GCCO/RTI/FAAA/55/2022-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI

17/2022

Appeal - 19/2022

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
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GCCO/RTI/FAAA/55/2022-CCAESTT Dated : 10/10/2022

ORDER-IN-APPEAL NO. 17/2022-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 V.Muthukumar
1/354, M.Ramsamy Nagar,
Madurai 625014.

..... 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.V.Muthukumar – Appeal against the information furnished by the CPIO, Assistant Commissioner vide GCCO/RTI/APP/798/2022-CCAESTT-O/o PrCC-CGST Zone-Chennai – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri V.Muthukumar, 1/354, M.Ramsamy Nagar, Madurai, Tamilnadu – 625 014 (hereinafter referred to as "the appellant") filed an appeal dated 03.09.2022 received in this office on 08.09.2022 under the Right to Information Act, 2005

20/10/22

(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/798/2022-CCAESTT-O/o PrCCO-CGST Zone-Chennai dated 25.08.2022.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 22.07.2022 had sought the information pertaining to the serving and retired officials who got the pay and arrears stepped up on par with Sri M. Asokan, Asst Commissioner of CGST (retd), a junior officer as detailed below.

2.2 The CPIO vide letter GCCO/RTI/APP/798/2022-CCAESTT O/o PRCCO CGST Zone Chennai dated 25.08.2022 furnished reply in respect of the queries pertaining to (a) to (e) mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 03.09.2022 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 22.07.2022 had sought for the following information relating to the serving and retired officials who got the pay and arrears stepped up on par with Sri M. Asokan, Asst Commissioner of CGST (retd), a junior officer in Sl.No.2

(a) Name of the Officer

(b) Date of his/her joining as Inspector

(c)Date of promotion the cadre of Supdt

(d) Sl.No. either in the All India Seniority list of Superintendents from 01.01.1993 to 31.12.1997 or the list from 01.01.1998 to 31.12.2006

(e) Date of Promotion to the cadres of the Assistant Commissioner

(f) Pay as on 01.01.2016(prior to 7th CPC-CCS(RP) Rules 2016

(g) Pay as on 01.01.2016 (After 7th CPC-CCS(RP)Rules 2016

(h) Pay as on 01.07.2016

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(i) Pay as on 01.07.2017

(j) Pay as on 01.01.2018

3. Whether the officers who sought the stepping up of pay, have been credited with the amount due to them from the respective Commissionerate and the retirement benefit extended to them.

6. The CPIO vide reply GCCO/RTI/APP/798/2022-CCAESTT O/o PRCCO CGST Zone Chennai dated 25.08.2022 had given the following reply

(a) Name of the Officer: V.R.Viswanathan, AC (retd)
(b) Date of Joining as Inspector: 17.12.1983
(c) Date of Promotion as Superintendent: 23.09.2002
(d) His name figures in Sl.No.1165 of the all India seniority list of Superintendents Seniority list 01.01.1998 to 31.12.2006 which can be viewed in link https://www.cbic.gov.in/htdocs-cbec/deptt_offcr/ai-srtylst-supdt01jan98_31dec2k6.pdf
(e) Date of Promotion in the cadre of Assistant Commissioner : 23.10.2014

However information pertaining to pay details sought in Sl.No. 2(f) to 2(k) cannot be disclosed under Section8(1)(j) of the RTI Act, since the sought information is relating to personal information and the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual.

7. With regards to Point (a) to (e) the appellant had sought for the name of the officer, date of joining, date of promotion as Superintendent and his Sl.No.in Seniority list and his date of promotion to the cadre of AC of the serving and retired officials who got the pay and arrears stepped up on par with Sri M. Asokan, Asst Commissioner of CGST (retd), a junior officer. The same has been provided by the CPIO with respect to Shri. V.R.Viswanathan, AC(Retd)

8. With regard to Point (f) to (j) and Sl.No.3 the appellant had sought for the pay fixed as on 01.01.2016 (before and after 7th CPC) and pay as on 01.07.2016, 01.01.2017 and 01.01.2018 of the officer whose pay was stepped up on par with Sri M. Asokan, Asst Commissioner of CGST (retd). It has been informed by CPIO that informations pertaining to pay details sought in Sl.No. 2(f) to 2(j) and Sl.No.3 cannot be disclosed under Section8(1)(j) of the RTI Act, since the sought

information is relating to personal information and the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual.

The issue of furnishing the information pertaining to stepping up of pay granted to senior officer on par with the junior officer has been settled by the Central Information Commission in the case of **Jyoti Seherawat Vs. Home (General) Dept., GNCTD vide order dt. 7.1.2014** wherein in para 7 of the order it was held as follows.

"7. Hence this question needs specific explanation for the better understanding of rights and duties and implementation of RTI with reference to this aspect.

a) The salary paid to the public servant by the public authority is sourced from the tax paid by the people in general. The scale of salary is also fixed by the Public Authority based on certain reasonable fixation in an open exercise by Pay Revision Commissions which later would be generally approved by the Government, which is the representative of the people. Thus the information belongs to public and they have a right to access to it as per RTI Act. It has to be disclosed under Section 4 voluntarily by the Public Authority and if a member of public seeks it, it cannot be denied.".

b) The information about salary of employee/officer of the same Public Authority cannot be considered as 'third party information'. The employee of the public authority is part of that public authority a nd hence he is not the third party. Hence there is no need to obtai n the consent of the particular employee for disclosure of that inf ormation as provided under the RTI Act, unless it falls under any exception. It may be recalled that even in case of third party information, if the Commission considers the public interest demands, such information can be given in spite of refusal by th e third party. Public Authoritiescannot reject such RTI applications about s alary under the pretext of third party information.

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Further in para 7(c) of the above order, the CIC held that "every member of general public is entitled to know the salary of the employee of public authority".

9.Based on the above order passed by the CIC, I find that the CPIO should have furnished all the information available with the Department in respect of the officer whose pay was stepped up on par with Sri M. Asokan, Asst Commissioner of CGST (retd) instead of disclosing only a part of it to the Appellant.

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

ORDER

I allow the appeal and hold that the information furnished by the CPIO is not fully sufficient. Hence I direct CPIO to furnish all the available informations as sought for in the RTI application dated 22.07.2022 in respect of the officer whose pay was stepped up on par with Sri M.Asokan, Asst Commissioner of CGST (retd)

19/10

(R.GOPALSAMY)
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY

Copy to:

Shri V.Muthukumar
1/354, M.Ramsamy Nagar,
Near Yadava Men's College
Madurai 625014.

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