

No. S.A. 70/2018 – MIC  
**MIZORAM INFORMATION COMMISSION**  
**NEW SECRETARIAT COMPLEX, KHATLA**  
**MIZORAM: AIZAWL**

*Mr. Baplu Chakma*  
*House No. 137, Seuj Nagar*  
*Saurav Nagar Road, Beltola, Guwahati*  
*Assam – 781028, Ph: 7981011465*

*Appellant*

*Mr. A. Zainuntluanga,*  
*State Public Information Office (SPIO)*  
*Assistant Education Officer (P/S) LADC*  
*Lawngtlai: Mizoram Ph: 8414045838*

*Respondent*

**ORDER**  
**(25.10.2019)**

The Mizoram Information Commission (MIC) received **Second Appeal** dt. 08.11.2018 filed by **Mr. Baplu Chakma, Guwahati** against the State Public Information Office (SPIO), Lai Autonomous District Council, Lawngtlai, Mizoram. The appellant sought information under the RTI Act, 2005 on five points relating to the appointment and termination of Mr. Shanti Joy Chakma, Primary School Teacher during 1988 to 1992 in Lai Autonomous District Council under Sakeilui Constituency.

2. In this connection, first round of hearing was conducted by the Mizoram Information Commission in the office Chamber of the Chief Information Commissioner, MIC on 23<sup>rd</sup> May, 2019 (Thursday) at 11:00 A.M. In this hearing, the Respondent was present in person, the Appellant was absent on account of his personal problems. The Commission issued interim order to the Respondent as under and the final order reserved after the process is completed: -

- (1) *The Office of LADC shall collect all the information relating to the appointment, etc. of Shanti Joy Chakma and furnish whatever information is available to the Appellant, Baplu Chakma.*
- (2) *Pu A. Zainuntluanga, Respondent shall find out the Primary School in Sakeilui Constituency where Shanti Joy Chakma was believed to have worked during 1988 – 1992 and collect any information available with local village chiefs and schools.*



(3) *During his tour to Sakeilui Constituency, the Respondent shall meet Shanti Joy Chakma and obtain his permission with regard to disclosing the details of his appointment, etc. to Baplu Chakma, the Appellant as the information sought for relates to third party information.*

(4) *The entire process shall be completed within 2 (two) months from the date of issue of this order.*

3. However, even after a lapse of the stipulated period of two months as prescribed under the decision mentioned at Para 2(4) above, the MIC has not received any action taken report from the Respondent. The Commission issued two letters on 20.08.2019 addressing – (i) *to the office of the LADC with a request to look into the matter and take necessary action as per provisions of the RTI Act, 2005 and, (ii) to the SPIO, LADC, Lawngtlai informing him to send his clarification to MIC within 15 days from the date of receipt of the letter as to why the Commission should not begin proceedings to impose penalty on him as per the provisions of the RTI Act, 2005.*

4. Vide No. F. 12011/8/2018-LADC/RTI dt. 04.09.2019, the Executive Secretary, LADC, Lawngtlai submitted compliance report stating that there has been an unintentional mistake in a reply letter submitted by Mr. A. Zainuntluanga, SPIO & Assistant Education Officer (P/S) indicating that there were no Service Book maintained for the LADC employees during the year 1988 – 1992. He corrected and stated that – (i) the LADC have been properly maintaining Service Books for all regular employees since their initial appointment into regular service except officiating, contractual or muster roll staff. (ii) There was no any reliable evidence that Mr. Shanti Joy Chakma was a regular employee under the LADC. (iii) It is believed that he was once appointed as an Officiating or Contractual Teacher for a specific period during the said years. (iv) No written document is found to prove that he was appointed as an officiating or contractual teacher. (v) Mr. Shanti Joy Chakma himself could not produce any relevant documents pertaining to his appointment into a regular teacher. (vi) There is no single document to affirm that Mr. Shanti Joy Chakma was appointed as a teacher. (vii) Mr. A. Zainuntluanga, SPIO & Assistant Education Officer (P/S) as reported by him visited Sumsilui village. He sought and collected reliable sources from President of Village Council and some members of the local NGO and added that nobody knew whether Shanti Joy Chakma was a permanent teacher or not, they only knew that he worked as a teacher for sometime.



