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**OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF**

**GST AND CENTRAL EXCISE**

**TAMILNADU AND PUDUCHERRY ZONE**

26/1, महात्मागान्धीमार्ग, नुंगम्बक्कम, चेन्नै-600 034

26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034

फैस /C.No.II/39/109/2020-CCA.RTI.APPEAL

दिनांक/Dated : 04/11/2020

**ORDER-IN-APPEAL NO. 12/2020-CCA-RTI(Appeals)**

**(Order passed by B. Senthivelavan 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 Raman Mittal**

Room No. 306, Third Floor, GST Division II,  
Central Revenue Building,  
Plot No. 19, Sector 17C,  
Chandigarh – 160 017.

..... 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 Raman Mittal – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/87/2020-CCA.RTI dated 30.09.2020 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri Raman Mittal, Room No. 306, Third Floor, GST Division II, Central Revenue Building, Plot No. 19, Sector 17, Chandigarh – 160 017 (hereinafter referred to as “the appellant”) filed an online appeal dated 21.10.2020 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 letter C.No.II/39/87/2020-CCA.RTI dated 30.09.2020.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 04.09.2020 had sought the following information :

1. Copy of all the representations for Inter Commissionerate Transfer (ICT) filed by Raman Mittal, Inspector, posted in Puducherry Commissionerate (who have joined Chennai Zone on 03.12.2012) along with annexures and certificates. The copy of representation recorded in Chief Commissioner Office along with relevant notesheet.
2. Copy of the notesheet wherein the ICT request of the applicant was approved by Chief Commissioner.
3. Status of implementation of P. Bharthan vs UOI thereby giving the benefit of seniority of past service to petitioner in the case. Copy of relevant notesheet and board circular wherein the benefit has been given to the petitioner i.e. P. Bharthan.
4. Date of Confirmation in the grade of Inspector in respect of Raman Mittal along with copy of confirmation order.

2.2 The CPIO vide letter C.No. II/39/87/2020-CCA.RTI dated 30.09.2020 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 21.10.2020 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that he was not provided with the proper information.

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 04.09.2020 has sought information regarding the copy of the ICT representation filed by Shri Ram Mittal, relevant notesheets, date of confirmation in the grade of Inspector and status of implementation of P. Bharthan. With respect to Point No. 1, the CPIO vide letter C.No.

II/39/87/2020-CCA.RTI dated 30.09.2020 had informed the appellant that this office does not have a copy of the representation submitted by the officers who have applied for Inter Commissionerate Transfer (ICT) and that the ICT representations are normally enclosed along with the No Objection Certificate (NOC) and sent to the Zone concerned for which the officer has requested for. With respect to Point No. 2, the appellant was informed that the copy of the relevant note sheet wherein the ICT request of the applicant was approved by the Chief Commissioner will be provided subject to the payment of Rs. 24/- (12 A4 sheets each Rs.2/-). With respect to Point No. 3, i.e. regarding the status of implementation of P. Bharthan vs UOI, the appellant was informed that the Hon'ble CAT, Madras Bench common order dated 10.01.2017 in case of P. Bharthan vs. UOI has been implemented in this Office. With regard to the notesheet and Board's circular, the appellant was provided with the copy of note sheet from P. No. I to IV in the file C.No.II/39/485/2017-CF.CCA dealt in this office for O.A No.1236/2016 filed by Shri P. Bharthan along with the Board's letter F.No.A-32022/57/2016.Ad.IIIA(Pt.3) dated 16/17-02-2020. With respect to Point No. 4, i.e. date of confirmation in the grade of Inspector in respect of Raman Mittal, it was informed to the appellant that Shri Raman Mittal is yet to be confirmed in the grade of Inspector.

6. With regards to the appellant's contention that CPIO vide letter C.No. II/39/87/2020-CCA.RTI dated 30.09.2020 had not provided the proper information, it is informed that CPIO has provided the appropriate information requested by the appellant with respect to Point No. 1, 3 & 4 and with respect to Point No. 2, CPIO had informed the appellant that the copy of the relevant notesheet will be provided only after paying Rs. 24/-. Hence, there is no justification in the grievance of the appellant that CPIO had not provided the proper information.

7. Further it is observed that in the appeal dated 21.10.2020, the appellant has raised a new query i.e. to provide the copy of the original application filed by P. Bharthan and Ors before CAT and before the Chief Commissioner. The Appellant has raised another fresh query at the Appeal stage i.e. reasons for delay in confirmation of Raman Mittal despite serving approximately 8 years in Inspector cadre. In this regard, it is to be mentioned here that the appellant at the appellate stage has raised new query which was not requested in the RTI application dated 04.09.2020. The process of appeal cannot be used to raise fresh issues before the appellate authority. 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 para 3(x) above, I find that the Appellant in his original RTI Application had not sought a copy of the report of IOB, which is a 'fresh issue' raised at the level of Appeal. The Appellant may 'note' that the process of Appeal cannot be used to raise 'fresh' issues before the appellate Authority and can only be used to Appeal against the CPIO's decision, taken on the basis of issues*

*brought out by the Appellant in the original application, as already pointed out in para (4) above.*

8. In this regard, it is also to be informed that the reasons for delay in confirmation of Raman Mittal does not fall under the purview of the term 'information'. Interrogative queries viz. "How/Why/When" do not come under the ambit of RTI Act. In Dr. Celsa Pinto Vs. Goa State Information Commission (W.P.No.419 of 2007), the High Court of Bombay, in its order dated 03.04.2008, held :-

"The definition (of information) 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 justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information".

7. 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)  
ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY**

Copy to:  
Shri Raman Mittal  
Room No. 306, Third Floor, GST Division II,  
Central Revenue Building,  
Plot No. 19, Sector 17C,  
Chandigarh – 160 017.

**[By Speedpost]**

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