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OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST 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. 13/2021-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 GangnathMarg, 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

Sub : Right to Information Act, 2005–Shri Asokaraj S – Appeal against the information furnished by the CPIO, Assistant Commissioner vide C. No. II/39/143/2021-CCA.RTI dated 01.11.2021 – 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 01.11.2021 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 vide C. No. II/39/143/2021-CCA.RTI dated 01.11.2021.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 03.10.2021 had sought the following information:

- 1) Copies of Appointment Orders issued by the Appointing Authorities namely the Commissioner of Commissionerates located in Tamil Nadu and Puducherry as stated in letter C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/95/2021CCA RTI dated 30.09.2021 during the years 1992,2007,2016 and 2019 in the grade of Inspectors.
- 2) Copies of letters calling for conducting DPC for promoting the Inspectors to next grade namely Superintendents by Appointing Authorities namely the Commissioner of Commissionerates located in Tamil Nadu and Puducherry as stated in letter C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/95/2021CCA RTI dated 30.09.2021 during the years 1992, 2007, 2016 and 2019 in the grade of Inspectors of Central Excise.
- 3) Copies of Promotion Orders issued by Appointing Authorities namely the Commissioner of Commissionerates located in Tamil Nadu and Puducherry as stated in letter C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/94/2021CCA RTI dated 30.09.2021 during the years 1992, 2007, 2016 and 2019 in the grade of Inspectors of Central Excise to the grade of Superintendents.
- 4) Copies of Inter Commissionerate Transfer Orders issued by Appointing Authorities namely the Commissioner of Commissionerates located in Tamil Nadu and Puducherry as stated in letter C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/95/2021CCA RTI dated 30.09.2021 during the years 1992, 2007, 2016 and 2019 in the grade of Inspectors of Central Excise and the Superintendents of Central Excise.
- 5) Copies of Deputation of officers particularly in the grade of Inspectors and Superintendents working in Tamil Nadu and Puducherry orders to other formations issued by namely the Commissioner of Commissionerates located in Tamil Nadu and Puducherry as stated in letter C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/94/2021CCA RTI dated 30.09.2021 during the years 1992, 2007, 2016 and 2019 in the grade of Inspectors of Central Excise and the Superintendents of Central Excise.
- 6) Copies of orders sending staff under premature retirement- Compulsory Retirement or Dismissal from service or termination issued by the Appointing Authorities namely the Commissioner of Commissionerates located in Tamil Nadu and Puducherry as stated in letter C.No.II/39/94/2021CCA RTI dated

28.09.2021 and C.No.II/39/94/2021CCA RTI dated 30.09.2021 during the years 1992, 2007, 2016 and 2019 in the grade of Inspectors of Central Excise and the Superintendents of Central Excise

2.2 The CPIO vide letter File C. No. II/39/143/2021-CCA.RTI dated 01.11.2021 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 01.11.2021 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 03.10.2021 had sought for copies of i) Appointment Orders ii) letter calling for conducting of DPC for promotion of Inspectors iii) Promotions orders iv) Inter Commissionerate Transfers v) Deputation Orders and vi) order issued sending staff under premature retirement by Appointing Authority namely Commissioner of Commissionerates located in Tamil Nadu and Puducherry.

6. The CPIO had vide reply C. No. II/39/143/2021-CCA.RTI dated 01.11.2021 stated that reply for the information sought have already been furnished vide replies C.No.II/39/94/2021CCA RTI dated 28.09.2021, C.No.II/39/95/2021CCA RTI dated 30.09.2021 and F.No. GCCO/RTI/APP/382/2021-CCA-ESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 18.06.2021 to similar RTI Applications filed by the Appellant.

7(i) With regard to Point No. 1 the Appellant had sought for copies of Appointment Orders issued by the Appointing Authorities namely the Commissioners of Commissionerates, the Appellant was clearly informed all Appointment Orders are issued by the Chief Commissioner in his capacity as the Cadre Controlling Authority and that no Appointment Orders are issued by the Commissioners of Commissionerates coming under the jurisdiction of this Cadre Controlling Authority. Further, Appointment Orders issued by the Chief Commissioner in his capacity as the Cadre Controlling Authority for the years 2016, 2019 and 2020 have already been shared with the Appellant by CPIO vide this office replies C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/95/2021CCA RTI dated 30.09.2021.

7(ii) The Appellant vide Point No. 2 had sought for copies of letters calling for conducting DPC for promoting the Inspectors to next grade namely Superintendents during the years 1992, 2007, 2016 and 2019, the Appellant was provided with copies of letter pertaining to the years 2016 and 2019. For the years 1992 and 2007, it was informed that said letters

are not available with this office. As regards to the Appellants contention that DPC details are permanent in nature, it is informed that only Minutes and Findings of the DPC are permanent in nature and not other Miscellaneous Correspondences. Further the information sought for is more than 15 and 10 years old respectively.

