

**Most Urgent
RTI Matter**

GOVERNMENT OF INDIA
प्रधान मुख्य आयुक्त का कार्यालय
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER
केन्द्रीय वस्तु एवं सेवा कर, कोलकाता क्षेत्र

CENTRAL GOODS AND SERVICES TAX AND CENTRAL EXCISE, KOLKATA ZONE
केन्द्रीय वस्तु एवं सेवा कर भवन, दुसरा तल, 180, शांतिपल्ली, आर. बी. कनेक्टर, कोलकाता - 700 107
GST Bhawan (2nd Floor), 180 Shanti Pally, R. B. Connector, Kolkata - 700 107
Phone No. 033-2441-6797/6842; Fax No. 033- 2441-6834/6798

F. No. V (30)242/ICGST&CX/ Pr. CCO/ RTI/Dec-19/Kol/2019/22416-27 Date: 23.12.2019


To
The CPIO,
Office of the Commissioner,
CGST & CX, Kolkata North, Kolkata South, Howrah, Haldia, Bolpur, Siliguri, Audit-I, Audit-II, Appeal-I,
Appeal-II, Siliguri Appeals, Durgapur Audit Commissionerates.

Sub: RTI Application filed by Shri N. Chakraborty, 45, Pearabagan, Post Office- Purba Putiary, Kolkata- 700093 -reg.

Please find enclosed herewith an RTI application dated 09.12.2019 received in this office on 18.12.2019 and subsequently registered under Registration No. 36/RTI/CGST & CX/Kol/2019-20 dated 20.12.2019. The information sought by the applicant regarding maintenance of Aadhaar Enabled Biometric Attendance System (AEBAS) for all offices located at Kolkata Zone in CGST & Central Excise. Hence, the RTI Application is being transferred to you under section 6(3) of the RTI Act, 2005.

You are requested to supply the information directly to the applicant, if the same is available in your office and sharable under RTI Act, 2005.

Encl: As Above.


(B. Bhowmick) 23/12/2019
**CPIO & Assistant Commissioner,
CCO, Kolkata Zone**

*MOST URGENT
RTI Matter
Suptd (RTI)
P. discuss by
today.
29/12/2019*

*Suppl. Dissem
1st to all
comptes
29/12/2019*

To
The Central Public Information Officer,
Office of the Chief Commissioner,
CGST & CX, Kolkata Zone
GST Bhawan, 180 Shantipally, Rajdanga Main Road
Kolkata-700107

Subject: Request for Information regarding maintenance of Aadhaar Enabled Biometric Attendance System(AEBAS) for all offices located at Kolkata Zone in CGST & Central Excise under RTI Act-2005.

Sir,

This is for having the information as per provision of Sec 6 (1) and Sec 4 of RTI Act 2005. I need the following information regarding Aadhaar Enabled Biometric Attendance System(AEBAS) for all your offices located at Kolkata Zone in CGST & Central Excise (where AEBAS has been implemented) including DG Systems, Kolkata in the period from 27.12.18 to 03.12.19.

1). Please provide the photocopy of biometric attendance details of all employees (Group A,B,C) in the period from 27.12.18 to 03.12.19.

2). In case of any absenteeism from office in the period from 27.12.18 to 03.12.19, of all employees as mentioned under Point 1, please provide the information about the leaves availed by the concerned employee as being shown in AEBAS Portal in the following proforma:

1. Sl No.	2. Name	3. Designation	4. Date of absence as being shown in AEBAS portal	5. No of Casual Leaves and RH availed with mention of specific dates	6. No of Earned Leaves availed with mention of dates	7. No of Medical/Any other Leaves availed with mention of dates
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It is to be noted that in case a concerned employee has not uploaded leaves in biometric portal please provide the date of all leaves and category (CL/EL/RH/Medical/Any other Leaves) in respect of him/her as entered in respective leave files.

3). Please provide information whether the particular office sends report regarding biometric attendance of all employees .

i) Inform whether the report is sent in monthly/quarterly/yearly basis.

ii) Please provide the photocopy of all reports regarding biometric attendance from the date 28.12.18 to till date as sent by all formations under Kolkata Zone.

4). Please mention the name of nodal officer/officers in the period from 28.12.18 to 03.12.19 in each office under Kolkata Zone and furnish the photocopy of order and note sheet in which the officer has been appointed nodal officer for biometric portal. Also mention whether the order/circular has been circulated among the employees as verified by their signs and provide the photocopy of that document .

5). .Name of all officers(Group A,B,C) in all particular Commissionerates who have been relieved in the period from 28.12.18 to 03.12.19 except those already retired from service .In respect of these officers;

i). Please provide the photocopy of biometric attendance details of the officer as in their whole tenure at that place of posting exactly as being shown in ABEAS portal .

