

		दूरभाष/ Telephone:044-28331011 फेक्स/ Fax :044-28331113
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. 15/2022-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 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 GCCO/RTI/APP/618/2022-CCAESTT-O/o PrCC-CGST Zone-Chennai – 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 CEXCH/A/E/22/00016 dated 19.07.2022 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 GCCO/RTI/APP/618/2022-CCAESTT-O/o PrCCO-CGST Zone-Chennai dated 05.07.2022.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 08.06.2022 had sought the following information:

- 1) A copy of order or instructions or circular enumerating or prescribing the powers, responsibilities and duties of Principal Chief Commissioner of GST and Central Excise, Chief Commissioner of GST and Central Excise, in CBIC/CBEC, Department of Revenue, Ministry of Finance, Government of India upto 16.01.2003 from 16.01.2003 and from 01.07.2017.
- 2) A copy of order or instructions or circular enumerating or prescribing the powers, responsibilities and duties of Additional Commissioner, Joint Commissioner, and Assistant Commissioner of GST and Central Excise, in CBIC/CBEC, Department of Revenue, Ministry of Finance, Government of India upto 16.01.2003 from 16.01.2003 and from 01.07.2017.
- 3) A copy of order or instructions or circular enumerating or prescribing the powers, responsibilities and duties of Superintendent of GST and Central Excise, in CBIC/CBEC, Department of Revenue, Ministry of Finance, Government of India upto 16.01.2003 from 16.01.2003 and from 01.07.2017.
- 4) A copy of order or instructions or circular enumerating or prescribing the powers, responsibilities and duties of Cadre Controlling Authorities, in CBIC/CBEC, Department of Revenue, Ministry of Finance, Government of India upto 16.01.2003 from 16.01.2003 and from 01.07.2017.
- 5) A copy of list of Officers declared as Appointing Authorities who are empowered to make appointments either temporary or permanent employees, cadre wise in CBIC/CBEC, Department of Revenue, Ministry of Finance, Government of India upto 16.01.2003 from 16.01.2003 and from 01.07.2017

6) To provide the details of total number of employees/officers sent under Rule 56j of FR during the year 2019, cadre wise and their community (Individual details are not required. The information may be like Number of OC employees, No. of BC employees, Number of MBC employees and Number of SC/ST employees)

2.2 The CPIO vide letter GCCO/RTI/APP/618/2022-CCAESTT O/o PRCCO CGST Zone Chennai dated 05.07.2022 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 19.07.2022 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 08.06.2022 had sought for the following information

Point No. (1-4) copies orders instructions enumerating the powers and responsibilities and duties of Principal Chief Commissioner, Chief Commissioner, Additional Commissioner, Joint Commissioner, Deputy/Assistant Commissioner and Superintendents of GST and Central Excise and the Cadre Controlling Authorities CBIC/CBEC,

Point No.5 List of Officers declared as Appointing Authorities who have empowered to make appointments either temporary or permanent employees cadre wise in CBIC/CBEC.

Point No.6 Details of the total number of employees/officers sent under Rule 56j of FR during the year 2019 cadre wise and their Community.

6. The CPIO vide reply GCCO/RTI/APP/618/2022-CCAESTT O/o PRCCO CGST Zone Chennai dated 05.07.2022 had given the following reply

Point No.1: A copy of the Board's letter F. No. A-11019/98/89-90 Ad. IV dated 10.08.1990 which enumerates the powers of Collectors has already been enclosed

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with this office reply C. no. II/39/104/2021-CCA.RTI dated 21.09.2021 (Point No.9) to your RTI Application dated 23.08.2021. The powers of Chief Commissioners enumerated in Board's letter F. No. A-11013/04/2003-Ad.IV dated 16.01.2003 is enclosed herewith

Point No. 2: No order/circular enumerating the powers of Additional Commissioner is available with this office.

Point No.3: No order/circular enumerating the powers of Superintendent Commissioner is available with this office.

Point No 4. : Already replied vide Point No. 1 above.

Point No.5 : The information sought for has already been furnished to you vide this office reply C. no. II/39/82/2021-CCA.RTI dated 17.08.2021.

Point No.6 : During the year 2019, provisions under FR 56(j) were invoked on two officers, one in the grade of Superintendent and one in the grade of ExecutiveAssistant respectively. Details regarding the community to which the officer belongs to is not obtained during the review under FR56(j) and hence the same is not readily available.

7. **With regard to Point No. 1 and 4** wherein the Appellant had sought for copies orders/ instructions enumerating the powers, responsibilities and duties of Principal Chief Commissioner, Chief Commissioner of GST and Central Excise in CBIC/CBEC, Department of Revenue upto 16.01.2003 and from 16.01.2003 and from 01.07.2017. The same has been enumerated in the Board's letter F. No. A-11019/98/89-90 Ad. IV dated 10.08.1990 and in Board's letter F. No. A-11013/04/2003-Ad.IV dated 16.01.2003. A copy of the Board's letter has already been given by CPIO in earlier communication. However the same is hereby provided for the appellant for ready reference.

8. **For Point No. 2 and 3** the Appellant had sought for copies orders/ instructions enumerating the powers, responsibilities and duties of Additional Commissioner, Joint Commissioner, Deputy Commissioner, Assistant Commissioner, Superintendent and Inspectors of GST and Central Excise in CBIC/CBEC, in CBIC/CBEC, Department of Revenue upto 16.01.2003 and from 16.01.2003 and from 01.07.2017, it has been informed by CPIO that said Orders/Instructions are not available with this office. In this regard, it is hereby informed that no such Orders/Instructions relating to the Powers, Responsibilities and duties of the above cadres have been issued by the Board in the last 10 years.

9. **For Point No.5** the appellant had sought for copies of list of officers declared as Appointing Authorities who are empowered to make appointments whether temporary or permanent employees cadre wise in CBIC/CBEC, Department of Revenue upto

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16.01.2003 and from 16.01.2003 and from 01.07.2017. It was informed by CPIO that the reply was submitted in earlier communication. However, it is now informed that this information is readily available in Part 1, II and III of The Schedule (Page 33 to 67) in <https://dopt.gov.in/sites/default/files/CCS-CCA-Rules-FINAL>.

10. **For Point No.6** the appellant had sought for details of the total number of employees/officers sent under Rule 56j of FR during the year 2019 cadre wise and their Community, for which the appellant was given information with respect to the number of officers sent under Rule 56j during the year 2019 cadre wise, however the Community to which they belong was not readily available and hence was not communicated. In this regard it is hereby informed that, the information sought by the appellant is without any public interest and is exempt under Section 8(1)(j) of the RTI Act, 2005 in as much as it contains predominately personal matters of the individual.

11. In view of the above, I proceed to pass the following order.

ORDER

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. However, I direct CPIO to provide the soft copy of the order Board's letter F. No. A-11019/98/89-90 Ad. IV dated 10.08.1990 and in Board's letter F. No. A-11013/04/2003-Ad.IV dated 16.01.2003 enumerating the powers, responsibilities and duties of Principal Chief Commissioner, Chief Commissioner of GST and Central Excise in CBIC/CBEC

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

Copy to:

Shri Asokaraj S

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

Copy to:

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