7(iii) As regards to copies of Promotion Orders issued by Appointing Authorities namely the Commissioner of Commissionerates sought by the Appellant vide Point No. 3, the Appellant was informed that Promotion orders are issued by the Cadre Controlling Authority only on recommendations from the Departmental Promotional Council and that no Promotion Orders are issued by the Commissioners in charge of Commissionerates. The Promotion Orders issued by the Cadre Controlling Authority during the years 2007,2016, 2019 and 2020 have been shared with the Appellant by CPIO vide this office replies C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/95/2021CCA RTI dated 30.09.2021.

7(iv) As for copies of Inter Commissionerate Transfer Orders issued by Appointing Authorities namely the Commissioner of Commissionerates requested vide Point No 4, the Appellant was informed that the Cadre Controlling Authority issues Inter Commissionerate Transfer Orders during the month of May/June. Based on these orders the respective Commissionerate issues further orders within the Commissionerate. From this it is very clear that Commissioners of the Commissionerates coming under the jurisdiction of the Cadre Controlling Authority does not issue any Inter Commissionerate Transfer Orders. Inter Commissionerate Transfer/Annual General Transfer Order issued by the Cadre Controlling Authority for the years 2016 and 2019 have been shared with the Appellant by CPIO vide this office reply C.No.II/39/94/2021CCA RTI dated 28.09.2021 and C.No.II/39/95/2021CCA RTI dated 30.09.2021.

7(v) In respect of Point No. 5 vide which copies of Deputation of officers issued by the Commissioners was sought, the Appellant was informed that the Cadre Controlling Authority issues NOC for Deputation based on willingness received and fulfilment of the prescribed criteria and that no deputation orders are issued by this office.

7(vi) As for copies of orders sending staff under premature retirement/Compulsory Retirement or Dismissal from service or termination issued by the Appointing Authorities namely the Commissioner sought vide Point No. 6, the Appellant was informed that the information sought for is without any public interest and is exempt under Section 8 (1)(e) and 8(1)(j) of the RTI Act, 2005 in as much as it contains predominately confidential matters of other officers. Further, it was also informed that the information sought for falls under the category of third party information.

8. The CPIO had clearly informed vide replies to RTI Applications filed by the Appellant that no Appointment Orders/Promotion Order/ Inter Commissionerate Transfer Orders/ Deputation Orders are issued by the Commissioners of Commissionerates coming under the jurisdiction of this Cadre Controlling Authority. Also the copies of the Orders narrating the powers of Cadre Controlling Authority was shared with the Appellant by CPIO.

Despite this the Appellant has been requesting for copies of above said Orders which is not available with this Public Authority.

9. It is also observed that the Appellant has been filing numerous RTI Applications with similar and slightly altered queries on Appointment Orders Promotion Order issued details of staff sent on compulsory retirement, thereby wasting the time and resource of the Public Authority. The Appellant has not only been filing RTI Application with this office but also with Commissionerates coming under jurisdiction of CCA, Chennai. The Appellant has not established any public interest in seeking information though such RTI Applications. The details of RTI Applications filed are furnished below:

S.No.	Registration No.	Date	Information sought	CPIO Concerned
1	CEXCH/R/E/20/00024	17.06.2020	The name of Appointing Authority, copy of the order designating as appointing authority, name of staff appointed cadre wise, quarterly statements sent under Provision of FR 56J etc.	Principal Chief Commissioner's Office
2	CEXCH/R/E/20/00043	30.08.2020	Name of officers appointed by Commissioner, state whether commissioners are having power to appoint	Principal Chief Commissioner's Office
3	CEXCH/R/E/21/00017	07.03.2021	A Copy of the counter filed in response to the OA filed by Shri Asokaraj, reasons attributed for removing Shri Asokaraj, details of advocate to appear in the CAT case.	Principal Chief Commissioner's Office
4	CEXCH/R/E/21/00030	20.05.2021	Order prescribing the powers of Appointing Authority, no. of inspectors recruited, promoted by the Commissioner of Puducherry	Principal Chief Commissioner's Office
5	CEXCH/R/E/21/00036	10.06.2021	Copy of note sheet in which compulsory retirement of Shri Asokaraj was dealt by Pr. Chief Commissioner, authorities who are empowered to invoke Rule 56J	Principal Chief Commissioner's Office
6	CEXCH/R/E/21/00041	01.07.2021	List of Group A officers who are paid TA, list of vehicles owned by government in various GST formations	Principal Chief Commissioner's Office
7	CEXCH/R/E/21/00079	12.07.2021	Copy of the recommendations of the Screening Committee, details and list of Appointing Authorities	Principal Chief Commissioner's Office
8	CEXCH/R/E/21/00091	11.08.2021	Copy of the order empowering to make appointments, copies of appointment orders issued by Cadre Controlling Authority and by Commissioners	Principal Chief Commissioner's Office

