, dated 12-06-2023;
6. the competent authority for appointing staff of MBOCWWB, standing orders (delegation of power), and minutes of Board meetings from 2020-2023; and
7. a copy of Letter No. MBCWB/RTI-APN/04/2023, dated 10-04-2023.

The application was accompanied by a fee of Rs. 10 via Indian Postal Order (No. 66F 859397). The SPIO failed to respond within the mandatory 30-day period under Section 7(1) of the RTI Act, 2005. Thereafter, the Complainant filed a first appeal dated 26-05-2025 via Speed Post (Tracking No. EE462307857IN) to the FAA, Secretary, MBOCWWB. Postal records confirm the appeal was not delivered.



Due to non-response from the FAA, the Complainant filed the present complaint under Section 18 of the RTI Act, seeking directions for furnishing the sought information, permission to investigate, and compensation of Rs. 25,000 for loss or detriment suffered.

Summary of the Hearing:

During the today i.e. 28-07-2025, the Complainant submitted her written arguments, expressing dissatisfaction with the SPIO's response dated 09-07-2025, which she described as misleading and incomplete. The Complainant also submitted and clarified that Query No. 6 in her RTI application refers to the competent authority responsible for appointing staff of MBOCWVB, along with standing orders and Board meeting minutes. Specific grievances in her written argument included:

- (i) lack of clarity on staff regularization without post creation;
- (ii) a discrepancy in staff numbers ("62-59=3") and omission of appointment orders;
- (iii) incomplete funding details for staff salaries for 2020-2021, 2021-2022, and 2022-2023;
- (iv) missing dates in Annexure II; and
- (v) omission of the first part of her queries.
- (vi) The Complainant alleged "underhanded tactics" by the SPIO and questioned who was responsible for providing accurate responses. She urged the Commission to decide the complaint and ensure complete disclosure of the requested information.

The SPIO submitted that no FAA is currently designated for MBOCWVB, rendering the first appeal process ineffective. The SPIO also confirmed that the first appeal dated 26-05-2025 was not received by MBOCWVB, consistent with the Complainant's postal records.

The SPIO did not provide a detailed explanation for the incomplete or misleading response dated 09-07-2025, as alleged by the Complainant.

No representative of the FAA appeared, as the SPIO submitted that no FAA is currently designated for MBOCWVB.

Findings:

1. The SPIO's failure to respond to the RTI application within the mandated period of 30 days constitutes a violation of Section 7(1) of the RTI Act.
2. The SPIO's response dated 09-07-2025 was incomplete and unsatisfactory, failing to address key queries, including staff number discrepancies, appointment orders, complete funding details, the competent authority for staff appointments, and specific documents (e.g., Office Order No. MBCWB/Pub&Ad-20/2021, Letter No. MBCWB/RTI-APN042023).
3. The non-delivery of the first appeal dated 26-05-2025, as confirmed by postal records (Tracking No. EE462307857IN), prevented adjudication by the FAA under Section 19(1).



4. The absence of a designated FAA for MBOCWVB is a serious procedural lapse, as Section 19(1) mandates that every public authority designate an FAA to hear first appeals.
5. The Complainant's clarification that Query No. 6 pertains to the competent authority for appointing MBOCWVB staff indicates a need for specific information on the appointment process, which is disclosable under Section 4(1)(b)(iii) (decision-making processes), subject to any applicable exemptions.
6. The requested information (e.g., staff details, funding patterns, appointment authority, and administrative orders) is largely disclosable under Section 4(1)(b), subject to exemptions under Sections 8 or 9, which requires public authorities to justify denials with specific exemptions.

Observation:

- a) The non-delivery of the first appeal and the absence of a designated FAA have deprived the Complainant of her right to a fair appeal process under Section 19(1). This necessitates a remand to the FAA to ensure adjudication, including a personal hearing, which emphasizes principles of natural justice in appeal proceedings.
- b) The SPIO's incomplete response dated 09-07-2025, particularly the failure to address the competent authority for staff appointments and other queries, indicates non-compliance with the RTI Act's transparency objectives.
- c) The absence of a designated FAA violates the RTI Act's framework, undermining the appeal mechanism designed to address grievances against the SPIO's actions.
- d) The Complainant's concerns about staff regularization, funding details, and the appointing authority suggest potential issues of administrative transparency, warranting thorough scrutiny by the FAA.
- e) If exemptions are claimed (e.g., Section 8(1)(j) for personal information in appointment orders), the SPIO must justify them, and non-exempt portions, such as the identity of the appointing authority, must be disclosed under Section 10 (severability).

