

Details of Appeal/Decision of First Appellate Authority for the period April 2016 to September 2016 under RTI Act 2005:

Sl. No.	ID No.	Ground of Appeal	Decision of First Appellate Authority/remarks
1.	ITPO/RTI/Appeal/06/02/2016	<p>Kind reference is invited to the Reply of the RTI Cell, ITPO, (Ref. No.ITPO/RTI/06/02/2016) dated June 23, 2016 which was received at my end on June 27, 2016.</p> <p>At Sl. No. 1 in the tabulated reply furnished in the aforesaid reply of RTI Cell, to the request of the undersigned to provide a copy of the CBI Report seeking sanction of the competent Authority in ITPO/TFAI for prosecution of those who were accused in the CP Scam, it has been refused on the grounds that the “Matter is subjudice”.</p> <p>This reply of the RTI Cell of ITPO does not appear to be consistent with its reply (No.ITPO/RTI/06/02/2016) dated July 14, 2016) to another request of the undersigned by acceding to it by providing the certified copy of the SANCTION ORDER of ED(KTC)/CVO(KTC) dated March 4, 2000, pursuant to the filing of FIR of this case (No. RC 86(A)/97/DLI dated 5.11.1997, although this SANCTION ORDER is also a “Matter which is subjudice”.</p> <p>So what is the justification for negating one request and acceding to another request when both the matters are subjudice.</p> <p>Secondly, at Para 16 of the SANCTION ORDER of ED/CVO(KTC)(file No. 2-ITPO (76) dated March 4, 2000, whose certified copy was furnished by the RTI Cell, ITPO vide their letter (No.ITPO/RTI/06/02/2016) dated July 14, 2016, although the same is also subjudice, states verbatim as follows as –</p> <p>“Now therefore, I do hereby accord sanction under Section 19(1)© of the Prevention of Corruption act 1988 (Act 49 of 1988) for the prosecution of said S/Sh. H.P. Dharod, Miss Soma Chakravarthy, Narinder Kumar, P.K. Jindal, S P Sharma, Miss Sapna Joniwal, Y N Kanojia, and Jit Ram for the said offences any other offences punishable under other provisions of law in respect of the acats aforesaid and for taking of cognizance of the said offences by a Court of competent jurisdiction.”</p> <p>This Para 16 of the SANCTION ORDER accords permission for prosecution in a Court of competent jurisdiction and thereby becomes a “Matter that is sub judice”; but the certified copy of the SANCTION ORDER has been provided to the U/s. while in the same breath, the RTI Cell of ITPO also states that the CBI Report seeking sanction of the Competent Authority in ITPO/TFAI for prosecution of those who were accused in the CP Scam cannot provided as the “Matter is subjudice!</p> <p>In effect, the RTI Cell of ITPO has allowed a document to be furnished from the same file in which this document was the result of another antedated document contained in the same file which was the causative Sanction Seeking Report for the resultant SANCTION</p>	<p>The First Appellate Authority, ITPO after having perused the RTI Application, information furnished by DPIO, ITPO and first Appeal of the applicant/appellant ruled that –</p> <p>“The file related to the departmental Inquiry of Shri H.P. Dharod was inspected by the wife of the applicant along with his advocate. The Sanction Order for prosecution which was inspected by them was also a part of the departmental inquiry file and accordingly, certified copy of the same was provided to them. However, the file related to the official notings and correspondence relating to Shri H.P. Dharod’s prosecution by CBI leading upto his conviction and sentencing in CBI Court was not permitted for inspection, since the matter is subjudice, and the CBI Report is also a part of that file. Moreover, the report is classified and therefore, may be sought from CBI.”</p>

