

**OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF  
GST AND CENTRAL EXCISE  
TAMILNADU AND PUDUCHERRY ZONE  
26/1, महात्मा गांधी मार्ग, नुंगम्बाक्कम, चेन्नै-600 034  
26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034**

सी सं /C.No.II/39/376/2019-CCA.RTI.APPEAL

दिनांक/Dated : 16/12/2019

**ORDER-IN-APPEAL NO. 09/2019-CCA-RTI(Appeals)  
(Order passed by B. Senthilvelavan, I.R.S.,  
Additional Commissioner and First Appellate Authority)**

1. This Order-in-Appeal is issued under Sub-Section (1) of Section 19 of the Right to Information Act, 2005.
2. An appeal against this order can be preferred to the Central Information Commission, 2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110 066, under Sub-Section(3) of Section 19 of the Right to Information Act, 2005.
3. An appeal against this order must be filed within 90 days from the date of receipt of this order.
4. For further information regarding procedure of appeals, please visit <http://cic.gov.in>

Shri K. Prem Anand, Advocate  
No. 261, New Additional Law Chambers,  
Madras High Court Complex,  
Chennai - 600 104.

..... Appellant

Versus

The CPIO, Assistant Commissioner,  
Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone,  
26/1, Mahatma Gandhi Road, Nungambakkam,  
Chennai - 600 034.

..... Respondent

**Sub :** Right to Information Act, 2005 - Shri K. Prem Anand - Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/335/2019-CCA.RTI dated 22.08.2019 and 06.09.2019 - Passing of Order by First Appellate Authority under RTI Act, 2005 - Reg.

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Shri K. Prem Anand, Advocate, No. 261, New Additional Law Chambers, Madras High Court Complex, Chennai - 600 104 (hereinafter referred to as "the appellant") filed an appeal dated 14.11.2019 received in this office on 20.11.2019 under the Right to Information Act, 2005 (hereinafter referred to as "the RTI Act") against the reply

given by the Central Public Information Officer, Office of the Principal Chief Commissioner of Central Excise, Chennai Zone, vide C.No.II/39/335/2019-CCA.RTI dated 22.08.2019 and 06.09.2019.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 19.08.2019 received in this office on 20.08.2019 had sought the following information:

1. List of Officers who were reverted to lower cadre in the year 2014 w.e.f. 2002 and copy of Order issued by the Authority concerned.
2. Year wise pay details of the officers who were reverted to the lower cadre in the year 2014 w.e.f. the year 2002 till date in the format given below :

S.No.	Pay as on	Basic Pay (Rs.)	Grade Pay	Designation	Date of Annual Increment /Amount	Remarks
	01.01.2002					

3. Recovery details of wrongful excess payments made to the officer if any.
4. Revised pay fixation statement and the copies of the service book entry if made.
5. Copy of the Order/Rule under which the officers were reverted and the recovery of wrongful excess payments initiated.

2.2 The CPIO vide letter C.No. II/39/335/2019-CCA.RTI dated 22.08.2019 and 06.09.2019 furnished reply in respect of the query mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 14.11.2019 received in this Office on 20.11.2019 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005. The appellant stated that he was not satisfied with CPIO's reply as CPIO misunderstood the RTI application and had asked the Commissioners coming under the jurisdiction of Cadre Controlling Authority, Chennai to furnish the details to the appellant and that none of the officers furnished any information in their replies.

3.2 The appellant requested the First Appellate Authority to pass OIA to provide him information as per his RTI application.



