

Office of the Principal Chief Commissioner
the Revenue Department
(CGST & CX)
- 2 JAN 2020 2445 BI
M. C. P. O.
15/1, Shanti Pally

**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, KOSLKATA 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 | 22726 Date: 30.12.2019

To

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

Sir,

Sub: RTI Application filed by Shri Ajay Kumar Jha under Right to Information Act 2005 -reg.

Please find enclosed herewith a RTI application dated 26.12.2019 received in this office on 27.12.2019 and subsequently registered under Registration No. 37/RTI/CGST & CX/Kol/2019-20 dated 27.12.2019, filed by Sri Ajay Kumar Jha, J4-205, Sapoorji Sukhobristi Housing Society, New Town, Action Area-III, Kolkata-700135. 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.

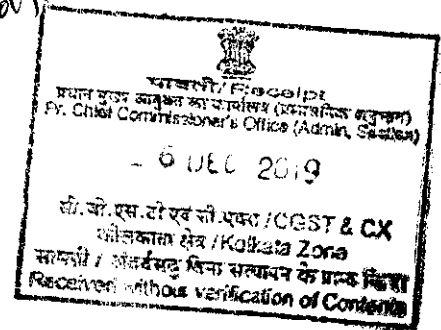
Yours faithfully,

Encl: As Above.

Sub RTI
24/12/20

B. Bhowmick
(B. Bhowmick)
30/12/2019
**CPIO & Assitant Commissioner,
CCO, Kolkata Zone**

To
The CPIO
Office of the Chief Commissioner of CGST
180, Shantipally, Kolkata-700107.



Subject: Request to furnish information under section 6(1) of the Right to Information Act, 2005 on the following questions/points.

Sir,

You are requested to furnish following information/documents.

1. Please provide information in respect of current seniority list of inspectors in circulation in West Bengal Zone from which latest promotion orders to the grade of Superintendents has been issued. In this respect, please provide related OM/order/correspondence/circular number of that seniority list & its publication date. Please also provide information in respect of related OMs/circulars numbers issued by DOPT/CBEC(erstwhile) based on which the current seniority list of inspectors has been issued. Please also provide the copies of note sheets related to preparation and publication of the current seniority list of inspectors.
2. As it is known fact that after publication of a new seniority list, i.e., **Final seniority list of inspectors dated 30.11.2015** in the present case, any earlier seniority list published get superseded by the latest seniority list and there's scope remains only for preparation and publication of a new amended seniority list but not to revert back to earlier seniority lists at the **comfort of authorities**. In this regard, you are requested to provide information if two or more different seniority lists of inspectors are co-currently maintained by the west Bengal (Kolkata) zone for promotion to the grade of Superintendents without the older getting superseded by newer one and are used or going to be used at the luxury/will of the authorities at their whim for giving promotions from one seniority list or other. You are also requested to provide the related OM/Circular/instructions etc. issued by DOPT/Board allowing the authorities for giving promotions from any older superseded list of seniority.
3. Please provide information like OM/Circular/instructions numbers & dates based on which the seniority list of inspectors dated 30.11.2015 in west Bengal (Kolkata) has been issued. Please also provide information whether, the said OM/Circular/instructions are still in force.
4. Please provide information if the superseded draft seniority lists of inspectors of west Bengal (Kolkata) zone published in 2008 and 2010 were in accordance of the OMs 20011/1/2008-Estt.(D) dated 11.11.2010 & 20011/1/2012-Estt(D) dated 04.03.2014 which are still in force.
5. Please provide information in respect of any proposal/step by the department for conducting DPC of inspectors in the west Bengal (Kolkata) zone for the promotion to the grade of Superintendent on the basis of already superseded draft seniority lists of the year 2008 or 2010 which by virtue of publication of Final seniority list dated 30.11.2015 have been ceased to exist.
6. The regular promotion to the grade of Superintendent was accorded to **Shri Nitesh Kumar (Sl. No. 35 of the seniority list of inspectors dated 30.11.2015)** and **Shri Gyanendra Kumar Singh (Sl. No. 36 of the seniority list of inspectors dated 30.11.2015)** vide establishment order no. 21/2016 dated 26.02.2016 and they were placed above Shri Harihar Ghosh who had been

Regd no. 37 / RTI / MDT & CX / Kolkata / 2017-20
dt. 24/12/19

promoted vide establishment order no. 19/2015 dated 01.04.2015. In this regard, please provide the grounds on which Shri Nitesh Kumar and Shri Gyanendra Kumar Singh were promoted on later date and placed above Shri Harihar Ghosh who was promoted on the earlier date. Please provide information of any proposal/step regarding reverting back of such regularly promoted officers as per the position accorded to them in the seniority list of inspectors of the year 2008 or 2010.