Decision:

1. Advice on Remand to the First Appellate Authority:
 - (a) After hearing from both parties and as proposed and agreed by the parties, the Commission advises that the matter be remanded to the First Appellate Authority of MBOCWVB, to be designated by the Government of Manipur or MBOCWVB within 15 days from 28-07-2025. Until an FAA is designated, it is recommended that the Secretary, MBOCWVB, act as the FAA.
 - (b) The Commission advises that the FAA treat the first appeal dated 26-05-2025 as filed on the date of receipt of this order and dispose of it



within 30 days from receipt, extendable to a maximum of 45 days for reasons recorded in writing, as per Section 19(6).

- (c) The Commission recommends that the FAA provide the Complainant a personal hearing, either in person or via video conferencing (e.g., Jitsi Meet), to address her grievances, including the incomplete response dated 09-07-2025 and the clarification that Query No. 6 pertains to the competent authority for appointing MBOCWWB staff.

2. Advice to the SPIO:

The Commission recommends that the SPIO submit a written explanation to the FAA by 08-08-2025 regarding:

- (a) The failure to respond to the RTI application within 30 days from 14-04-2025.
- (b) The incomplete and misleading response dated 09-07-2025, addressing the Complainant's concerns (e.g., staff discrepancies, missing appointment orders, incomplete funding details, and the competent authority for staff appointments).

It is also advised that the SPIO provide all relevant records to the FAA and address the Complainant's queries, including:

- (a) Clarification on staff regularization and post creation.
- (b) Explanation for the staff number discrepancy ("62-59=3").
- (c) Complete funding details for 2020-2021, 2021-2022, and 2022-2023.
- (d) Details of the competent authority responsible for appointing MBOCWWB staff, including standing orders and relevant Board meeting minutes.
- (e) Provision of requested documents (e.g., appointment orders, Office Order No. MBCWB/Pub&Ad-20/2021, Letter No. MBCWB/RTI-APN042023, and Board meeting minutes).

3. Advice on Evaluation of Exemptions:

The Commission advises that any denial of information be justified with specific exemptions under Sections 8 or 9, with non-exempt portions disclosed under Section 10. For instance, details of the appointing authority for MBOCWWB staff are disclosable under Section 4(1)(b)(iii) unless a valid exemption applies.

4. Advice on Compensation Claim:

The Commission notes that the Complainant's request for Rs. 25,000 under Section 19(8)(b) is premature and advises that it be considered upon a second appeal, if necessary.

5. Advice to the Complainant:



The Commission advises the Complainant to resubmit the first appeal dated 26-05-2025 to the FAA by 05-08-2025, retaining proof of submission.

6. Advice on Liberty to Approach the Commission:

The Commission advises that, if aggrieved by the FAA's decision or non-response by 12-09-2025 (45 days from resubmission), the Complainant may file a second appeal under Section 19(3) by 11-12-2025 (90 days).

Based on the above observations and advice, the complaint case is disposed of.

Announced in open court.

Typed by: -

Compared by: -

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

Authenticated by

(S. Inao Singh)
Deputy Registrar (Judl. -I),
Manipur Information Commission

Copy to: -

1. The Secretary (SLEE), Govt. of Manipur.
2. The Deputy Labour Commissioner/ Secretary (MBOCWWB), Govt. of Manipur.
3. The Secretary (MBOCWWB), Manipur.
4. The SPIO (MBOCWWB), Manipur.
5. Kh. Suplenkhombi Chanu
Uripok Tourangbam Leikai
Imphal West District, Manipur

Contact No.: 7085878219

Note: - 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) on computer and enter the room name as **MIC1**.