(In case, the attendance of relieved employees cannot be accessed by the CPIO presently then it is requested as per Section 6(3) of RTI Act 2005 to transfer the RTI application or part of it to the current place of posting of relieved officers from where information can be obtained.)

ii). In case of absenteeism from office ,of the mentioned officers in the whole tenure of their service at that particular formation, please provide the information in the following proforma as mentioned below:-

1. Sl No.	2. Name	3. Designation	4. Date of absence as being shown in ABEAS portal	5. No of Casual Leaves and RH availed with mention of specific dates	6. No of Earned Leaves availed with mention of dates	7. No of Medical/Any other Leaves availed with mention of dates
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(In case, the attendance and leaves of relieved employees cannot be accessed by the CPIO presently then it is requested as per Section 6(3) of RTI Act 2005 to transfer the RTI application or part of it to the current place of posting of relieved employees from where information can be obtained.)

It is to be noted that in case a concerned employee has not uploaded leaves in biometric portal please provide the date of all leaves and category (CL/EL/RH/Medical/Any other Leaves) in respect of him/her as entered in leave file.

6). Please provide the photocopy of biometric register in the period from 28.12.18 to 11.12.19, where the officers have manually signed on days when either the AEBAS portal was having problems or not working and also mention the dates and time of dysfunction of all biometric machines installed in and around premises of the office. *(In case, the information regarding dysfunction of biometric devices cannot be accessed by the CPIO then it is requested as per Section 6(3) of RTI Act 2005 to transfer the RTI application or part of it to the relevant authority from where information can be obtained)*

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7). Please give information on:-

i) Whether use of AADHAR in AEBAS does violate the verdict delivered on 26.09.2019 by Supreme Court five-judge Constitution bench headed by Hon'ble Chief Justice Dipak Misra regarding use of AADHAR and if not please state the grounds.

ii) The stand of CBIC on use of AADHAR in AEBAS after the above mentioned Apex court verdict.

iii) Any alternate means of providing attendance for employees who do not agree to allow usage of AADHAR for their attendance since in every machine the authorization of use of AADHAR has been made default for registering attendance.

(In case, the information cannot be accessed by the CPIO then it is requested as per Section 6(3) of RTI Act 2005 to transfer the RTI application or part of it to the relevant place from where information can be obtained)

iv) Any alternate means of registering attendance for employees who experience either certain physical problems or are handicapped ones to register attendance using their finger impression on AEBAS Portal.

v) Whether it is mandatory for all officers in CBIC to submit their personal mobile phone numbers to the office. Please supply photocopy of the order or rule in favour of the same if any. And in case it is not mandatory then please enumerate the procedure for registering attendance for those employees

In this context it is important to note that disclosure of photocopy of attendance register or AEBAS system

cannot be considered an invasion of privacy of an individual and does not fall under the ambit of Section 8(1)(j) of the RTI Act.

Citation: Mr Yennamsetti Srinivas v. LIC of India in Appeal No. CIC/DS/A/2012/001377

Also reference may be made to the CIC in the case of Gurdev Singh v. PIO, Department of Posts- CIC/POSTS/A/2017/100703DD-01.06.2018 has held that information relating to Leaves applied and availed by a public employee except any details related to family member, medical reason or address, etc shall be disclosed and cannot be considered to be exempt information since this is the information regarding public office and activity. Therefore Public Authority has a duty to respond to an applicant seeking to know whether an employee has availed casual, earned, half day leave without disclosing the purpose or any personal information.

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It must be noted that the applicant is interested in official correspondences only and any request for personal visit is unwelcome and unsolicited and will not be entertained.

As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.

*As per section 5(3) of the RTI Act 2005, I request the PIO to provide assistance in getting the requested information.
As per section 7(9) of the RTI Act 2005, I request the PIO to provide the requested information in the form in which it is sought.*

As per section 7(8) of the RTI Act 2005, In case of rejection of my application, I kindly request you to provide the reason for such rejection and not just quote a section of RTI.

IPO of Rs 10 /- attached as fee towards this RTI application.
The IPO information is as follows: IPO number: 11F765822

Yours sincerely,

N Chakraborty
9/12/19

(N.Chakraborty)

45, Pearabagan, Post Office-Purba Putiary
Kolkata-700093, West Bengal

**RTI MATTER**

भारत सरकार GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL TAX, HOWRAH GST COMMISSIONERATE
एम.एस. बिल्डिंग, 15/1, स्ट्रैंड रोड, कोलकाता- 700001
M.S. BUILDING, 2nd floor, 15/1, STRAND ROAD, KOLKATA- 700001
दूरभाष सं/PHONE NO. 033-2262-8490

C. No. IV (16)92/RTI/CGST/HWH/NC/2019-20

Date: 27.01.2020

To
Shri N. Chakraborty,
45, Pearabagan, P.O.-Purba Putiary,
Kolkata-700093.