7. Please provide information in respect of steps taken by the department for earlier disposal in respect of the W.P. no. 81/2014 at the Hon'ble Calcutta High Court filed by department since last five years in view of diminishing strength of Superintendents in the Zone.

Considering the urgency of the matter having the ingredients for invoking the time limit, it is requested to provide/supply the information within 48 hours or within normal period of seven days as per provisions under section 7 of the RTI Act, 2005.

If the information is not available in your office, kindly forward to the concerned public authority as per section 6(3) of the RTI Act, 2005.

I am a citizen of India and address is given below. Requisite RTI application fee for Rs. 10/- is being remitted by cash vide currency note no JJA738J8

Yours sincerely


(Ajay Kumar Jha)

26-12-2019

J4-205, Sapoorji Sukhobristi Housing
Society, New Town, Action Area-III
Kolkata- 700135

Mobile No.-7061745761

Email id- ajayit@gmail.com

Regd No. 34/RTI/Inst+Ext/Kol/2019-20
dt. 27/12/19



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)96/RTI/CGST/HWH/AKJ/2019-20 / **12879A** Date: **14/01/2020**

To
 Shri Ajay Kumar Jha,
 J4-205, Saporji Sukhobrishti Housing Society,
 New Town Action Area-III,
 Kolkata-700135,
West Bengal.

Sir,

Sub: - RTI application filed by Shri Ajay Kumar Jha, under RTI Act, 2005- reply reg.

Please refer to your RTI application dated 26.12.2019 received by this office on 02.01.2020 as transfer from CPIO & Assistant Commissioner, Pr. CCO Office, CGST & CX, Kolkata Zone, 180, Shanti Pally, Kolkata under Section 6(3) of RTI Act, 2005 and subsequently been registered under Registration No.96/RTI/CGST/HWH/AKJ/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 & Law Branches, Howrah CGST & CEX Commissionerate are mentioned point wise herein below :

Point No.1. The last seniority list of Inspector had been issued vide Office Memorandum under C.No.II(34)I-DPC/Kol-II/2012/12335-55B dated 30.11.2015 **Contains 01(one) page.** The OMs/Circulars of DOPT/CBEC(erstwhile) relied upon for preparing the final seniority list of Inspectors is stated in the OM dated 30.11.2015. 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 Commissionerate is not in a position to provide the certified copies of notesheets and the same may be obtained from the Ad. IIIA section of Board.

Point No 2: In this regard this is to state that the Howrah Commissionerate is not the cadre controlling authority for promotion to the grade of Superintendent. Hence the matter does not pertain to this commissionerate.

Point No.3: The OMs/Circulars of DOPT/CBEC (erstwhile) relied upon for preparing the final seniority list of Inspectors is stated in the OM dated 30.11.2015. As regard to the information whether the OMs/Circular/Instruction are still in force, this does not fall within the ambit of definition of "Information" as per Section 2(f) of the RTI Act ,2005 read with DOPT OM No. 11/2/2008-IR dated 10.07.2008.

Point No. 4: Regarding this point it is to state that the rules/orders/circulars relied upon while preparing the seniority lists published in 2008 and 2010 are stated in OM of those Seniority list. The copies of both the OM are **Contains 02(two) pages.**

Point No.5&6: The information pertaining to the point no.5& 6 are not related to this Commissionerate.

Point no.7: Regarding this point it is to state that the applicant is not at all petitioner/Respondent in the case WP No.81/2014, a third party by this office when the matter is subjudiced before the Hon'ble High Court. Reference is invited to Sec 8(1)(j) of the RTI Act,2005 in regard to exemption from disclosure of information. The information sought has no relationship to any public activity or interest and would cause unwarranted invasion of privacy.

In this regard, it is to be intimated that in order to supply the copies of desired documents, you are requested to send fees for an amount of **Rs.8.00/-(Rs.2 per page x4 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

Contd...2

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

C.No. As above/ / 12-880A

Dated: 14.01.2020

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/2019/22726dated 30.12.2019 for his information.


14/1/2020
(RAM KUMAR BHADURY)
CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX
HOWRAH GST COMMISSIONERATE

