

		दूरभाष /Telephone:044-28331011 फ़ैक्स /Fax :044-28331113
<p style="text-align: center;">OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST AND CENTRAL EXCISE TAMILNADU AND PUDUCHERRY ZONE 26/1, महात्मा गांधी मार्ग, पुदुच्चेरी, चेन्नै-600 034 26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034</p>		

श्री सं /C.No.II/39/93/2020-CCA.RTI.APPEAL

दिनांक /Dated : 28/09/2020

ORDER-IN-APPEAL NO.08/2020-CCA-RTI(Appels)

**(Order passed by B. Senthivelavan 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 K. V. Sreenivasan
 Constitutional Research and Reforms Advocate, Madras High Court,
 Plot 2, Door 3, MAV Apartment, Vallalar Street,
 Allagappa Nagar, Old Pallavaram Street,
 Chennai – 600 117.

..... 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 K. V. Sreenivasan – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/76/2020-CCA.RTI dated 14.08.2020 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Shri K. V. Sreenivasan, Constitutional Research and Reforms Advocate, Madras High Court, Plot 2, Door 3, MAV Apartment, Vallalar Street, Allagappa Nagar, Old Pallavaram Street, Chennai – 600 117 (hereinafter referred to as “the appellant”) filed appeals dated 25.08.2020 received in this office on 31.08.2020, dated 30.08.2020 received

in this office on 09.09.2020 and dated 30.08.2020 received in this office on 16.09.2020 vide Chennai South Commissionerate letter No. GEXCOM/RTI/FAAA/10/2020-TECH dated 11.09.2020 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/39/76/2020-CCA.RTI dated 14.08.2020.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 08.08.2020 received in this office on 11.08.2020 had sought the following information :

1. Action taken report for the advocate notice dated 21.12.2019 and reminder letter dated 06.03.2020.
2. Copy of payment order granting 2nd ACP benefits along with arrears.
3. Whether the order for 3rd MACP was issued and arrears paid; proof of the same.
4. Copy of the order for revised pensions due to his client as per the revised sanction of annual increments w.e.f. 2004 and 2008.

2.2 The CPIO vide letter C.No. II/39/76/2020-CCA.RTI dated 14.08.2020 and C.No. II/39/76/2020-CCA.RTI dated 26.08.2020 furnished reply in respect of the queries mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO vide letter C.No. II/39/76/2020-CCA.RTI dated 14.08.2020, the appellant filed appeals dated 25.08.2020 received in this office on 31.08.2020, dated 30.08.2020 received in this office on 09.09.2020 and dated 30.08.2020 received in this office on 16.09.2020 vide Chennai South Commissionerate letter No. GEXCOM/RTI/FAAA/10/2020-TECH dated 11.09.2020 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that he was not satisfied with the CPIO's reply.

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 08.08.2020 received in this office on 11.08.2020 has sought the above said information. The CPIO vide letter C.No. II/39/76/2020-CCA.RTI dated 14.08.2020 informed the appellant that the desired information w.r.t. Point No. 2 & 4 is not available with this office and that the same may be available with the CPIO of Chennai North Commissionerate coming under the jurisdiction of CCA, Chennai. Hence, the application was forwarded to the CPIO of Chennai North Commissionerate coming under the jurisdiction of CCA, Chennai, under **Section 6(3)** of the Right to Information Act, 2005, for furnishing the information directly to the appellant. Also CPIO vide letter C.No. II/39/76/2020-CCA.RTI dated 26.08.2020 furnished the information sought for w.r.t. Point No. 1 and 3 which the appellant has agreed to.

6. The appellant in his appeal dated 25.08.2020 and 30.08.2020 has stated that as per letter No. C.No.II/39/676/2018-CFCCA dated 29.03.2020/14.05.2020 issued by the Additional Commissioner, O/o The Principal Chief Commissioner of GST & Central Excise, Tamilnadu & Puducherry Zone, Chennai-34, the Commissioner has approved the sanctioning of withheld increments to his client Mr. Rajaish Samuel Lazarus, retired Assistant Commissioner; but inspite of lapse of 5 months, it was not known whether the arrear amount had been paid to his client or not. In connection with this, the appellant had stated that he had raised RTI queries regarding the action taken report on the above said order and that he had received reply from CPIO stating that the information w.r.t. Point No. 2 & 4 may be available with the CPIO of Chennai North Commissionerate coming under the jurisdiction of CCA, Chennai and that his RTI application was forwarded to the CPIO of Chennai North Commissionerate for furnishing the information directly to him. In this connection, the appellant contends that in the previous detailed 4 pages letter issued by AC, O/o The Principal Chief Commissioner of GST & Central Excise, Chennai, for the prolonged case, favourable reply was given, but while asking about the action taken report, the CPIO had given reply stating that the desired information was not available with this office.

7. In this regard, I am of the opinion that the action of CPIO in transferring the RTI application in respect of Point No. 2 and 4 is correct as the payment of arrears and issuing of order for revised pension are being dealt by Chennai North Commissionerate (erstwhile Chennai-I Commissionerate) coming under the jurisdiction of CCA, Chennai and not by this office since the Commissionerate concerned from where the officer retired only will be maintaining his service book. Hence, there is no justification in the grievance of the appellant.

8. Also, it is observed that the appellant vide his appeal is trying to redress his personal grievances which is not in the spirit of RTI Act. In this regard, it is informed that the RTI is not the appropriate forum for redressing one's grievances.

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

ORDER

- (i) I hold that the action of CPIO in transferring the RTI application is correct 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.


(B. SENTHILVELAVAN)
28/09/20

**ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

Shri K. V. Sreenivasan
Constitutional Research and Reforms Advocate, Madras High Court,
Plot 2, Door 3, MAV Apartment, Vallalar Street,
Allagappa Nagar, Old Pallavaram Street,
Chennai – 600 117.

[By Speedpostwith A/D]

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