## DISCUSSIONS & FINDINGS

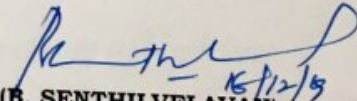
4. I have carefully gone through the RTI application, reply given by CPIO and appeal filed by the applicant.
5. The appellant vide RTI application dated 19.08.2019 has sought information regarding officers who were reverted to lower cadre in the year 2014 w.e.f. 2002 and copy of Order issued by the Authority concerned, year wise pay details, recovery details of wrongful excess payments made to the officers, revised pay fixation statement and the copies of the service book entry and copy of the Order/Rule under which the officers were reverted and the recovery of wrongful excess payments initiated. The CPIO had replied that the desired information is not available with this office alone and that the same may be available with the CPIOs of Chennai North, Chennai South, Chennai Outer, Chennai Audit-I, Chennai Audit-II, Chennai Appeals-I, Chennai Appeals-II, Coimbatore Audit, Coimbatore Appeals, Coimbatore, Salem, Puducherry, Madurai and Trichy Commissionerates coming under the jurisdiction of Cadre Controlling Authority, Chennai and hence the RTI application was forwarded to CPIOs of all the above mentioned Commissionerates coming under the jurisdiction of Cadre Controlling Authority, Chennai, under **Section 6(3)** of the Right to Information Act, 2005, for furnishing the information directly to the appellant. With regard to the Office of the Principal Chief Commissioner of GST & Central Excise, Chennai, CPIO had furnished that officers who were reverted to the lower cadre in the year 2014 w.e.f. 2002 were 'NIL' in respect of reply to Point No. 1. As there were no officers who were reverted to the lower cadre in the year 2014 w.e.f. 2002, CPIO had furnished that reply to Point No. 2 to 5 is 'Not Applicable' in view of reply to Point No. 1.
6. With regard to the appellant's contention that CPIO had failed to furnish the information having misunderstood the application by asking Commissioners coming under the jurisdiction of Cadre Controlling Authority, Chennai, it is informed that the information w.r.t. Pay particulars of all the officers is not available with the Cadre Control Authority. Only information w.r.t. Pay particulars of officers working in this office, i.e. the Office of the Principal Chief Commissioner of GST & Central Excise, Chennai will be available with this office. The information w.r.t. Pay particulars of all other officers will be available only with the Commissionerates coming under the jurisdiction of Cadre Controlling Authority, Chennai where the officers concerned are working and hence CPIO had transferred the application to all the Commissionerates coming under the jurisdiction of Cadre Controlling Authority, Chennai. Hence, transferring the RTI application under Section 6(3) of the RTI Act, 2005 to Commissionerates coming under the jurisdiction of Cadre Control Authority, Chennai by CPIO is correct.

7. It is also informed that the information sought for in the RTI application is ambiguous as it does not clearly convey as to what the appellant is seeking. In this regard, it is to be mentioned here that the appellant had stated that after CPIO transferring the RTI application to all the Commissionerates coming under the jurisdiction of Chennai, none of the Commissionerates had provided the information. By this it is very clear that the information sought for by the appellant is very ambiguous. It would have been easy for CPIO to furnish details of Pay particulars in respect of officers working in this office, had the Order No. been clearly given by the appellant in his RTI application as is given by the appellant now in his appeal. However, I direct CPIO to furnish the available details in respect of officers working in this office and also forward the Order enclosed by the appellant to all the Commissionerates coming under the jurisdiction of Chennai Zone for furnishing the information in respect of officers working in their Commissionerates directly to the appellant.

8. In view of the above, I proceed to pass the following order.

**ORDER**

(i) I direct CPIO to furnish the available details of Pay particulars in respect of officers working in this office and also forward the Order enclosed by the appellant to all the Commissionerates coming under the jurisdiction of Chennai Zone for furnishing the information in respect of officers working in their Commissionerates directly to the appellant.

  
(B. SENTHILVELAVAN)  
16/12/19  
**ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY**

To  
Shri K. Prem Anand, Advocate  
No. 261, New Additional Law Chambers,  
Madras High Court Complex,  
Chennai - 600 104.

**[By Speedpost with A/D]**

Copy to:  
The CPIO, Assistant Commissioner,  
Office of the Principal Chief Commissioner of Central Excise, Chennai Zone.