

30 DEC 2019
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**Most Urgent
RTI Matter**

भारत सरकार
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/ /CGST&CX/ Pr. CCO/ RTI/Dec-19/Kol/2019 /22469 Date: 24.12.2019

To

The CPIO,
Office of the Commissioner,
CGST & Central Excise, Howrah Commissionerate,
Kolkata

Sir,

Sub: RTI Application filed by Shri Rajarshi Chatterjee under Right to Information Act 2005 - reg.

Please find enclosed herewith an online RTI application having Registration No. GSTKT/R/2019/50078 dated 23.12.2019, received in this office on 24.12.2019, filed by Shri Rajarshi Chatterjee, 11, Old Post Office Street, Ground Floor, Kolkata-700001. Since, the promotion and seniority related matters of Inspectors under this zone is being dealt with from your Commissionerate, 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, whatsoever is available with you and shareable under RTI Act, 2005. *Please note that the applicant has requested to supply the information / documents within 48 hrs under sec-7 of the RTI Act, 2005, since it is a Court matter which is for your consideration.*
Encl: As Above. Yours faithfully,

(B. Bhowmick)

24/12/2019
**CPIO & Assitant Commissioner,
CCO, Kolkata Zone**

RTI REQUEST DETAILS**Registration No. :** GSTKT/R/2019/50078**Date of Receipt :** 23/12/2019**Type of Receipt :** Online Receipt**Language of Request :** English**Name :** Rajarshi Chatterjee**Gender :** Male**Address :** 11, Old Post Office Street., Ground Floor, Kolkata, Pin:700001**State :** West Bengal**Country :** India**Phone No. :** +91-9830039532**Mobile No. :** +91-9830039532**Email :** rajarshichatterjee52@gmail.com**Status(Rural/Urban) :** Urban**Education Status :****Is Requester Below Poverty Line ? :** No**Citizenship Status** Indian**Amount Paid :** 10)**Mode of Payment** Payment Gateway**Request Pertains to :****Information Sought :** Please supply the required information and documents sought in enclosed file[Print](#)[Save](#)[Close](#)

MOST 21

It has been noticed that 398 Nos inspectors of CGST & CX of Kolkata Zone have been nominated for Mandatory Training for Promotion to the grade of Superintendent vide letter under C.No. II(36)4-ET/HWH-GST/Trg-NACIN/2018/8223-62B dated 13.12.2018 issued by The Commissioner, CGST & CX, Howrah Commissionerate. In this connection, the undersigned seeks the following information and certified copies of related documents:

- i) How the promotion to the grade of Superintendent is done in Kolkata Zone. Please give the relevant rule for promotion to the grade of Superintendent from Inspector in detail.
- ii) Whether it is mandatory to have any seniority list of Inspector (feeder cadre) for effecting promotion to the grade of Superintendent. Please supply the information quoting relevant provisions. If yes, the details of seniority list which is at present in force may be provided.
- ✓ iii) If seniority list/ draft seniority list is published on any date, how it affects the earlier seniority list/ draft seniority list. Please supply the information quoting relevant provisions.
- iv) Whether draft seniority list/ seniority list of inspectors of Kolkata Zone as on 01.04.2015, published on 30.11.2015 has superseded all the earlier draft seniority list/ seniority list. If not, under which authority. Please reply in quoting specific provisions of relevant rule.
- v) Whether draft seniority list of inspectors of Kolkata Zone seniority list as on 01.01.2010, published on 31.03.2010 is still existent. If yes, under which authority in detail.
- ✓ vi) Please supply the copy of all note sheets of file vide which draft seniority list of inspectors of Kolkata Zone as on 01.01.2010, published on 31.03.2010 was made and dealt.
- vii) Whether any promotion can be granted on the basis of a Seniority List drawn on the basis of an O.M. which has been declared to be withdrawn ab-initio?
- viii) Whether any promotion can be granted from the draft seniority list of inspectors of Kolkata Zone as on 01.01.2010, published on 31.03.2010, drawn on the basis of DOP&T's O.M. No. 20011/1/2006-Estt. (D) dated 03.03.2008, which has been declared to be withdrawn ab-initio vide DOP&T's O.M. No. 20011/1/2012-Estt.(D) dated 04.03.2014?
- ✓ ix) Please supply the copy of all note sheets of file vide which draft seniority list of inspectors of Kolkata Zone as on 01.04.2015, published on 30.11.2015 was made and dealt.
- x) Whether any rule, O.M., judgement or any provision exists from where it can be derived that date of joining in the grade of Inspector will be the criteria for making seniority list

of Inspectors of CGST & CX of Kolkata Zone or effecting promotion to the grade of Superintendent. If yes, please supply the said specific provisions in detail.

