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<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		

C.NO. II | 39 | 132 | 2021 - CCA. RTI. APPEAL

DATE: 05.10.2021

**ORDER-IN-APPEAL NO. 12/2021-CCA-RTI(Appeals)**

**(Order passed by T. G. Venkatesh, 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 Palaniappan V**

No. 6, Agathiyar Street, Kaaviya Gardens,  
Phase-II, Porur, Chennai,  
Tamilnadu – 600 116.

..... 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 Palaniappan V – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/96/2021-CCA.RTI dated 08.09.2021 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri Palaniappan V, No. 6, Agathiyar Street, Kaaviya Gardens, Phase-II, Porur, Chennai, Tamilnadu – 600 116 (hereinafter referred to as “the appellant”) filed an online appeal dated 12.09.2021 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 C.No.II/39/96/2021-CCA.RTI dated 08.09.2021.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 12.08.2021 had sought the copy of MACP Orders issued from 01.09.2008 to 31.12.2014 in respect of Superintendents who were granted Grade Pay of Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation.

2.2 The CPIO vide letter C.No. II/39/96/2021-CCA.RTI dated 13.08.2021 transferred the RTI application to the CPIOs of all the Commissionerates coming under the jurisdiction of CCA, Chennai, under Section 6(3) of the Right to Information Act, 2005, for furnishing the copy of MACP Orders issued from 01.04.2012 to 31.12.2014 in respect of Superintendents who were granted Grade Pay Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation directly to the appellant and CPIO vide letter C.No. II/39/96/2021-CCA.RTI dated 08.09.2021 furnished the copy of Order No. 62/2011 dated 17.08.2011 in respect of MACP Orders issued from 01.09.2008 to 31.03.2012 in respect of Superintendents who were granted Grade Pay of Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation.

3.1 Aggrieved by the reply furnished by CPIO vide letter C.No. II/39/96/2021-CCA.RTI dated 08.09.2021, the appellant filed an appeal dated 12.09.2021 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 12.08.2021 had sought the copy of MACP Orders issued from 01.09.2008 to 31.12.2014 in respect of Superintendents who were granted Grade Pay of Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation. The CPIO vide letter C.No. II/39/96/2021-CCA.RTI dated 13.08.2021 informed that the copy of MACP Orders issued from 01.04.2012 to 31.12.2014 in respect of Superintendents who were granted Grade Pay Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation is not available with this office and that the same may be available with the Commissionerates coming under the jurisdiction of CCA, Chennai. Hence, the said RTI application was forwarded to the CPIOs of all the Commissionerates coming under the jurisdiction of CCA, Chennai, under Section 6(3) of the Right to Information Act, 2005, for furnishing the copy of MACP Orders issued from 01.04.2012 to 31.12.2014 in respect of Superintendents who were granted Grade Pay of Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation directly to the appellant. With respect to the copy of MACP Orders issued from 01.09.2008 to 31.03.2012 in respect of Superintendents who were granted Grade Pay of Rs. 6600/- as 3<sup>rd</sup> Financial Upgradation, the Appellant was provided with the copy of Order No. 62/2011 dated 17.08.2011 vide this Office letter of even no. dated 08.09.2021.
  
6. The Appellant had contended that though different Commissionerates were directed to send the orders issued during 01.04.2012 to 31.12.2014 directly to the appellant, only copy of one Order i.e. Order No. 62/2011 dated 17.08.2011 was provided to the appellant vide letter C.No.II/39/96/2021-CCA.RTI dated 08.09.2021. In this regard, it is informed the appellant should approach the Commissionerates concerned and not this office for any grievance regarding non-receipt of copies of MACP Orders issued from 01.04.2012 to 31.12.2014 from the Commissionerates.
  
7. Further it is observed that in the appeal dated 12.09.2021, the appellant had stated that the MACP Orders in relation to the 3<sup>rd</sup> Financial Upgradation of Superintendents who have completed 30 years of service, issued by the then Chief Commissioner Office in respect of direct recruit Inspectors of 1974, 1975, 1976, 1977, 1978, 1979, 1981 and 1982 batches had not been supplied to the appellant. 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 12.08.2021. The



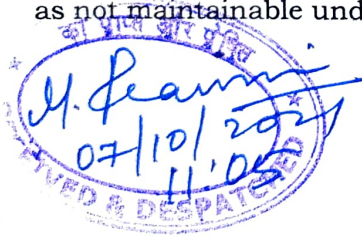
process of appeal cannot be used to raise fresh issues before the appellate authority. The Appellant if required can apply file a RTI Application afresh seeking copies of MACP Orders issued in relation to the 3<sup>rd</sup> Financial Upgradation of Superintendents who have completed 30 years of service. I would like to rely on the decision dated 18.11.2011 of the CIC in the case of Mr S. P. Goyal Vs Central Vigilance Commission. (CIC/SM/A/2011/001454/SG/15759). 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 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.



**(T G VENKATESH)**  
**ADDITIONAL COMMISSIONER**  
**FIRST APPELLATE AUTHORITY**

Copy to:

**Shri Palaniappan V**

No. 6, Agathiyar Street, Kaaviya Gardens,  
Phase-II, Porur, Chennai,  
Tamilnadu - 600 116.

Copy to:

The CPIO, Assistant Commissioner,

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