	दूरभाष /Telephone:044-28331011 फेक्स /Fax :044-28331113
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST AND CENTRAL EXCISE TAMILNADU AND PUDUCHERRY ZONE 26/1,महात्मागांधीमार्ग, नुंगम्बाक्कम, चेन्नै-600 034 26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034		

सी सं /C.No.II/39/33/2021-CCA.RTI.APPEAL

दिनांक/Dated : 15/03/2021

ORDER-IN-APPEAL NO. 06/2021-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, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi – 110 067, 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>

Ms. Pooja Meena

Flat No. 301, B Block, Greenwoods Apartment,
 Morals City, Near Trichy Airport, Tiruchirappalli,
 Tamilnadu – 620 007.

Versus

..... Appellant

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 – Ms. Pooja Meena – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/11/2021-CCA.RTI dated 11.02.2021 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Ms. Pooja Meena, Flat No. 301, B Block, Greenwoods Apartment, Morals City, Near Trichy Airport, Tiruchirappalli, Tamilnadu – 620 007 (hereinafter referred to as “the appellant”) filed an appeal dated 19.02.2021 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/39/11/2021-CCA.RTI dated 11.02.2021.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 13.01.2021 had sought the following information:

- i. Certified copies of all the corresponding documents and note sheet copies of DPC file 2019 & DPC file 2020 for Promotion in the grade of Superintendents.
- ii. No. of Superintendent vacancy in ST category for DPC 2019 & DPC 2020.
- iii. DPC Panel Seniority list of Inspectors for Promotion in the grade of Superintendent in DPC 2019 & DPC 2020.
- iv. Details of person/officer who is the representative of ST-SC category in DPC conducted by O/o Chief Commissioner of Central GST & CE, Tamilnadu & Puducherry during December 2019 to December 2020.
- v. Latest available Zonal Seniority list in the grade of Superintendent.
- vi. Copy of Transfer Posting Policy for posting in CCP Zone, Trichy.
- vii. Copy of the policy forwarding the applications that are received for deputation to other zone/ministry/department.

2.2 The CPIO vide letter C.No. II/39/11/2021-CCA.RTI dated 11.02.2021 furnished reply in respect of the queries mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 19.02.2021 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that with respect to Point No. 1, CPIO has refused to provide information under Section 8(1)(e) and Section 8(1)(j) of RTI Act, 2005.

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 13.01.2021 had sought information regarding DPC 2019 and 2020 for Promotion in the grade of Superintendents. The CPIO provided the requested information to the appellant vide letter C.No.II/39/11/2021-CCA.RTI dated 11.02.2021. Aggrieved by the reply furnished by CPIO with respect to Point No. 1, the appellant filed an appeal dated 19.02.2021.

6. With regard to the appellant's contention with respect to Point No. 1 that CPIO has refused to provide information under Section 8(1)(e) and Section 8(1)(j) of RTI Act, 2005, it is informed that this Office suo motu discloses the non-confidential details relating to the DPC by publishing all the copies of the promotion orders on the official website in compliance with Section 4 (1) (b) of the RTI Act, 2005. Further there is no element of public interest in the information sought by the appellant in the RTI application with regard to conduct of Departmental Promotion Committee which deals purely with the promotions of the Officers of this Department. It is amply clear that the information sought is without any public interest and exempt under Section 8(1)(e) & 8(1)(j) in as much as it contains predominantly confidential matters.

It is further informed that the note sheets and minutes of DPC contain third party information i.e. about officers' APAR gradings, vigilance status etc., who are under consideration for promotion and therefore they are exempt from disclosure under Section 8(1)(e) & 8(1) (j) Of RTI Act, 2005.

7. In this regard, attention is invited to the judgment rendered in W.P.(C) 7923/2013 dated 21.11.2014 in the case of THDC India Limited Vs Chanda Biswas, wherein it has been held that

"11. This Court is also of the opinion that the finding of public interest warranting disclosure of the said information under Sections 8(1)(e) and 8(1)(j) of the RTI Act and the procedure contemplated under Sections 11(1) and 19(4) of the RTI Act are mandatory in nature and cannot be waived. In the present case, the CIC has directed the petitioner to provide DPC minutes to the respondent without considering the defence of the petitioner under Section 8(1)(e) of the RTI Act and without following the procedure specified under Sections 11(1) and 19(4) of the RTI Act. It is pertinent to mention that Sections 11(1) and 19(4) of the RTI Act incorporate the principles of natural justice. Further, in the present case no finding has been given by CIC as to whether public interest warranted such a disclosure."

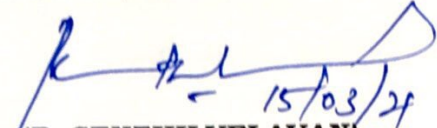
12. I find no reason to differ from the aforesaid decision. I am also unable to agree with the contention that the matter be remanded back to the CIC for considering it afresh as the conclusion in the case of R.K. Raturi (Supra) is definite; DPC minutes cannot be disclosed except in public interest and that too after following the procedure specified under Sections 11(1) and 19(4) of the Act.

13. In my view, the reasoning of the CIC that the respondent being an officer of the petitioner cannot be considered as a third party, is not sustainable. The information relating to ACRs and grading of an employee are personal to him and in this respect other employees are, definitely, not entitled to share that information".

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. Hence, I reject the appeal as not maintainable under Right to Information Act, 2005.


15/03/21
(B. SENTHILVELAVAN)

**ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

Copy to:

Ms. Pooja Meena

Flat No. 301, B Block, Greenwoods Apartment,
Morals City, Near Trichy Airport, Tiruchirappalli,
Tamilnadu - 620 007.

[By Speedpost]

Copy to:

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