		<p>–according-ORDER, albeit both have the same sanctity of being subjudice!!</p> <p>It is an earnest Appeal to the Appellate Authority of RTI matters, whether subjudice or otherwise, to kindly intervene and instruct the functionaries concerned to accord rightful equal treatment to matters that are not only subjudice but also have a causative-resultant relationship. This can eliminate much uncalled for hardship to the already distressed RTI Applicant.</p>	
2.	ITPO/RTI/Appeal/07/07/2016	<p>In response to my RTI application dated 19th July, 2016, the copies of Information provided (Annexed herewith), having much wrong information stipulated therein purposely, may kindly be perused. Hence, based on respective categories recently circulated “Seniority Lists” of Assistants (Accounts), Executives (Accounts) and Deputy Manager(F&A/cs); the correct revised tabulated Statement Stipulating therein authenticated Information as sought for may have to be provided at the earliest, absolutely in respect of :</p> <p><u>Information provided at Point No.1</u></p> <p>i) Based on the official records, correct names of the staff at Serial No.2 & 7 in Column 2 and, at Serial No.3&5 in Column 5, have to be got authenticated and substituted.</p> <p>ii) The names of the Substantive/regular post (Exclusively by virtue of Direct Appointment and/or by virtue of regular promotion but not by way of ACP scheme in the nature of the ad hoc posts suffixed by Non-functional, such as Mgr(NF) or DM(NF) as sought for being held by each official of the Column 2 must have to be got authenticated and substituted in Column3.</p> <p>iii) Accordingly, the names of the substantive /regular post (Exclusively by virtue of Direct appointment and / or by virtue of regular promotion but not by way of ACP scheme in the nature of the ad hoc posts suffixed by non-functional, such as Mgr(NF) or DM(NF) as sought for being held by each officer or by the official/staff (Name of Reporting officer; column 5)must have to be got authenticated and substituted in Column 6.</p> <p><u>Information provided at Point No.2</u></p> <p>The second column in the Table for information was not as name of DM, but it was and is to be authenticated and substituted as Regular Deputy Manager(s)- F&A/cs posted therein. The name of Shri SAD Srinivasu must be suffixed with the substantive / regular post being held by him, such as Executive (Accounts) or Deputy Manager (Finance & Accounts), whatsoever is correct which may have to be stipulated in the third column but not as DM(NF).</p> <p><u>Information provided at Point No.3.</u></p> <p>There are two parts of Information sought, The information of first part has not been provided. Only the information of second part has been provided.</p>	<p>The First Appellate Authority, ITPO after having perused the RTI Application, information furnished by DPIO, ITPO and first Appeal of the applicant/appellant has observed and ruled that following revised information may be furnished to the applicant:</p> <p>(i) List of officials belonging to SC/ST/OBC, indicating the post, reporting officer, accepting officer, is enclosed.</p> <p>(ii) May refer to list provided at Sr. No.(i) above.</p> <p>(iii) Performance of the employees/ officials is judged on the basis of PMS which contains guidelines. No separate guidelines for</p>

		<p><u>Information provided at Point No.4</u></p> <p>Apart from the specific information provided at the 2nd + 3rd (half) lines in the letter; unwarranted/conspiratorial information were purposely provided and moreover, redundant suggestions have been given beyond the provisions of RTI Act, 2005.</p> <p>The information sought in the last para for providing copies of relevant rules and regulations have not been provided so far.</p>	<p>Reserved candidates.</p> <p>(iv) Information has already been provided.</p>
3.	ITPO/RTI/Appeal/07/06/2016	<p>1. Information provided vide ITPOs reply dated 10.5. 2016 under RTI as under: The Competent Authority had earlier approved the norms of office space for office and staff; vide Circular dated 26.5.2000 a copy of which is enclosed. Based on these norms, each Division was allotted office accommodation for its staff in consultation with HoDs concerned. Reply dated: 16.8 2016 it is informed that there is no such laid down procedure that HoDs are to be consulted before allocation of office accommodation. In view of above, both the above information is contradictory, totally misleading and concealing actual facts. Hence, it is incorrect information. Please provide the correct information.</p> <p>2. This information is totally incorrect. The Administration has allocated room No.201 to the undersigned and Manager (N P Yadav). Please provide the certified copy of the Office Order No. issued by Administration regarding allocation of room No.201 to the undersigned and Manager (Azam Khan).</p> <p>3. The undersigned has simply asked information regarding how many separate room allotted to officials of the General Category. This information has not been provided so far. This information must be provided under RTI Act.</p> <p>4. At present separate single rooms have been allotted to General category officials. This list has not been provided under RTI so far. The norms and policy for allotment of room are available as confirmed under Question No.2. Now they have informed that there are no such rules and regulations for allotment of rooms to such officials. The correct information has not been provided under</p>	<p>The First Appellate Authority, ITPO after having perused the RTI Application, information furnished by DPIO, ITPO and first Appeal of the applicant/appellant has observed and ruled that following revised information may be furnished to the applicant:</p> <p>HOD of Shri Ashok Kumar, has requested Admn. Divn. to allot the space in Room No.201 to another Manager (copy enclosed)</p> <p>There is no written orders for allocation of Room to Shri Azam Khan. However, the matter was discussed by Ms. V. Meera, the then GM with both the Managers, who agreed to sit in one room. Copy of note where the then GM recorded is enclosed.</p> <p>No policy for reserved categories officers exist in ITPO. No rooms are allotted to any officers according to categories. Hence, information is not available in compiled form.</p> <p>Rooms allotment depends upon the nature of work, size of the room, etc. There is no such rules and regulations for allotment of rooms to such officials.</p>

