

To  
The Central Public Information Officer (CPIO),  
Howrah CGST&CX Commissionerate,  
15/1, Strand Road,  
Kolkata -700 001.



Sir,

**Subject: Seeking information under Section 6(1) of the RTI Act, 2005.**

Being a citizen of India, I submit this application under Section 6(1) of RTI Act, 2005, alongwith requisite fees of Rs.10/- (Rupees ten only), in cash, requesting for supply of information within normal period of 7 days under Section 7 of the said Act since it relates to court matter.

**Information Sought For**

Vacancy position worked out by the then Kolkata-II Commissionerate (presently Howrah Commissionerate) as contained in pending W.P.C.T. 81 of 2014 before Hon'ble High Court at Calcutta, at page 136 as annexed document of the petition, clearly shows that Direct Recruit (DR) vacancies for the year 2004-05 in the grade of Inspector were worked out as 77 altogether. Against one RTI query, CPIO & Assistant Commissioner, Central Tax, Howrah CGST&CX Commissionerate vide C.No.IV(16)47/RTI/CGST/HWH/PKN/2017/5179-B dated 30.11.02017 supplied a copy of the Ministry of Finacne, Department of Revenue, letter under F. No. A-12034/SSC/1/2003-Ad.III(B)(Vol.III) dated 27.04.2005, which contained a list of newly appointed Inspectors with allocations, and Kolkata Central Excise Zone has been provided with 192 DR appointees, as detailed hereunder :-

SC/ST	OBC	General	Total
44	45	103	192

In this context, it may please be furnished, in the above format, the name, designation (presently held) and place of posting of 77 DR appointees against 2004-05 DR Quota out of 192 candidates sent by Board.

SC/ST	OBC	General	Total
??	??	??	

**Yours faithfully,**

Encl: Rs.10/- (in cash)

*Date :- 24-01-2019*

*Narottam Pandey*  
(NAROTTAM PANDEY) *24-01-2019*  
K/J-14, Jagatpur,  
(Aswininagar)  
P.O.- Gouranganagar  
Kolkata-700 162



**RTI MATTER**

GOVERNMENT OF INDIA  
OFFICE OF THE COMMISSIONER OF CENTRAL TAX, HOWRAH GST COMMISSIONERATE

रजिस्ट्रार बिल्डिंग, 15, 1, स्ट्रैंड रोड, कोलकाता- 700001

M.S. BUILDING OFFICE, 15, 1, STRAND ROAD, KOLKATA- 700001

दूरभाष सं. PHONE NO. 033-2262-8490, फैक्स/ FAX 033-2262-8490, Email: [rtigsthwh@gmail.com](mailto:rtigsthwh@gmail.com)

C. No. IV (16)110 RTI/CGST/HWH/NP/2018-19/ 131636 Date: 28.02.2019

To  
Shri Narottam Pandey  
K/J-14, Jagatpur (Aswaminagar),  
PO-Gouranganagar,  
Kolkata-700012.

Sir,

Sub: - RTI application under RTI Act, 2005 filed by Shri Narottam  
Pandey - Request for furnishing of information - reg.  
\*\*\*\*\*

Please refer to your RTI application dated 24.01.2019 filed directly which has been duly registered vide Registration No. IV(16)110/RTI/CGST/HWH/NP/2018-19 seeking certain information.

The desired information as sought for by you, as received from Section concerned i.e. the Personnel & Vigilance Branch of Howrah CGST & CX Commissionerate, are mentioned below:

"Ministry of Finance, Department of Revenue letter under F.No.A-12034/SSC/1/2003-Ad.III(B)(Vol.III) dated 27.04.2005 does not relate to the vacancies for the year 2004-05".

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 Chetan Lama**, Additional Commissioner & 1<sup>st</sup> Appellate Authority under RTI Act, 2005, Central Tax, Howrah GST Commissionerate, M.S. Building (6th Floor), 15/1 Strand Road, Kolkata - 700 001.

Yours sincerely,

(RAM KUMAR BHADURY)

CPIO & ASSISTANT COMMISSIONER

सीपीआईओ और सहायक कमिशनर,

CENTRAL TAX केंद्रीय कर

HOWRAH GST COMMISSIONERATE

हावड़ा जीएसटी कमिशनरेट

PROFORMA OF FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO  
INFORMATION ACT, 2005

To  
Shri Chetan Lama  
Additional Commissioner,  
Central Tax, Howrah CGST&CX Commissionerate,  
M.S. Building (6<sup>th</sup> Floor),  
15/1, Strand Road,  
Kolkata-700 001.



