

No. S.A. 79/2021 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Mr. Chawngsangliana, : *Appellant*
H.No: C-39, Near Convention Centre,
Venglai, Lunglei
Ph: 9436154489 / 9862837616
Mizoram, Lunglei.

Mr. C. Ramdinsanga, : *Respondent*
The State Public Information Officer (SPIO),
&
General Manager,
Mizoram Rural Bank, H.O. B-5, Babu Tilla,
Zarkawt, Aizawl.

ORDER
(29.11.2021)

1. Mr. Chawngsangliana, Lunglei had submitted an RTI application dt. 25.03.2021 to the Chairman and Disciplinary Authority, Mizoram Rural Bank Head Office seeking information on 2 (two) points: -

- i) Did the demand made by the Chief Engineer, PWD – Road had been paid by Mizoram Rural Bank?
- ii) If the demand had been paid, kindly supply Xerox/photocopy of the related voucher/cheque-advise.

In reply the Chief Manager, Accounts, (though there is no indication that he is the DAA of their Office) Mizoram Rural Bank Head Office sent him a letter dt. 16.04.2021 informing him that the Bank cannot disclose any transaction movement of particular account to anyone without court order or any other agency approved by authority to whom the bank is bound to provide information.

2. Mr. Chawngsangliana again submitted 2 (two) RTI applications dt. 31.05.2021 to the SPIO, Mizoram Rural Bank Head Office on 6 (six) points and another letter dt. 31.05.2021 to the SPIO, Mizoram Rural Bank Head Office stating that “I hereby appeal under section 19 (1) & (2) of RTI Act, 2005. I humbly request you to refer my first letter dt. 25.03.2021 and to take action under the RTI Act”. In reply, the General Manager & SPIO informed him on 09.06.2021 that they are unable to provide his requested information as per Section 8 (1)(j) of the RTI Act, 2005.

3. Being aggrieved, Mr. Chawngsangliana, Lunglei submitted Second Appeal dt. 14.07.2021 to the Chief Information Commissioner stating that he has been denied information on the 6 (six) points submitted by him to the SPIO, Mizoram Rural Bank Head Office. In this connection, MIC disagreed that the informations requested are exempted under Sec 8 (1) (j) of the RTI Act 2005 and informed the SPIO & General Manager on 27.08.2021 to give information to Mr. Chawngsangliana on point no. 3 and 5 of his application and supply copies on point no. 2 (a & b) and point no. 4 of his RTI application within 15 (fifteen) days from the

receipt of MIC's letter with intimation to this Commission. The Appellant was also informed to submit receipt of his RTI application fee of Rs 10/- and a copy of his First Appeal that he had submitted to the Departmental Appellate Authority (DAA).

4. In reply, the GM&SPIO, Mizoram Rural Bank informed MIC vide their letter no. GM/CM(Accts)/Gen-39/109 dt. 15.09.2021 that information on documents sought by Mr. Chawngsangliana could not be provided within a period of 15 days due to Covid prevalence among the concerned officials and that it is under process. He also informed that it will be provided to the applicant as soon as possible. MIC then wrote to the GM & SPIO on 23.09.2021 stating that "*as the Government has lifted temporary COVID-19 restrictions and normal office operations have been resumed, you are informed to supply the information to Mr. Chawngsangliana on or before 15.10.2021 with intimation to this Commission*". Since no action taken report has been received even after a lapse of more than 25 days, MIC has issued Summon to both the Appellant and Respondent to appear before the CIC on 29.11.2021 at 12.00 noon.

5. As scheduled, hearing was held in the office chamber of the CIC wherein Mr. Lalnunmawia Chuaungo, Chief Information Commissioner and Mr. Zoramawia, Information Commissioner were present. The appellant, Mr. Chawngsangliana and the respondent, Mr. C. Ramdinsanga, SPIO & General Manager and Mr. T. Hmingthantluanga Tonson, Chief Manager, Accounts, Mizoram Rural Bank, Head Office were also present. In the hearing, the respondent informed the Commission that Mr. Chawngsangliana was terminated from service in 2007 and even after a thorough search, they were unable to locate the disciplinary proceeding file, etc. of Mr. Chawngsangliana for which he apologized to the Commission. He also mentioned that apart from the staff of Mizoram Rural Bank, he himself was also infected by COVID-19 and could not attend office for a month which led to late reply of the appellant's letter. He then submitted to the Commission a copy of their reply dt. 26.11.2021.

6. In the hearing, the appellant, Mr. Chawngsangliana informed the Commission that he joined Mizoram Rural Bank in July 1988 and was dismissed from service in 2007. He also mentioned that although he was given copies of 3 (three) chargesheets and dismissal letter from MRB Head Office, he was never given a copy of the Inquiry Report submitted by Mr. C. Malsawma appointed to inquire into the charges framed against him. Therefore, he has requested to be furnished the following: -

(a) Whether the written demand submitted by the Chief Engineer, PWD Road Under his letter nos: B. 17025/68/CE-R/04/PW/Wed (i) and B. 17025/68/CE-R/04/PW/Wed (ii) had been paid by MRB or not? (i.e under Bank Guarantee).

(b) To supply certified xerox copy of:-

- i) Appointment letter of Mr. C. Malsawma as Inquiry Officer in the disciplinary proceeding against Pu Chawngsangliana.*
- ii) Inquiry Report submitted by Mr. C. Malsawma to the Disciplinary Authority of Mizoram Rural Bank.*

(c) Did the copy of Inquiry Report (above) been served to Pu Chawngsangliana?

- (d) To supply list of officers of Mizoram Rural Bank to whom disciplinary proceeding had been initiated; showing charges against each Officer and penalty imposed on each Officer.
- (e) Whether notification for submission of pension option/application had been served to Retirees and family members of deceased Employees and Officers?

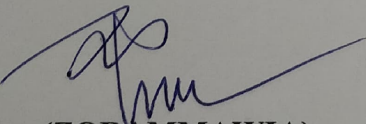
7. On perusal of the correspondences/documents and after hearing both parties, the Commission has observed that: -

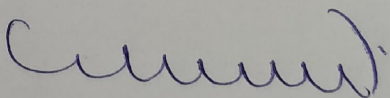
- i) While SPIOs/DAAAs have to be designated by name, the SPIO, Mizoram Rural Bank, Head Office. has replied to all the correspondences with the Appellant and Mizoram Information Commission only by the designation he held in his office and his name is not mentioned anywhere in the letters. The office of MRB is advised to designate DAA, SPIO and SAPIO by name and designation.
- ii) Query nos. 1, 3 and 5 should be answered in affirmative or negative and no documents are required to be furnished.
- iii) The SPIO, Mizoram Rural Bank, Head Office. should have sent compliance report to MIC's letter. However, he has not given any copy of action taken report to MIC. This has been viewed seriously by the Commission and he is informed not to repeat the same in future.

8. In view of the above, the Commission decided as under: -

- i) Mr. C. Ramdinsanga, SPIO & General Manager, Mizoram Rural Bank, Head Office is informed to furnish whatever information is available with them free of cost to the Appellant, Mr. Chawngsangliana within a week from the date of hearing i.e 29.11.2021 or positively within 7 (seven) days from the date of receipt of this order with a copy to Mizoram Information Commission.

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


(ZORAMAWIA)
Information Commissioner
Mizoram Information Commission


(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission