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

सी सं /C.No.II/39/15/2021-CCA.RTI.APPEAL

दिनांक/Dated : 12/02/2021

**ORDER-IN-APPEAL NO. 03/2021-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>

**Shri Mohamed Habizulla S**

Plot No. 7, J. N. Nagar 5<sup>th</sup> Street,  
Valluvar Colony, Madurai,  
Tamilnadu – 625 017.

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 – Shri Mohamed Habizulla S – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/121/2020-CCA.RTI dated 17.12.2020 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri Mohamed Habizulla S, Plot No. 7, J. N. Nagar 5<sup>th</sup> Street, Valluvar Colony, Madurai, Tamilnadu – 625 017 (hereinafter referred to as “the appellant”) filed an appeal dated 16.01.2021 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/39/121/2020-CCA.RTI dated 17.12.2020.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 20.11.2020 had sought the following information:

- 1) Copy of action taken report on the representations submitted and respective correspondences and note sheets.
- 2) Copy of order issued for re-fixation of pay and recovery of excess paid salary from the officers whose seniority had been revised consequent to Office Order No. 23/2015 dated 28.04.2015 issued in File No. C.No.II/03/28/2015/CCA.Estt.
- 3) Rules under which fixation of pay and recovery of pay has been ordered.
- 4) List of Officers whose salary has been re-fixed based on the above said Office Order and salary recovered from them so far, working under Chennai Zone.
- 5) Copy of the Review Order issued on implementation of the above said Hon'ble Supreme Court judgement as stated in Para 3(i) of the Order No. 23/2015.



2.2 The CPIO vide letter C.No. II/39/121/2020-CCA.RTI dated 17.11.2020 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 16.01.2021 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO has given incomplete reply.

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 20.11.2020 had sought information regarding action taken report on the representations letters dated 10.12.2018, 26.04.2019, 24.05.2019, 09.03.2020 and 28.05.2020 of Shri S. Mohamed Habizulla, Supdt. (Retd.), Madurai Commissionerate submitted to Principal Chief Commissioner, Chennai. With respect to Point No. 1, the appellant was provided information vide office letter C.No.II/39/121/2020-CCA.RTI dated 17.12.2020 that the file is under process and that the copy of the note sheets cannot be given as it contains third party information. With respect to Point No. 2 & 3, the appellant was informed that the review DPC vide Order No. 23/2015 dated 28.04.2015 was conducted consequent to implementation of Hon'ble Andhra Pradesh High Court Order dated 02.03.2005 and Mumbai High Court Order dated 17.10.2003 and that no separate order for re-fixation of pay or recovery of excess paid salary has been issued apart from the Office Order No. 23/2015. However, clarifications on the



matter which were issued on 07.01.2016 and 27.10.2016 were provided to the appellant. With respect to Point No. 4, the application was transferred to all the Commissionerates coming under the jurisdiction of CCA, Chennai under Section 6 (3) of RTI Act, 2005, for furnishing the information directly to the appellant. With respect to Point No. 5, the appellant was informed that no further review orders have been issued in accordance with para 3(i) of Order No. 23/2015.

6. With regards to the appellant's contention with respect to Point No. 1 that CPIO has given vague reply that the file was under process instead of providing action taken report in respect of the representations submitted by the appellant, it is informed that Right to Information Act, 2005 only intends to provide the information on record and not otherwise to satisfy the RTI applicant with the reply. At the time of providing reply to the appellant, the said file was under process and Hence CPIO informed accordingly to the appellant.

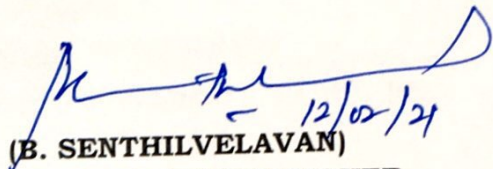
7. With regards to the appellant's contention with respect to Point No. 4 that the reply was received from Madurai Commissionerate without any signature of Authority directing the appellant to apply separately (with fee), it is informed that, in case of any grievance against the reply received from any of the Commissionerates, the RTI appellant has to approach the appropriate authority for the same since the RTI application in respect of Point No. 4 was transferred to all the Commissionerates coming under the jurisdiction of CCA, Chennai under Section 6 (3) of RTI Act, 2005, for furnishing the information directly to the appellant. Hence, there is no justification in the grievance of the appellant.

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.

  
(B. SENTHILVELAVAN)  
12/02/21  
**ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY**

Copy to:

**Shri Mohamed Habizulla S**  
Plot No. 7, J. N. Nagar 5<sup>th</sup> Street,  
Valluvar Colony, Madurai,  
Tamilnadu - 625 017.

**[By Speedpost]**

Copy to:

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