1. Name of the Applicant : NAROTTAM PANDEY
2. Address of the Applicant : (NAROTTAM PANDEY)  
K/J-14, Jagatpur, (Aswininagar)  
P.O.- Gouranganagar, Kolkata-700 162.
3. Particulars of the Central/Public Information Officer  
(c) Name : Ram Kumar Bhadury,  
CPIO & Assistant Commissioner  
(d) Address : Central Tax, Howrah CGST&CX  
Commissionerate,  
M.S. Building (3<sup>rd</sup> Floor), 15/1, Strand Road,  
Kolkata-700 001.
4. Date of submission of application for seeking information : 24.01.2019
5. Date on which 30/35/40 days from submission of application are over : Not applicable since application is disposed of.
6. Reasons for appeal:  
(d) No response received within the specified period: : Responded to.  
(e) Aggrieved by the response received within the specified period : Aggrieved by non-disclosure of information sought for.  
(f) Grounds of appeal : As per attached sheet.
7. Last date for filing the appeal : Reply having been received on 22.02.2019, last date for filing application is 24.03.2019
8. Particulars of Information  
(d) Information requested : Details of Direct Recruitment through SSC  
(e) Subject : Details of Direct Recruitment through SSC  
(f) Period : 2004-05 and 2005-06
9. Fee for appeal has been deposited : Not applicable.

Place : Aswininagar  
Date : 05-03-2019

Narottam Pandey  
(NAROTTAM PANDEY) 05-03-2019  
K/J-14, Jagatpur,  
(Aswininagar)  
P.O.- Gouranganagar  
Kolkata-700 162

## GROUND OF APPEAL

- A. CPIO furnished incorrect and misleading information and withheld information as sought for.
- B. CPIO cannot shift burden of discharging statutory obligations under RTI Act, 2005 to any officials/Sections of the administration.
- C. CPIO ought to have taken into account WPCT No. 81 of 2014, at page 136 whereof DR vacancies of 2004-05 has been furnished as given hereunder :

### **Page : 136 : For the period 2004-05**

#### **2. By Direct Recruitment**

(i) No. of vacancies to be filled	
(a) Vacancies of the year	: 25
(b) Vacancies brought forward	: 52
(c) Total	: 77
(ii) No. of vacancies actually filled (New Recruits joined)	: 00
(iii) No. of vacancies carried forward	: 77

The above mentioned vacancies of 77 nos. of 2004-05, which were not filled up during 2004-05, were carried forward to the subsequent year (2005-06) and added with current vacancy of 35 nos., to give total DR vacancies for that year to 112 altogether against which 163 nos. have been appointed as it would be evident from the break-up available at page-137 of W.P.C.T. 81 of 2014. Be it please noted that vide Ministry of Finance, Department of Revenue, CBEC F. No. A-12034/SSC/1/2003-Ad.III(B)(Vol.III), dated 27.04.2005, Under Secretary to the Government of India made zone-wise allocation of the candidates who have qualified on the basis of the Graduate Level Examination, 2003, to the posts of Inspector (Central Excise), Inspector (Preventive Officer) and Inspector (Examiner) in the CBEC, out of which in Kolkata Central Excise, 192 candidates have been sent by Board.

Seniority List of Inspectors dated 30.11.2015 clearly depicts particulars of successful SSC examinees of 2003, who are claimed to have joined in 2005 and subsequent years, as affirmed before Hon'ble High Court at Calcutta in W.P.C.T. 81 of 2014. Page 134 of W.P.C.T. 81 of 2014 contains details of DR from the period 01.01.2003 to 31.10.2003, as under :-

#### **2. By Direct Recruitment**

(i) No. of vacancies to be filled	
(a) Vacancies of the year	: 40
(b) Vacancies brought forward	: 00
(c) Total	: 40
(ii) No. of vacancies actually filled (New Recruits joined)	: 00
(iii) No. of vacancies carried forward	: 40

At page 135 of W.P.C.T. 81 of 2014 contains DR particulars for the rest of the period of 2003, as represented below:-

2. By Direct Recruitment

(i)	No. of vacancies to be filled	:	14
(a)	Vacancies of the year	:	40
(b)	Vacancies brought forward	:	54
(c)	Total	:	02
(ii)	No. of vacancies actually filled (New Recruits joined)	:	52
(iii)	No. of vacancies carried forward	:	

From the above, it would be manifestly clear that during the entire period of 2003 and 2004-05, although DR vacancies were available, there were no direct recruitment except 2(two) resulting in "to be carried forward" vacancies of 77 nos. at the end of 2004-05 for being accounted for as "Carried Forward" vacancies of 2005-06, which were filled up during 2005-06 amongst 163 nos. of DR appointees, and there is no earthly reason for not coming to conclusion that those 77 nos. of DR appointees fall under Board's allocation of 192 candidates of 2003 SSC examinees as sent by Board vide its letter dated 27.04.2005.