5. On careful perusal of the compliance report received from the Executive Secretary, LADC above as well as in the absence of the compliance report from the concerned SPIO, the Commission summoned again the SPIO, LADC to appear before the Commission to explain his position.

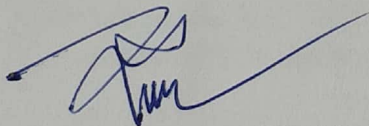
6. Second round of Hearing was conducted by the Chief Information Commissioner, MIC and two Information Commissioners, MIC in the office chamber of the CIC on 25.10.2019 at 2:00 P.M. The Respondent, Mr. A. Zainuntluanga, SPIO, LADC was present in person. During the hearing, the SPIO, LADC produced all the files and documents which have been available with their office concerning the appointment of School Teachers under LADC and Personal Files of the School Teachers. The Commission carefully inspected and examined all the Files and documents submitted by the Respondent and affirmed that LADC have been properly maintaining Service Books for regular employees since their initial appointment into regular service except Officiating, Contractual or Muster Roll employees. There was no any reliable evidence or written document to prove that Mr. Shanti Joy Chakma was a regular employee under the LADC but may have been engaged as an officiating teacher or contractual teacher during 1988 – 1992. However, the Commission located one Office Order No. 63/91 dt. 10<sup>th</sup> June, 1991 from Personal File of Pu T. Lalhminga, Headmaster, Chanmary II Primary School relating to fixation of pay of Primary Teachers under LADC in which it was seen that the name of Shanti Joy Chakma was listed at Sl.No. 28, indicated his date of appointment as 14.02.1988 and was an untrained teacher. With the permission of the SPIO, LADC one photocopy of the said Office Order was made and retained by the Commission for record.

7. Further, the Respondent stated that he had actually visited Sumsilui Village. He met President of Village Council and some members of local NGO. He sought and collected information from reliable sources but nobody knew whether or not Shanti Joy Chakma was a permanent teacher. Apparently, Mr. Shanti Joy Chakma told him that he was appointed at the behest of the Executive Member of the LADC but when at the next election, Mr. Shanti Joy Chakma did not accompany the Executive Member, his service as a teacher was discontinued. He also informed this Commission that the detailed Inquiry Report was submitted to the Executive Secretary, LADC for necessary action.

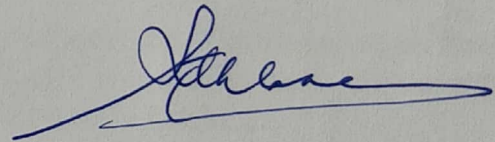


8. After hearing the Respondent and on perusal of records, the Commission notes with concern that here the Respondent is taking all possible steps at his level best to locate or to trace out the information sought by the Appellant but could not be supplied complete information due to non-maintenance of the Service Book of Officiating/Contractual/Muster Roll School Teachers by the LADC at that time. However, the Commission directs the Respondent to supply to the Appellant all connected papers which has been available in the record including copy of his Inquiry Report submitted to the Executive Secretary, LADC and copy of Office Order No. 63/91 dt. 10<sup>th</sup> June, 1991 issued by Education Officer, LADC, Lawngtlai within 15 (fifteen) days from the receipt of this Order with a copy to the Mizoram Information Commission, Mizoram.

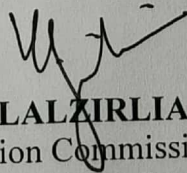
*The appeal is disposed of accordingly. Copy of the decision to be given free of cost to the parties.*



**(ZORAMAWIA)**  
Information Commissioner  
Mizoram Information Commission



**(LALDUHTHLANA RALTE)**  
Chief Information Commissioner  
Mizoram Information Commission



**(DR. C. LALZIRLIANA)**  
Information Commissioner  
Mizoram Information Commission