Sir,

Sub: - RTI application filed by Shri N. Chakraborty, under RTI Act, 2005- Furnishing of information as well as request for sending fees for supply of documents under the RTI Act -regarding.

Please refer to your RTI application dated 09.12.2019 received by this office on 30.12.2019 on transfer from the CPIO & Assistant Commissioner, RTI Cell, O/o the Pr.CCO, CGST & CX, Kolkata, GST Bhawan, 180, Shantipally, Kolkata-700107, which has been registered under Registration No. 92/RTI/CGST/HWH/NC/2019-20

The desired information as sought for in your above mentioned RTI application, in respect of Howrah CGST & CEX Commissionerate, as received from Headquarters' Sections, Howrah CGST & CEX Commissionerate are mentioned point wise herein below :

Point No.1: The sought for information is available in the AeBAS database and the desired information sought for pertaining to the period from 27th December 2018 to 3rd December 2019 contains 3,444 numbers of pages.

Point No.2: (1 to 4 in table): The desired information during the material period is available in the reply of point No.1.

Point No.2 (5, 6 & 7 in the table): In this regard this is to state that, the information regarding CL/RH contains 27 (Twenty seven) numbers of pgs and that for EL & Medical leave contains 13 (Thirteen) no. pages.

Point No 3: So far this point is concerned, this is to inform that the report on Biometric Attendance system is sent by this Commissionerate to Zonal Chief Commissioner's Office in compliance to the letter under C.No. III(29)1-SR/BMA/CCO/CGST/Kol/2018/23915-22 dated 12th December, 2018.

(i) The Concerned report is sent on monthly basis.

(ii) The necessary reports as sent to the Zonal Chief Commissioner's Office during the material period in pdf format is mentioned in Point No. 1 above.

Point No. 4: Shri Pankaj Singh, Deputy Commissioner (P&V) was nominated as the Nodal Officer of Howrah CGST & CX Commissionerate during the material period.

The photocopy of relevant note sheet and order of the Nodal Officer for the period from 28.12.2018 to 03.12.2019 contains 02 pages.

No such information regarding circulation of any order/circular among the employees is available with the Nodal Section, AeBAS of Howrah CGST & CX Commissionerate..

Contd...P=2

Point No.5: Reply for this information contains **03** pages.

PointNo.6: Photocopy of Biometric Register and other sought for related details contains **21** numbers of pages.

Point No.7: (i),(ii)&(iii):The sought for information do not fall under the Jurisdiction of Howrah CGST & CX Commissionerate.

(iv)&(v): The desired information is not available with the CPIO of this Commissionerate.

Thus you are, intimated that in order to supply the copies of desired documents, the requisite fees for an amount of **Rs.7,020/- (Rs.2/- per page x 3510/-)** is required to be paid on your behalf in the form of IPO/DD/Banker's Cheque/Cash payable to the Assistant Chief Accounts Officer of Howrah CGST & CEX. Commissionerate, Kolkata in terms of Section 7(3) (a) of RTI Act, 2005.

If you are aggrieved or dissatisfied with the reply, you are at liberty to prefer First Appeal within the stipulated time i.e. 30 (thirty) days from the date of receipt of this reply before **Shri Pradeep Kumar Bohra**, Additional Commissioner & 1st Appellate Authority under RTI Act, 2005, Central Tax, Howrah GST Commissionerate, M.S. Building (6th Floor), 15/1 Strand Road, Kolkata - 700 001.

Yours faithfully,



(RAM KUMAR BHADURY)

CPIO & A.C./ सीपीआईओ और सहायक कमिशनर,

CENTRAL TAX केंद्रीय कर

HOWRAH GST COMMISSIONERATE


हावड़ा जीएसटी कमिशनरेट।

C. No. As above/

11141-8

Dated: 27 /01/2020

Copy to the he CPIO & Assistant Commissioner, HQ-RTI Cell, Pr. CCO Office, CGST & C.Ex. Kolkata, GST Bhawan, 2nd Floor, 180, Shantipally, Rajdanga Main Road, E.M. Bye-Pass, Kolkata-700107 with reference to letter under C.No.V(30)242/ CGST&CX/ Pr.CCO/RTI/Dec-19/Kol/2019/22416-27 dated 23.12.2019 for his information please.



(RAM KUMAR BHADURY)

CPIO & A.C./ सीपीआईओ और सहायक कमिशनर,

CENTRAL TAX केंद्रीय कर

HOWRAH GST COMMISSIONERATE

हावड़ा जीएसटी कमिशनरेट।