9	CEXCH/R/E/21/00094	11.08.2021	Copy of Order narrating the powers of Cadre Controlling Authority, Appointing Authority, Appointment orders issued by Appointing Authority	Principal Chief Commissioner's Office
10	CEXCH/R/E/21/00102	23.08.2021	Cadre, capacity, place of location of the officer who issued appointment orders and transfers orders	Principal Chief Commissioner's Office
11	CEXCH/R/E/21/00107	01.09.2021	Total no. of appointment orders, promotion orders issued in Tamil Nadu & Puducherry	Principal Chief Commissioner's Office
12	CEXCH/R/E/21/00108	16.09.2021	Copy of report of Screening Committee constituted and report/minutes of the Screening Committee	Principal Chief Commissioner's Office
13	CEXCH/R/E/21/00117	03.10.2021	Copy of Appointment Orders, Promotion Order issued by Appointing Authority	Principal Chief Commissioner's Office
14	CEXCH/R/E/20/00023	17.06.2020	The name of Appointing Authority, copy of the order designating as appointing authority, name of staff appointed cadre wise, quarterly statements sent under Provision of FR 56J etc.	Puducherry
15	CEXCH/R/E/20/00074	13.12.2020	Provide a copy of rules under which an advocate or public prosecutor, the period within which a counter is to be filed, date of filing of counter against OA filed by Shri Asokaraj	Puducherry
16	CEXCH/R/E/21/00008	28.01.2021	Names of inspectors appointed, promoted by Commissioner, Puducherry, copies of appointment, promotion orders issued.	Puducherry
17	CEXCH/R/E/21/00026	21.04.2021	Copy of the order nominating the Central Government Standing Counsel, list of officers promoted/transferred by Commissioner, Puducherry in the capacity of Appointing Authority	Puducherry
18	CEXCH/R/E/21/00034	06.06.2021	Copy of note sheet which necessitated invoking of Rule 56J by Commissioner, Puducherry, finding of the Committee, name and cadre of the Appointing Authority empowered to make appointments	Puducherry
19	CEXCH/R/E/21/00049	08.07.2021	Copy of Screening Committee constituted and finding of the Screening Committee	Puducherry
20	CEXCH/R/E/21/00067	09.07.2021	Copy of the note sheet and correspondence to prosecute Shri Asokaraj was dealt with.	Puducherry

21	CEXCH/R/E/21/00092	11.08.2021	Copy of the order empowering to make appointments, copies of appointment orders issued by Cadre Controlling Authority and by Commissioners	Puducherry
22	CEXCH/R/E/21/00112	20.09.2021	Total no. and cadre of officer issued appointment orders, promotion orders issued in Puducherry Commissionerate.	Puducherry
23	CEXCH/R/E/20/00075	25.12.2020	Names of inspectors appointed, promoted by Commissioner, Madurai, copies of appointment, promotion orders issued.	Madurai
24	CEXCH/R/E/21/00009	28.01.2021	The date on which counter is filed by Shri Asokaraj filed with High Court, Madurai, copy of the counter filed.	Madurai
25	CEXCH/R/E/21/00010	28.01.2021	The date on which counter is filed by Shri Asokaraj filed with High Court, Madurai, copy of the counter filed.	Madurai
26	CEXCH/R/E/21/00025	21.04.2021	List of officers promoted/transferred by Commissioner, Madurai in the capacity of Appointing Authority.	Madurai
27	CEXCH/R/E/21/00040	27.06.2021	Copy of the note sheet and correspondence to prosecute Shri Asokaraj was dealt with.	Madurai
28	CEXCH/R/E/21/00093	11.08.2021	Copy of the order empowering to make appointments, copies of appointment orders issued by Cadre Controlling Authority and by Commissioners	Madurai
29	CEXCH/R/E/21/00105	01.09.2021	Total no. of appointment orders, promotion orders issued in Madurai Commissionerate.	Madurai
30	CEXCH/R/E/21/00106	01.09.2021	Total no. of appointment orders, promotion orders issued in Madurai Commissionerate.	Madurai
31	CEXCH/R/E/21/00127	17.11.2021	No. of Appointment Orders, promotion orders issued in the grade of Inspectors	Chennai Outer
32	CEXCH/R/E/21/00128	17.11.2021	No. of Appointment Orders, promotion orders issued in the grade of Inspectors	Chennai South
33	CEXCH/R/E/21/00129	17.11.2021	No. of Appointment Orders, promotion orders issued in the grade of Inspectors	Salem
34	CEXCH/R/E/21/00130	17.11.2021	No. of Appointment Orders, promotion orders issued in the grade of Inspectors	Chennai North
35	CEXCH/R/E/21/00131	17.11.2021	No. of Appointment Orders, promotion orders issued in the grade of Inspectors	Trichy
36	CEXCH/R/E/21/00132	17.11.2021	No. of Appointment Orders, promotion orders issued in the grade of Inspectors	Coimbatore

10. 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

“The Commission noticed that several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority or from other authority. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion the number of repeated first appeals and second appeals will be growing

... 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

Cases of disclosure of information to the repetitive applicants for their private purpose which promotes their private interest but not the public interest would cause substantial harm to the legitimate air of the Right to Information Act. Because of 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.

11. 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.

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

Copy to:

Shri Asokaraj S
Plot No. 11, 4th Cross Street,
Anjal Nagar, Madurai – 625 018.

Copy to:

The CPIO, Assistant Commissioner,

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