Appeal 23/2022

माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क प्रधान मुख्य आयुक्त कार्यालय
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST & CENTRAL EXCISE
केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क अंचल : तमिलनाडु एवं पुदुच्चेरी
CENTRAL GST & CENTRAL EXCISE ZONE : TAMILNADU & PUDUCHERRY
जी एस टी भवन, सं. 26/1, महात्मा गांधी रोड, चेन्नई - 600 034
GST BHAWAN, No. 26/1, MAHATHMA GANDHI ROAD, CHENNAI - 600 034
ई - मेल / E-mail: rti.prcco.chennai@gmail.com
दूरभाष / Ph. No.: 044-28331007 फैक्स / Fax No.: 044-28331015

GCCO/RTI/FAAA/63/2022-CCAESTT-O/o Pr CC-CGST-ZONE Dated : /12/2022

ORDER-IN-APPEAL NO.21/2022-CCA-RTI(Appeals)

(Order passed by R.Gopalsamy I.R.S.,
Additional Commissioner and First Appellate Authority)

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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

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Shri Vinod Kumar,
B-22, Vasundhara Estate, NH-33,
DIMNA Chowk Mango,
Jamshedpur -831-020.
..... 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 Vinod Kumar, – Appeal against the information furnished by the CPIO, Assistant Commissioner vide GCCO/RTI/APP/1041/2022-CCAESTT-O/o PrCC-CGST Zone-Chennai – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri Vinod Kumar, B-22, Vasundhara Estate, NH-33,DIMNA Chowk, Mango,Jamshedpur-831-020 (hereinafter referred to as "the appellant") filed an appeal

O/C

dated 10.11.2022 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/1041/2022-CCAESTT** O/o PrCCO-CGST Zone-Chennai dated 18.10.2022

2.1 The brief facts of the issue are that the appellant in his RTI application dated 23.09.2022 had sought the following information in Point No.3 and 4

(3) Please inform the date/month/year on which review DPC was held in your Zone as per Board letter F. No.C-18012/6/2009-Ad II B dated 16.09.2010 and the date/month/year on which revised seniority list of Superintendents was issued after that review DPC. It is requested to intimate the period for which the review DPC was held and revised seniority list of Superintendents was issued.

(4) If no review DPC was held as per Board letter F. No.C-18012/6/2009-Ad II B dated 16.09.2010 and/or no revised seniority list of Superintendents was issued, the reasons on record for the same

2.2 The CPIO vide the letter dated 09.11.2022 had given the following reply in respect of Point No.3 and 4 of the RTI application

Point No 3 & 4: This office had already implemented OM dated 11.07.2002 from 2002 onwards and hence requirement to conduct review DPC did not arise. Further the OM dated 10/08/2020 was clarification to OM dated 31/01/2005 and 11/07/2002.

3. Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 10.11.2022 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO had provided information which is vague and not specific to the information desired .

DISCUSSIONS & FINDINGS

4. I have carefully gone through the RTI application, reply given by CPIO and appeal filed by the appellant.

4.1 The Appellant in the RTI application dated 23.09.2022 in respect of point NO.3 and 4 had sought for information pertaining to the review DPC held in Chennai Zone as per Board letter F. No.C-18012/6/2009-Ad II B dated 16.09.2010 and the revised seniority list issued as a result of this DPC.

CPIO in the reply had stated that this office had already implemented the clarification issued vide DoPT OM No.36028/17/201-Estt(Res) dated 11.07.2002 which also dealt with the same subject as letter dated 16/09/2010 mentioned and enclosed by the RTI applicant.

4.2 The queries raised by the appellant in his Appeal application are that, CPIO had not provided information as requested in point no.3 and 4 of his RTI application. The information provided is vague and not specific to the information desired in these points .

4.3 I observe that the information furnished by the CPIO is not complete.

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

ORDER

I hold that the information furnished by the CPIO is not sufficient and proper and there is justification in the grievance of the appellant on the same. Hence, I hold the appeal and direct the CPIO to give a complete reply as sought by the applicant.

(R.GOPALSAMY) 09/12/2022
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY

Copy to:

Shri Vinod Kumar,
B-22, Vasundhara Estate, NH-33,
DIMNA Chowk Mango,
Jamshedpur -831-020.

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

GCCO/RTI/APP/1041/2022-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI

5912/2022

माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क प्रधान मुख्य आयुक्त कार्यालय
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST & CENTRAL EXCISE
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दूरभाष / Ph. No.: 044-28331007 फैक्स / Fax No.: 044-28331015

GCCO/RTI /APP/1041/2022-CCAESTT **Dated: 12.2022**

To
Shri Vinod Kumar,
B-22. Vasundhara Estate, NH-33,
DIMNA Chowk Mango,
Jamshedpur -831-020.
Gentleman,

Sub: Information under Right to Information Act, 2005 - reg.

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Please refer to the Appeal order No.21/2022 dated 09.12.2021 passed by the First appellate Authority and your RTI application dated 23.09.2022 filed under RTI Act, 2005.

In this regard the following reply is given in respect of Point No.3 and 4 of your RTI application

Point No.3

Chennai GST (CCA) have already implemented the clarification issued vide DOPT OM 36028/17/201-Estt.(Res) dated 11.07.2002. Further, review DPCs were conducted, as a consequence to the issue of F.NO.C-18012/6/2009 Ad.IIB dated 16.09.2010, on 28.09.2010 and 25.10.2010. However, there was no change in the findings of the original DPCs held in the years from 1997-98 to 2010-11. Hence, no revised seniority list was issued in the Superintendent cadre.

Point No.4 Not applicable

Yours faithfully,

Signed by RAJNI MENON
Date: 13-12-2022 12:06:23
Reason: Approved

(RAJNI MENON)
ASSISTANT COMMISSIONER
CENTRAL PUBLIC INFORMATION OFFICER