

		दूरभाष /Telephone:044-28331011 फेक्स /Fax :044-28331113
<p style="text-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/39/13/2021-CCA.RTI.APPEAL

दिनांक/Dated : 10/02/2021

**ORDER-IN-APPEAL NO. 02/2021-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.

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 V. Lakshmanan – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/114/2020-CCA.RTI dated 27.11.2020 – 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 07.01.2021 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/39/114/2020-CCA.RTI dated 27.11.2020.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 28.10.2020 received in this office on 29.10.2020 had sought the following information:

- 1) List of DPCs conducted for Promotion from Sepoy/Havaldar to LDC.
- 2) Copy of DPC Minutes with respect to the above list of DPCs.
- 3) Information in sealed cover register pertaining to above DPCs.

2.2 The CPIO vide letter C.No. II/39/114/2020-CCA.RTI dated 27.11.2020 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 07.01.2021 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 28.10.2020 received in this office on 29.10.2020 has sought information regarding the list of DPCs conducted for Promotion from Sepoy/Havaldar to LDC, copy of DPC Minutes with respect to the said list of DPCs and information in sealed cover register pertaining to the said DPCs. With respect to Point No. 1, CPIO has provided the appellant the list of names considered for promotion from Sepoy/Havaldar to LDC and also the list of DPCs vide office letter of even no. dated 27.11.2020. With respect to Point No. 2, the appellant was informed that the minutes of DPC cannot be disclosed as it is exempted from disclosure under Section 8(1)(e) & 8(1)(j) of RTI Act, 2005. With respect to Point No. 3, the appellant was informed that the sealed cover register falls under the category of third party and cannot be disclosed.

6. With respect to Point No. 2, the Appellant has referred to the decision dated 22.04.2019 passed by Hon'ble Central Information Commission in the case of Nand Lal Meena Vs Chief Commissioner of Income Tax wherein it was held that the Respondent Public Authority has to suo motu disclose all the details relating to minutes of DPC, the names under consideration and those approved in respect of Departmental Promotion Committee meetings held for Income Tax Officers, Income Tax Inspectors, Senior Tax Assistant, Administrative Officers, Stenographers Gr.- I, on their website in compliance with Section 4 (1) (b) of the RTI Act, 2005 for the benefit of all concerned redacting personal details of the concerned officials, 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".*

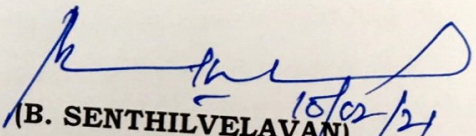


8. As regards to the Appellant's contention made in connection with sealed cover register, it is again reiterated that sealed cover register is not a prescribed document. The members whose names are reflecting in the registers are the Officers who have vigilance cases pending against them and hence the said document is purely confidential in nature. Therefore, procedure for taking permission from the third party as prescribed under Section 11(1) cannot be resorted to.

9. 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) 10/02/21  
**ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY**

Copy to:

**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.

**[By Speedpost]**

Copy to:

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