		RTI Act. If, the room allocation on the basis of nature of work, then the such policy may please be provided and also define the definition of nature of work. Please provide the List of allotment of single room to Executive/PA/DM/Manager. The correct information may please be provided under RTI act.	
	5.	This information has not been provided so far. They have also not provided the list of allocation of separate room to General Category. Whether any policy for allotment of single room to officials of the general category is exist? Please provide the above information under RTI Act.	No policy for reserved categories officers exist in ITPO. Information already provided is correct.
	6.	The reply is incorrect as the norms were provided by Administration vide RTI reply dated 10.5.2016.The manpower provided to some Executive/DM/Manager are not as per norms provided vide reply dated 10.5.2016. Please provide certified copy of the policy and norms regarding deployment of the staff are done depending upon the nature of work.	GM/DGM/SM – 1 PA, 1 Attendant, 2 Managers on sharing basis – 1PA/Steno & 1 Attendant. However, deployment of staff is done depending upon the nature of work.
	7.	On which ground such allotment of outside agency may please be provided under RTI Act.	No such policy exists in ITPO for allotment of rooms for outside agency. Rooms to outside agencies are allotted to service agency who directly associated with ITPO. Rooms to outside agencies are allotted with the recommendation of concerned DGM/HOD and approval of the competent authority.
	8.	This information is incorrect. As there were 4-5 rooms vacant as on 15.7.2016.	As per our records, only room No.208 was vacant as on 15.7.2016 which was earlier occupied by ex-SM(HPD).
	9.	I have simply asked information regarding PAs and Attendants attached with Executive to DGM level officer. The information as provided under RTI is totally incorrect. The posting of PAs and Attendants are not showing deployment with Executive to DGM lever officers as list provided by them. Hence, the information is incomplete, misleading or false. Please provide the correct information.	List already provided. Information, as sought by you, is not available in the compiled form.
	10	Nil.	
	(i)	Please provide the policy for manpower reserved for officers who will join in future.	1. (i)Information already provided. There is no such policy.
	(ii)	This information is totally incorrect. As per reply of RTI dated 10.5.2016, the policy define as under: GM/DGM/SM-1 PA, 1 Attendant Manager on sharing basis-1 PA/Steno and 1 attendant. Now, they have informed that no such policy exist in ITPO. Please provide the correct	(ii) May please refer to reply given at Sr. No.6 above.

		information.	
		iii) As per above policy, the attendants are not entitled to DM and executive level officials. But they have misuse power as working in Administration Division. One attendant provided to the undersigned, Manager (Azam Khan) and Section of Coordination of FS-I. Whereas separate attendants are working with Executive, DM and Manager level officials in Admn as per reply furnished by them. They have not provided the justification as well policy wherein they have posted the manpower to non-entitlement officials of the Administration Division so far. This is totally violation of existing policy. Please provide the correct information pl.	(iii).No attendants are given to Deputy Managers/ Executives in Admn. Divn. separately. Attendants are posted in Sections.