- xi) Whether Cadre Controlling Authority is empowered to outline the criteria for promotion from the Grade of Inspector of CGST & CX to the Grade of Superintendent considering the date of joining in the grade of inspector. If yes, relevant provision may be furnished and if not, under which provision the Commissioner of CGST & CX, Howrah Commissionerate has nominated 398 Nos. of inspectors for Mandatory Training for Promotion to the grade of Superintendent.
- xii) Whether Mandatory Training for Promotion to the grade of Superintendent is any of the eligibility criteria for promotion to the grade of Superintendent.
- xiii) How many Inspectors of seniority list of inspectors of Kolkata Zone as on 01.04.2015, published on 30.11.2015 have not been nominated for the above stated Mandatory Training where their juniors have been nominated and being imparted the said training.
- xiv) What are the criteria of above nomination? Please provide the name of the officers along with designation who has initiated the note/ proposed for such selection. Please also supply the name & designation of the officer who has approved the said proposal.
- ✓xv) Please supply the copy of note sheets of File No. II(36)4-ET/HWH-GST/Trg-NACIN/2018.
- xvi) Whether the cadre controlling authority of Inspectors of CGST & CX of Kolkata Zone has proposed to challenge the verdict of judgement of Hon'ble Apex Court in the case of N. R. Parmar Vs. UOI & Ors. If yes, relevant pages of note sheets of the file may please be furnished.
- xvii) **Whether** the cadre controlling authority of Inspectors of CGST & CX of Kolkata Zone has proposed to challenge **CBEC circular issued under F. No. A-32022/06/2014-Ad.IIIA dated 08.09.2014**. If yes, relevant pages of note sheets of the file may please be furnished.
- xviii) **Whether** the cadre controlling authority of Inspectors of CGST & CX of Kolkata Zone has proposed to challenge **and disobey CBECE circular issued under F. No. A-32022/06/2014-Ad.IIIA dated 08.09.2014**. If yes, relevant pages of note sheets of the file may please be furnished.

As the information sought above is to be produced before the Court of law, considering urgency of the matter, the information may please be furnished within 48 hours or within normal period of seven days, at the earliest, as per provisions under Section 7 of the RTI Act, 2005. I am ready to pay the cost of Xerox of required pages as and when communicated to me by the department.



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)93/RTI/CGST/HWH/RC/2019-20

Date: 23/01/2020

To
Shri Rajarshi Chatterjee,
11, Old Post Office Street,
Ground Floor,
Kolkata-700001.

Sir,

Sub: - RTI application filed by Shri Rajarshi Chatterjee, under RTI Act, 2005-
Furnishing of information & Request for sending fees for supply of
documents under the RTI Act –reg

Please refer to your RTI application dated 23.12.2019 received by this office on 30.12.2019 as transferred from the CPIO & Assistant Commissioner, Pr. CCO Office, CGST & CX, Kolkata Zone, 180, Shanti Pally, Kolkata and subsequently been registered under Registration No.93/RTI/CGST/HWH/RC/2019-20.

The desired information as sought for in your above mentioned RTI application, in respect of Howrah CGST & CEX Commissionerate, as received from the Section concerned i.e. H.Q. ET, DPC and Law Branches, Howrah CGST & CEX Commissionerate are mentioned point wise herein below :

Point No.I, II, VIII, XI & XII: - Queries made by points no. I, II, VIII, XI, &, XII are not pertained to this Commissionerate.

Point No VI: Regarding this point this is to inform that note sheets of related file **contains 11(Eleven) no. pages.**

Point No. IX: So far this point is concerned this is to inform that the original file bearing the C.No. II(34)01-DPC/Kol-II/2012 related to the seniority list dated 30.11.2015 in the grade of Inspector was forwarded to the Board vide letter under C.No. II(39)02-DPC/Kol-II/2016/10406A dated 18.11.2016 **contains 01(One) page.** Hence, this office is not in a position to provide the certified copies of notesheets and the same may be obtained from the Ad.III A section of the Board.

Point No. XV: As per query made, this is to inform that copy of note-sheet pages of the concerned file bearing F.No. II(36)4-ET/HWH-GST/Trg-NACIN/2018 **contains 06(Six) no pages.**

Contd....P-2

Point No. III, IV, V, VII, X, XIII, XIV, XVI, XVII & XVIII: In view of these points as asked for, for reply under RTI Act, this is to inform that the queries made by these points do not fall within the ambit of definition of "Information" as per Section 2(f) of RTI Act, 2005 read with DoPT OM No.11/2/2008-IR dated 10.07.2008. The related CIC judgement puts forth that-

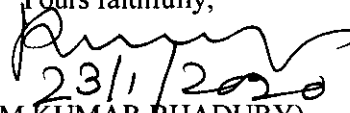
....."Interrogative queries viz. **"How/Why/When"** do not come under the ambit of RTI Act. In *Dr. Celsa Pinto Vs. Goa State Information Commission (W.P. No. 419 of 2007)*, the High Court of Bombay, in its order dated 03.04.2008, held:- *"The definition (of information) cannot be included within its fold answers to the question "Why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."*

Under RTI Act there is no provision to seek clarification by raising queries in such manner and make public Authority to answer queries like why & what circumstances to the applicant. Thus, the information in respect of the above points can not be provided.

Against this backdrop as above you are intimated that in order to be supplied of the copies of desired documents, you are requested to send fees for an amount of **Rs.36.00/- (Rs.2 per page x18 pages)** 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)

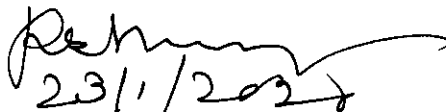
CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX
HOWRAH GST COMMISSIONERATE

Dated: 23.01.2020

C.No. As above/

10936B

Copy to the CPIO & Assistant Commissioner, Pr. CCO, CGST&CX, Kolkata Zone, GST Bhawan (2nd Floor), 180, Shantipally, R.B.Connector, Kolkata-700107 to his letter under F.No. V(30)242/ CGST&CX/ Pr.CCO/RTI/Dec-19/Kol/2019/22469 dated 24.12.2019 for his information.



(RAM KUMAR BHADURY)

CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX
HOWRAH GST COMMISSIONERATE

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