



सत्यमेव जयते



सूचना का

अधिकार

RIGHT TO

INFORMATION



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 91/2026.

(Summon to appear in person)

(Or.5 R.3 of CPC)

**APPELLANT
RESPONDENT**

: Dr. Suman Gupta, Delhi.

: The PIO, o/o the Mission Director, National Health
Mission, Nlg. Govt. of A.P

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Dr. Suman Gupta for non-furnishing of below mentioned information by the PIO, o/o the Director, Health & Family Welfare, Govt. of A.P, Naharlagun as sought for by her under section 6(1) (Form-A) of RTI Act, 2005 vide her online application dated 08.06.2025.

- **A. Particular of information:** Employment related details of Dr Rajesh Gupta registered with Assam Medical Council, who was employed as a gynecologist in District Hospital Changlang.
- **B. Details of information required:**
 1. Tenure of employment of Dr Rajesh Gupta. The response that I have received to this question is substantially incorrect as the said doctor was employed beyond October 2022 also. The same can be scrutinized by looking to the fact that his salary beyond October 2022 was diverted/credited to other person's account. Moreover, provide information about the services of the said doctor rendered at other hospitals of Arunachal Pradesh like District Hospital Miao, Bordumsa, Jairampur. Also, kindly provide his attendance details to substantiate the fact. Furthermore, the RTI reply explicitly states that the said Dr Rajesh Gupta was employed on honorary basis. Please give a clarification regarding disbursement of Rs 90,000 in the name of honorarium on monthly basis. You are further requested to comment upon the true nature of his job particularly with respect to how many days a week/month the said Dr Rajesh Gupta was actually providing the services. While the RTI reply cites the non-availability of minimum logistics at District Hospital Changlang from November 2022 onwards as the reason for Dr. Rajesh Gupta's inability to render services, kindly provide a copy of the formal written communication regarding the discontinuation of his services.
 2. Details of the health camps that Dr Rajesh Gupta has been officially requested to attend and details of all the remuneration paid for the same. Please provide official copy of such requests.
 3. Terms of employment contract considering the said being formal employment under the aegis of National Health Mission Arunachal Pradesh, and whether the said doctor was permitted to practice during the period of this employment with Arunachal Pradesh, at other government as well as private hospitals in other state (Assam) simultaneously and drawing regular salaries form both the government institutions at the same time, given that he was drawing the salary from Assam government during the same period as well.

4. Provide the name of the account holder to whom the salaries of the said doctor were being credited for his employment November 2022 onwards. The same can be scrutinized by looking to the fact that his salary beyond October 2022 was diverted/credited to other person's account. Kindly provide the details when was the last salary drawn for his services in Arunachal Pradesh. Give list of transaction number and the name of the account holders to which the salaries/honorarium for the services of gynecologist Dr Rajesh Gupta posted at DH Changlang and other hospitals were being credited for his entire duration of employment with the state of Arunachal Pradesh.
- C. Period for which information asked for: 2020-2025.

Brief facts emerging from the appeal :

Records emerging from the appeal disclose that the appellant, Dr Suman Gupta had requested the PIO, o/o the Directorate of Health & Family Welfare, Govt. of Arunachal Pradesh, Naharlagun, 791110 for the aforementioned information / documents. Records also disclose that in response to the appellant's application, the District Medical Officer-cum-PIO, Changlang, vide his letter dt.28.08.2025 addressed to the Mission Director, National Health Mission, Govt. of A.P, Naharlagun had furnished the replies/information as under:

“To.

*The Mission Director,
National Health Mission,
Govt. of Arunachal Pradesh. Naharlagun-791110.*

Sub:- *Furnishing of information under RTI Act-2005.*

Ref:- *Online RTI ID NO-04, Vide letter No. MGA-2023/01/RTI, dated Naharlagun the 4th August 2025, Director of Health Services, GoAP, Naharlagun.*

Sir.

In response to above referred, application under RTI Act-2005 received from Dr. Suman Gupta, Room No.: 11, New Registrar Block (NRB) Hostel, Lady Hardinge Medical College, New Delhi, the following information are furnished.

Sl. No.	Query	Reply
01	<i>Tenure of employment and whether the 01 said Doctor is currently working with District Hospital Changlang?</i>	<i>Dr. Rajesh Gupta has been requested to visit DH Changlang on honorary basis for Obstetric care, Sterilization etc w.e.f; Jul-2022 to Oct-2022 only. From Nov 2022 onwards his service was discontinued on honorary basis due to non-availability of sufficient/minimum logistics required providing the services at Changlang, he was called Changlang during health camps etc on minimum honorarium or in free service basis.</i>
02	<i>Is Dr. Rajesh Gupta working with any other Hospital in Arunachal Pradesh or providing any services to the government by means of health Camps? If yes, details of the same.</i>	<i>No. We request him to attend as and when Health Camp conducted on minimum honorary/free service.</i>

03	<i>Terms of the employment contract and remuneration as decided by the competent authority paid through the public money. (Under 4(1)(b)(x) of the RTI Act: Requires public authority to proactively disclose the monthly remuneration received by each of their Officers and employees, including the system of compensation as provided in their regulations.)</i>	<i>There were no specific terms of the employment contract & remuneration. However, he was paid 90,000/- per month from Jul-2022 to Oct-2022. Total 3,60,000/- was paid in total from Jul-2022 to Oct-2022 to his account.</i>
04	<i>Name of the account holder to whom the 04 salary for the said service rendered by Dr. Rajesh Gupta was credited until Oct-2022 and Oct-2022 onwards.</i>	<i>Honorarium for the period from Jul-2022 to Oct-2022 was credited to Dr. Rajesh Gupta and no further payment was made after Oct-2022.</i>
05	<i>Details of TDS deductions, if any</i>	<i>N/A</i>

This is for kind information and necessary action please.

