

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

सी सं /C.No.II/39/14/2021-CCA.RTI.APPEAL

दिनांक/Dated : 02/02/2021

**ORDER-IN-APPEAL NO. 01/2021-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 V. Lakshmanan**

S/o Shri PL. Vishwanathan,

No: 136, Velagam Illam,

Varaivalar Nagar Last Street, Opposite to Muniyandi Kovil,

Ammapatti, Kalikappan Main Road, Thirumokkur Post,

Madurai – 625 107.

..... 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 V. Lakshmanan – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/130/2020-CCA.RTI dated 06.01.2021 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri V. Lakshmanan, S/o Shri PL. Vishwanathan, No: 136, Velagam Illam, Varaivalar Nagar Last Street, Opposite to Muniyandi Kovil, Ammapatti, Kalikappan Main Road, Thirumokkur Post, Madurai – 625 107 (hereinafter referred to as “the appellant”) filed an appeal dated 12.01.2021 under the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”) received in this office on 13.01.2021 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/39/130/2020-CCA.RTI dated 06.01.2021.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 10.12.2020 received in this office on 11.12.2020 had sought the following information:

1) Copy of documents stating why promotion was not granted to Shri V. Lakshmanan for the vacancy year 2000-01.

2) Copy of documents stating why Shri V. Lakshmanan name was not considered for the vacancy years 2011-12 after 2000-01.

2.2 The CPIO vide letter C.No. II/39/130/2020-CCA.RTI dated 06.01.2021 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 12.01.2021 received in this office on 13.01.2021 before the First Appellate Authority under Section 19(1) of the 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 10.12.2020 has sought information regarding the copy of documents stating why promotion was not granted to Shri V. Lakshmanan for the vacancy year 2000-01 and the copy of documents stating why Shri V. Lakshmanan name was not considered for the vacancy years 2011-12 after 2000-01. The CPIO vide letter C.No. II/39/130/2020-CCA.RTI dated 06.01.2021 furnished reply stating that the information sought for is interrogative in nature and which does not fall under the definition of 'information' under Section 2 (f) of RTI Act, 2005.

6. As regards to the Appellant's contention that CPIO lingered to the word 'why' in the RTI application and rejected the appellant's application as interrogative in nature, it is once again re-iterated that the information sought for by the appellant is interrogative in nature and does not fall under the definition of information under Section 2 (f) of RTI Act, 2005.

"information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"

7. Further, it is to be mentioned here that the High Court of Bombay at Goa in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission has held on 03.04.2008 that the term 'information' as defined in the Right to Information Act does not include answers to the questions like 'why'. The relevant part of the judgement is reproduced below:

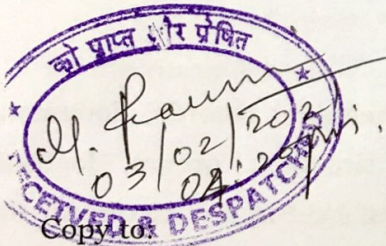


*'The definition of information cannot include within its fold answers to the question 'why' which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot be classifies as information.'*

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

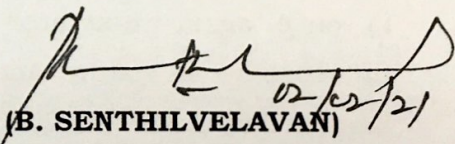
**ORDER**

(i) I hold that the reply 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.



Copy to:

**Shri V. Lakshmanan**  
S/o Shri PL. Vishwanathan,  
No: 136, Velagam Illam,  
Varaivalar Nagar Last Street, Opposite to Muniyandi Kovil,  
Ammappatti, Kalikappan Main Road, Thirumokkur Post,  
Madurai - 625 107.

  
(B. SENTHILVELAVAN)  
ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY

[By Speedpost]

Copy to:

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