	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/39/66/2020-CCA-RTI.APPEAL

दिनांक/Dated : 07/08/2020

ORDER-IN-APPEAL NO. 06/2020-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 Rajaish Samuel Lazarus, I.R.S.
 Asst. Commissioner of Customs & Central Excise (Retd.)
 1495/2, 16th Main Road, J Block,
 Anna Nagar West,
 Chennai - 600 040.

..... 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 Rajaish Samuel Lazarus -Appeal
 against the information furnished by the CPIO, Assistant Commissioner, vide
 C.No.II/39/47/2020-CCA.RTI dated 25.06.2020 - Passing of Order by First
 Appellate Authority under RTI Act, 2005 - Reg.

Shri Rajaish Samuel Lazarus, I.R.S., Asst. Commissioner of Customs & Central Excise (Retd.), 1495/2, 16th Main Road, J Block, Anna Nagar West, Chennai - 600 040 (hereinafter referred to as "the appellant") filed an appeal dated 09.07.2020 received in this office on 13.07.2020 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/39/47/2020-CCA.RTI dated 25.06.2020.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 17.03.2020 received in this office on 19.03.2020 had sought the following information :

1. Reasons for disobeying the High Court Order dated 18.08.2006 by failing to restore his A.C.P. neither from 09.08.1999 nor from 01.06.2004.
2. Reasons for misleading the C.A.T. in respect of his withheld A.C.P. and promotions.
3. Reasons may be stated for compelling the Tribunal by misleading contentions without substantiating the 2nd penalty order dated 07.12.2006 is a valid one, but by making the Tribunal to approve the same.
4. Reasons for misleading averments before the C.A.T. may be stated.
5. Reasons for disobeying the order for more than 11 months time.

2.2 The CPIO vide letter C.No. II/39/47/2020-CCA.RTI dated 25.06.2020 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 09.07.2020 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005. The appellant stated that he was not satisfied with the evasive reply of CPIO.

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 17.03.2020 has sought for reasons for i) disobeying the High Court Order dated 18.08.2006, ii) misleading the C.A.T. in respect of his withheld A.C.P. and promotions, iii) misleading the Tribunal without substantiating the 2nd penalty order dated 07.12.2006 is a valid one and iv) misleading averments before the C.A.T and v) disobeying the order for more than 11 months time. The

Reasons/Clarifications sought by the appellant are not covered under the definition of information as per Section 2(f) of the RTI Act, 2005. In terms of 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. Thus the details sought by the appellant are not covered under the category of "information" as defined under Section 2(f) of the RTI Act, in as much as the appellant is seeking details which are in the nature of seeking reasons/raising queries. In this regard, I would like to rely on the decision of CIC in the case of Mr S.P.Goyal Vs Central Vigilance Commission. The CIC while dismissing the appeal filed by the party has upheld the order of the First appellate Authority. The relevant portion is reproduced below:-

As regards paras 3(11), 3(111), 3(v) & 3(vii) above, I find that the issues raised by the Appellant in these paras are in the form of 'raising queries through a questionnaire', which is not permissible under the provisions of RTI Act. This view has been upheld by the CIC in its decision in case No.CIC/A/2006/00045 in respect of Dr. D. V Rao Vs Department of Legal Affairs, in which CIC held "The RTI Act does not cast on the Public Authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether ". Further, the High Court of Bombay at Goa, in its decision in Writ Petition No. 419 of 2007 in the case of The Directorate of Education, Government of Goa Vs. Goa State Information Commission has also upheld this view by stating that the definition cannot include within its fold answers to the question why ,which would be the 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 a just justification because the citizen makes a requisition about information. Just justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.

However, it was informed to the appellant that as per the records available in this office, 2nd ACP w.e.f. 01.06.2004 was already granted vide Order No. 17/2020 dated 18.02.2020 in terms of CAT Order dated 12.04.2019 in O.A. No. 310/01719/2017 and that with regard to grant of 3rd MACP, this office has requested the board to forward the vigilance status as on 01.09.2008. It was also informed to the appellant that on receipt of the same, 3rd MACP benefits will be granted to the officer w.e.f. 01.09.2008 subject to conditions as stipulated in the MACP Scheme dated 19.05.2009.

In this regard, it is further informed that the Hon'ble CAT, Madras Order dated 12.04.2019, in O.A.No.310/01719/2017 was forwarded to the Board vide C.No.I/10/28/2017-CAT dated 11.06.2019 for concurrence and Board vide letter F.No.A-23011/137/2019-Ad.II A dated 20.12.2019(received on 26.12.2019) has informed to examine this case in terms of existing instructions. Hence, the ACP proposal was placed before the Screening Committee for consideration for grant of 2nd ACP benefits under the

ACP Scheme with effect from 01.06.2004, subject to conditions as stipulated in the ACP Scheme dated 09.08.1999 on 12.02.2020 and the order granting 2nd ACP benefits was issued on 18.02.2020.

6. Further, I notice that the Appellant has been submitting RTI Applications continuously on withholding of his MACP, seeking redressal for his grievance with similar and slightly altered queries, thereby wasting time and resource of the Public Authority. The details of RTI Applications filed by the Appellant during the year 2017-20 are furnished hereunder.

S.No.	Date of RTI Application	Information Sought
1	06.03.2017	Information regarding grant of A.C.P.
2	04.10.2018	Information regarding the application with CAT, Chennai Bench for his A.C.P.
3	05.11.2018	Information regarding the application with CAT, Chennai Bench for his A.C.P.
4	26.11.2018	Information regarding grant of A.C.P.
5	19.03.2020	Information regarding withholding of his A.C.P.

7. From the above, it is clear that the Appellant has been continuously filing RTI Applications and resorting to Appeal on flimsy ground which is not in conformity with the spirit and purpose of the Right to Information Act, 2005. In this regard, I would like to rely on the decision/observation of CIC in the case of Shri Ramesh Chand Jain Vs Delhi Transport Corporation, GNCTD, Delhi in case No. CIC/AD/A/2013/001326-AS wherein it was held that

"... though the right to information is a fundamental right of the citizens, it cannot be used indiscriminately to fulfil the demands of one individual. The Commission is also conscious of the fact that it is financed by the poorest man in this country who may be starving to death. The complainant by repeatedly filing similar RTI applications and appeals with the respondent public authority and the Commission is wasting public resources"

Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would

be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office.

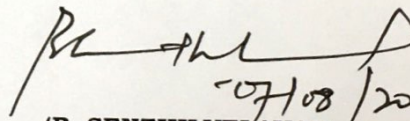
The First Appellate Authority and Commission may be right and reasonable to consider this as a ground for rejecting the first or second appeal, respectively among other reasons if any.

8. It is also observed that the Appellant vide his Appeal seeks to redress personal grievance and it is informed that this is not the appropriate forum to agitate such personal grievances. Therefore, I am of the view that the appeal filed by the Appellant is beyond the nature and scope of the RTI act, 2005.

9. Accordingly, 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)
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY

To
Shri Rajaish Samuel Lazarus, I.R.S.
Asst. Commissioner of Customs & Central Excise (Retd.)
1495/2, 16th Main Road, J Block,
Anna Nagar West,
Chennai - 600 040.

[By Speedpost with A/D]

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