

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

ORDER-IN-APPEAL NO. 09/2021-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 Asokaraj S

Plot No. 11, 4th Cross Street,
Anjal Nagar, Madurai,
Tamilnadu – 625 018.

..... 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

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Sub : Right to Information Act, 2005–Shri Asokaraj S – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide File No.GCCO/RTI/APP/382/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 18.06.2021 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Shri Asokaraj S, Plot No. 11, 4th Cross Street, Anjal Nagar, Madurai, Tamilnadu – 625 018 (hereinafter referred to as “the appellant”) filed an appeal dated 20.06.2021 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 File No.GCCO/RTI/APP/382/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 18.06.2021.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 20.05.2021 had sought the following information (in respect of this office):

1(3) : Please provide a copy of letter issued by the Principal Chief Commissioner of GST & Central Excise Tamilnadu & Puducherry Zone, calling for conducting DPC for according promotion from Inspector to Superintendent working in the Puducherry Commissionerate, in the capacity of appointing authority, during the years from 2016 to 2019.

2(4) : Please provide the number of Inspectors, who were working in the Puducherry Commissionerate, promoted to next level by the Principal Chief Commissioner of GST & Central Excise Tamilnadu & Puducherry Zone, in the capacity of appointing authority during the years from 2016 to 2019.

3(5) : Please provide the list of Inspectors & Superintendents who were working in the Puducherry Commissionerate sent on deputation to other formations like DRI, DGGI, AUDIT etc by the Principal Chief Commissioner of GST & Central Excise Tamilnadu & Puducherry Zone in the capacity of appointing authority during the years from 2016 to 2019.

3(7) : Please provide the list of officers transferred to other Commissionerates like Chennai North, South, Outer, Trichy, Salem, Coimbatore or to the Customs from Puducherry Commissionerate by the Principal Chief Commissioner of GST & Central Excise Tamilnadu & Puducherry Zone in the capacity of appointing authority during the years from 2016 to 2019.

4(8) : Please provide a copy of order prescribing the powers, duties and works of an appointing authority in Central Excise or customs or service tax or GST.

5(9) : Please provide the information on the number of Inspectors recruited and appointed in the Puducherry Central Excise & GST Commissionerate by the Principal Chief Commissioner of GST & Central Excise Tamilnadu & Puducherry Zone during the years from 2016 to 2019.

6(10) : Please provide the information on the number of Inspectors recruited and appointed in the Puducherry Central Excise & GST Commissionerate by the Commissioner of GST & Central Excise Puducherry, who is claiming as the appointing authority during the years from 2016 to 2019 along with the copies of the appointment orders issued by the said Commissioner of GST & Central Excise Puducherry.

7(11) : Please provide the information regarding the number of Inspectors promoted to the grade of Superintendents in Puducherry GST & Central Excise Commissionerate during the year from 2016 to 2019 by the Principal Chief Commissioner of GST & Central Excise, Tamilnadu & Puducherry Zone.

8(12) : Please provide the information regarding the number of Inspectors promoted to the grade of Superintendents in Puducherry GST & Central Excise Commissionerate by the Commissioner of GST & Central Excise, Puducherry Commissionerate who is claiming to be the Appointing Authority during the year from 2016 to 2019 along with copies of the promotion order.

2.2 The CPIO vide letter File No.GCCO/RTI/APP/382/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 18.06.2021 furnished reply in respect of the queries mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO with respect to Point No. 4(8), 5(9) and 6(10), the appellant filed an appeal dated 20.06.2021 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO had provided incomplete, misleading or false 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 appellant.

5. The appellant vide RTI application dated 20.05.2021 had sought information regarding the Inspectors and Superintendents working in Puducherry

Commissionerate sent on deputation to other formations by Principal Chief Commissioner of GST & Central Excise, Tamilnadu & Puducherry Zone (Pr. CC) in the capacity of appointing authority, list of officers transferred to other Commissionerates by Pr. CC, Order prescribing powers, duties and works of an appointing authority in Central Excise or Customs or Service Tax or GST etc. The CPIO vide letter File No.GCCO/RTI/APP/382/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 18.06.2021 furnished reply in respect of the queries mentioned in the said RTI application.

i. With respect to Point No. 4(8), the appellant was informed that the required order prescribing powers, duties and works of an appointing authority in Central Excise or Customs or Service Tax or GST is there in the link https://www.cbic.gov.in/htdocs-cbec/deptt_offcr/circ-deptl/auth-revision-order.

ii. With respect to Point No. 5(9) & 6(10), the appellant was provided with the list of Direct Recruit Inspectors recruited through CGLE and posted at Puducherry Commissionerate during the years 2016-2019.

6. With regard to the appellant's contention with respect to reply to Point No. 4(8) that the appellant could not find the said order from the site mentioned by CPIO, it is informed that the link provided by the CPIO i.e. https://www.cbic.gov.in/htdocs-cbec/deptt_offcr/circ-deptl/auth-revision-order is very much working.

In this regard, it is pertinent to mention here that the Hon'ble CIC in their order dated 02.05.2014 in case no. CIC/BS/A/2013/000794/5035 by relying upon the decision dated 01.06.2012 of the Hon'ble High Court of Delhi in W.P.(C) 11271/2009 (Registrar of Companies & Or vs. Dharmendra Kumar Garg & Ors) have observed that once an information is put on internet or is available in public domain, it cannot be said to be 'held' or under the control of the public authority and thus would cease to be an information accessible under the RTI Act. Therefore, in this regard, as reply to Point No. 4(8) was already provided through the link to access the Order which was put on the public domain and that the link provided by the CPIO is very much working, there is no justification in the grievance of the appellant that the appellant could not find the said order from the site mentioned by CPIO and that the CPIO had given an evasive reply.

7. With regard to the appellant's contention with respect to reply to Point No. 5(9) and 6(10) that the CPIO had not understood the meaning of the information sought, it is informed that on receipt of dossiers from Board, the candidates are called for document verification, medical examination and physical endurance test. After receipt of the medical examination/physical endurance test/document verification results, the candidates are posted to the Commissionerates based on the existing vacancies by

issue of appointment order. The candidates are then directed to join the designated Commissionerates. Once the candidates join their posts in the Commissionerates, the said Commissioner will thereon be the Appointing Authority for all purpose for the said officers as per the DOPT order dated 13th July 2010 provided by CPIO in the link in reply to Para 4(8) of the said RTI application. No separate Appointment orders are issued by the Commissioners of the respective Commissionerates. No attempt has been made by this office to evade the information sought for by the appellant. As such the list of Inspectors recruited and appointed during the years 2016 to 2019 already given in the reply to RTI holds good. Hence, there is no justification in the grievance of the appellant that the CPIO had not understood the meaning of the information sought.

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)
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

Copy to:

Shri Asokaraj S

Plot No. 11, 4th Cross Street,
Anjal Nagar, Madurai,
Tamilnadu – 625 018.

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