Sd/-

Dr. Bimal Ratan

District Medical Officer-cum- PIO

Changlang District, A.P. ”

The appellant, apparently, dissatisfied with the information /replies furnished by the PIO as above, filed 1st appeal before the Secretary Health, Govt. of A.P, Itanagar, the First Appellate Authority (FAA) under Section 19 (1) of the RTI Act, 2005 vide her Memo of Appeal dtd. 26.07.2025. There is, however, no record of the FAA's taking any action on the appeal which prompted the appellant to prefer her 2nd Appeal before this Commission under section 19 (3) of the RTI Act. 2005 vide her Memo of Appeal dt. 22.09.2025.

Hearing and decision:

This appeal is, accordingly, listed for hearing in this Commission today on 08.05.2026 wherein the appellant, Dr. Suman Gupta is present through VC but none appeared either from the Directorate of the National Health Mission, GoAP, Naharlagun nor from the o/o the DMO, Changlang without any intimation despite summon notice.

This Commission heard the appellant Dr.(Ms) Suman Gupta, who complained that the District Medical Officer (DMO)-cum-PIO, Changlang had furnished her an incomplete and misleading information/replies and pleaded for an appropriate direction to the authority concerned to furnish her the correct and complete information as per her RTI application. For instance, she pointed out that in her 2nd query, she had also requested for the details of Health Camps attended by Dr.(Mr.) Rajesh Gupta, but the DMO-PIO had furnished a vague reply without mentioning the number of Camps, dates and places.

She also complained that the PIO did not reply to her query No.4 regarding the Account No. where the salary of Dr. Rajesh Gupta for the period, October, 2022 onwards were credited.

This Commission upon hearing the appellant and on perusal of the replies to the 5(five) queries as furnished by the District Medical Officer (DMO)-cum-PIO, Changlang, noticed that the replies are, indeed, incomplete. This Commission also noticed that against the query No.3 (terms and conditions of employment), the PIO has replied that there was no specific terms of employment.

In adverting to the issue at hand this Commission deems it appropriate to refer to the following provisions of RTI Ac, 2005

Section 7(8)(i).

“(8) Where a request has been rejected under sub-section(1), the Central Public Information Officer or State Public Information Office, as the case may be, shall communicate to the person making the request:-

- (i) the reasons for such rejection
- (ii)
- (iii)

***Section 18(3) (C) ***

“(3) The Central Information Commission or the State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a).....
- (b).....
- (c) receiving evidence on affidavit.
- (d).....
- (e)
- (f)..... “

Rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005,

“5. Procedure in deciding appeal: In deciding the appeal, the Commission shall,

- (i)....
- (ii)....
- (iii)
- (iv).....
- (v).....
- (vi) receive evidence on affidavit from State Public Information Officer, Assistant State Public Information Officer, such Senior Officer who decided the first appeal or third party.”

The implication of the provisions of law as above is that when an information is denied to the applicant, the reason thereof has to be communicated to the applicant to his/her satisfaction {Section 7(8)(i)}. And as mandated by section-18(3)(c r/w rule-5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, the submission/reply of the PIO has to be declared/furnished on an affidavit.

In view of the position of law as above, the (DMO)-cum-PIO, Changlang is directed to furnish the complete and specific replies to the 3 queries (Sl.2, Sl.3 and Sl. 4) indicated above on an affidavit and report the compliance thereof to this Commission on 10.06.2026, the next date of hearing so as not constrain this Commission to invoke the penal provisions of the RTI Act.

Given under my hand and seal of this Commission on this 8th May, 2026

NOW THEREFORE, you are hereby summoned to appear in person or online in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC on 10th June (Wednesday) at 10.30 am** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

Take notice that, in default of your appearance, on the day above- mentioned, the matter will be heard and determined in your absence.

To avail online hearing please at least notify or get in touch one day prior to the hearing, download "**WEBEX MEETING APP**" from Google Play store. For further technical assistance Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957) maybe contacted.

Sd/-

(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-91/2026 / 823 Dated Itanagar, the 11 May, 2026

Copy to:

1. The Secretary (Health and Family Welfare). Govt. of A.P for information and ensuring compliance by the PIO concerned.
2. The Director, National Health Mission, Naharlagun for information and ensuring compliance by the PIO concerned.
3. The PIO, o/o the Mission Director, National Health Mission, Naharlagun Govt. of A.P PIN: 791110 for information and compliance.
4. The PIO, o/o the District Medical Officer, Changlang for information and compliance.
5. Shri Suman Gupta, Room No. 11, New Registrar Block (NRB) Hostel, Lady Hardinge Medical College, New Delhi PIN: 110001 Mobile NO. 9315698897 for information.
6. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
7. Office Copy.
8. S/Copy.

P. Raju
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar