	दूरभाष /Telephone :044-28331011 फेक्स /Fax :044-28331113
<p align="center"> 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 </p>		

सी सं /C.No.II/39/305/2019-CCA.RTI.APPEAL

दिनांक/Dated: 28/06/2019

ORDER-IN-APPEAL NO. 05/2019-CCA-RTI(Appeals)
(Order passed by Dr. K. Venkat Ram Reddy 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, 2nd 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 Bharat Singh Meena
 5A/373/6, 4th Street,
 Caldwell Colony,
 Tuticorin - 628 008.

..... 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 - 600034.

..... Respondent

Sub : Right to Information Act, 2005 - Shri Bharat Singh Meena - Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/281/2019-CCA-RTI dated 09.05.2019 - Passing of Order by First Appellate Authority under RTI Act, 2005 - Reg.

Shri Bharat Singh Meena, 5A/373/6, 4th Street, Caldwell Colony, Tuticorin - 628 008 (hereinafter referred to as "the appellant") filed an appeal dated 05.06.2019 received in this office on 07.06.2019 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/39/281/2019-CCA-RTI dated 09.05.2019.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 16.04.2019 received in this office on 22.04.2019 had sought the following information:

1. No. of vacancies reserved for PR/Promotees and No. Of vacancy filled for the period from 2009 to 2013 from the post base roster Register of Inspector of Central Excise Cadre in the Cadre Controlling Authority, Chennai in the prescribed format.
2. Vacant posts reported to Staff Selection Commission for recruitment, No. Of posts filled through DR recruits and No. Of vacancy filled through Inter Commissionerate Transferees Inspectors from the post base roster of Inspector of Central Excise Cadre in the Cadre Controlling Authority, Chennai in the prescribed format.
3. Certify copies of Post Base Roster Register for the Year 2006 to 2013 for the cadre of Inspector of Central Excise in r/o Cadre Controlling Authority, Chennai.
4. Certify Copies of Note-sheets (all pages) as on date of File No. C.No.II/34/13/2017-CCA-Estt., O/o CCA, Chennai.
5. Certify copies of Joining Report of Inter Commissionerate Transferees Inspectors in the Offices under the Jurisdiction of CCA, Chennai in the Year 2012.
6. Certify copies of Relief Report of Inter Commissionerate Transferees Inspectors from the respective Cadre Controlling Authority in the Year 2012.

2.2 The CPIO vide letter C.No. II/39/281/2019-CCA-RTI dated 09.05.2019 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 05.06.2019 received in this Office on 07.06.2019 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005. The appellant stated that CPIO modified the requested information in respect of reply to Point No.3 with a mala fide intention in order to suppress the facts. He further stated that CPIO has misled the appellant in respect of reply to Point No. 5 & 6 on the ground that the information sought for was not available with the Office instead of collecting the copies of joining and relieving report of ICT (in) in the year 2012 from the offices under the jurisdiction of CCA, Chennai.

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 16.04.2019 received in this office on 22.04.2019 has sought information regarding the Post Base Roster (PBR) register of Inspector of Central Excise in the Cadre Controlling Authority, Chennai. The CPIO vide

office letter C. No. II/39/281/2019-CCA-RTI dated 09.05.2019 provided information requested for in respect of Point No. 1 & 2.

6. As regards to the appellant's contention that CPIO modified the requested information in respect of reply to Point No.3 (w.r.t. PBR (DR) information) with a mala fide intention in order to suppress the facts, it is to be informed that the PBR (DR's) for the years 2006 to 2011 is not traceable and hence only the available PBR (DR) of 2013 has been furnished to the appellant by the CPIO. Further it is reiterated that PBR's are classified under C-3 category as per the Record retention Schedule, 2012 and required to be maintained for a period of 3 years only. Further, it has to be mentioned here that, CPIO has informed the appellant that the information sought for in respect of Point No. 3 with regard to PBR (PR) information for the years 2009-10 to 2013-14 and PBR (DR) information for the year 2013 will be provided subject to the payment of Rs. 96/- (48 A4 sheets each Rs. 2/-) and Rs. 285/- (95 Legal sheets each Rs. 3/-).

7. Also as regards to the appellant's contention that CPIO has misled the appellant in respect of reply to Point No. 5 & 6 on the ground that the information sought for was not available with the Office instead of collecting the copies of joining and relieving report of ICT(in) in the year 2012 from the offices under the jurisdiction of CCA, Chennai, CPIO had suggested that the copies of Joining and Relief of Inter Commissionerate Transferees may be available with the concerned Commissionerates where the individuals are working. In this regard, it may be informed that even though the Posting Orders/Zone allocation Orders are issued by Cadre Controlling Authority (CCA), many a times the Joining/Relieving reports are not being received in CCA. As such there has been no mala fide intention of misleading the appellant by this office in saying that the copies of Joining/Relief reports may be obtained from the concerned Commissionerates since only such information is required to be supplied under the RTI Act, 2005 which already exists and is held by the Public Authority and that the Public Authority need not collect or collate the information and then furnish it to the applicant. It is also pertinent to mention here that the same issue has been elaborated by the Supreme Court in the matter of Central Board of Secondary Education & Anr Vs Aditya Bandopadhyay & Ors (in Civil Appeal No.6454 of 2011) wherein it was held that "the RTI Act, 2005 does not cast an obligation upon the Public Authority to collect and collate such non available information and then furnish it to the applicant." However, I direct CPIO to provide the information available in this office such as date of joining of the ICT Inspectors under the jurisdiction of CCA, Chennai in the year 2012.

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

ORDER

(i) I hold that the information furnished by the CPIO is sufficient and proper and there is no justification in the grievance of the appellant on the same. However, I direct

CPIO to provide the information available in this office such as date of joining of the ICT Inspectors under the jurisdiction of CCA, Chennai in the year 2012.

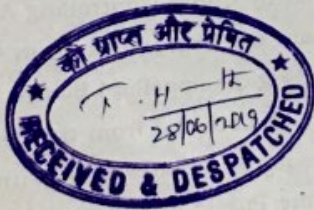
K. Venkat Ram Reddy 28/6/2019



**(Dr. K. VENKAT RAM REDDY)
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

To
Shri Bharat Singh Meena
5A/373/6, 4th Street,
Caldwell Colony,
Tuticorin - 628 008.

[By Speedpost with A/D]

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



		Phone No. 28331010
		/28335012
		Fax No. 28331015 / 28331050
		E Mail : ccu-cexchn@nic.in
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST & CENTRAL EXCISE TAMIL NADU & PUDUCHERRY 26/1, Mahathma Gandhi Road, Chennai - 600 034.		
C. No. II/39/281/2019-CCA-RTI		Dated: 01.07.2019

To
Shri Bharat Singh Meena
 5A/373/6, 4th Street,
 Caldwell Colony,
 Tuticorin - 628 008.

Gentleman,

Sub: Request for information under RTI Act, 2005 - Reg.

* * *

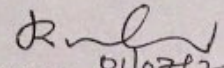
Please refer to the Order-in-Appeal No. 05/2019 dated 28.06.2019 passed by Additional Commissioner, First Appellate Authority.

In this regard, as directed, the information available in this office such as date of joining of the ICT Inspectors under the jurisdiction of CCA, Chennai in the year 2012 is given below.

Sl.No.	Name of the DR-ICT Inspectors under the jurisdiction of CCA, Chennai in the year 2012	Date of Joining as DR-ICT Inspector in Chennai Zone
1	Shanthi Bushan K S	09.04.2012
2	Shanmugam A	18.05.2012
3	Rajesh N	02.07.2012
4	Shankar V	03.09.2012
5	Mahendra Varman S K	01.10.2012
6	Sofiah R	01.10.2012



भवदीय / Yours Faithfully,


 01/07/2019
(R. VASUDEVAN)
 ASSISTANT COMMISSIONER
 CENTRAL PUBLIC INFORMATION OFFICER
 आर. वासुदेवन
 R. VASUDEVAN
 सहायक आयुक्त
 Asst. Commissioner