Therefore, reply given by the CPIO against the instant query, "Ministry of Finance, Department of Revenue letter under F.No. A-12034/SSC/2003-Ad.III(B) (Vol.III) dated 27.04.05 is incorrect and misleading within meaning of Section 20 of RTI Act, 2005.

The appellant herein craves have to produce copy of W.P.C.T. 81 of 2014 showing 77 DR vacancies at the end of 2004-05 and copy of Board's letter dated 27.04.2005, providing list of 2003 SSC examinees allocated to Kolkata Zone of Central Excise.

D. From the allocated list, 77 candidates can be ascertained who were appointed in 2005-06, with break-up, as requested for in the instant RTI application, which has been withheld by the CPIO.

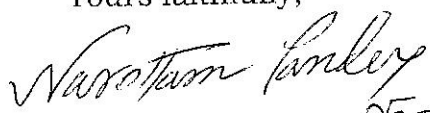
**PRAYER**

(c) To pass an information as prayed for against Point No. 1&2 of the RTI application attached to this appeal.

**and/or**

(d) To give direction to the CPIO to pass information as per (a) above.

Yours faithfully,

  
(NAROTTAM PANDEY) 05-03-2014  
K/J-14, Jagatpur,  
(Aswininagar)  
P.O.- Gouranganagar  
Kolkata-700 162



## **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, 1<sup>st</sup> floor, 15/1, STRAND ROAD, KOLKATA- 700001  
दूरभाष सं/PHONE NO. 033-2262-8490

**ORDER-IN-APPEAL NO. 14/RTI/2018-19**

**Dated 29/03/2019**

**PASSED BY** Shri. Chetan Lama  
Additional Commissioner, 1<sup>st</sup> Appellate Authority,  
Central Tax, CGST & Central Excise,  
Howrah Commissionerate, Custom House  
M.S. Building (6th Floor),  
15/1 Strand Road, Kolkata-700 001.

### **Brief fact of the case**

**Subject:** Appeal filed under Section 19(1) of the RTI Act, 2005 by Shri Narottam Pandey, K/J-14, Jagatpur, Aswininagar, P.O.-Gouranganagar, Kolkata-700 162, against the reply/information furnished by the CPIO, Central Tax, Howrah CGST Commissionerate under C. No. IV (16)110/RTI/CGST/HWH/NP/2018-19/13163B dated 20.02.2019 to the RTI application dated 24.01.2019.

- I.** The appellant filed application dated 24.01.2019 seeking following information from the CPIO & Assistant Commissioner, Howrah CGST Comm'te. The information/query, reply and grounds of appeal are depicted herein below:

**Information sought for :** Vacancy position worked out by the then Kolkata-II Comm'te (presently Howrah Commissionerate) as contained in pending W.P.C.T 81 of 2014 before the Hon'ble High Court at Calcutta, at page 136 annexed document of the petition, clearly shows that Direct Recruit (DR) vacancies for the year 2004-05 in the grade of Inspector were worked out as 77 altogether. Against one RTI query, CPIO & Assistant Commissioner, Central Tax, Howrah CGST & CX Commissionerate vide C.No.IV(16)47/RTI/CGST/HWH/PKN /2017/5179-B dated 30.11.2017 supplied a copy of the Ministry of Finance, Department of Revenue, letter under F.No.A-12034/SSC/1/2003-Ad.III(B)(Vol.III) dated 27.04.2005 which contained a list of newly appointed Inspectors with allocations, and Kolkata Central Excise Zone has been provided with 192 DR appointees, as detailed hereunder:-

SC/ST	OBC	General	Total
44	45	103	192

In this context, the appellant had sought for information viz. the name, designation (presently held) and place of posting of 77 DR appointees against 2004-05 DR Quota out of 192 candidates sent by Board, in the above format.

**Reply of the CPIO:** "Ministry of Finance, Department of Revenue's letter under F.No. A-12034/SSC/1/2003-Ad.III (B) (Vol.III) dated 27.04.2005 does not relate to the vacancies for the year 2004-05."

**Grounds of Appeal:**

- A. CPIO furnished incorrect and misleading information and withheld information as sought for.
- B. CPIO cannot shift burden of discharging statutory obligations under RTI Act. 2005 to any officials/Sections of the administration.
- C. CPIO ought to have taken into account W.P.C.T No.81 of 2014 at page 136 whereof DR vacancies of 2004-05 has been furnished as given hereunder:

**Page : 136 : For the period 2004-05**

**2. By Direct Recruitment**

(i) No. of vacancies to be filled	
(a) Vacancies of the year	: 25
(b) Vacancies brought forward	: 52
(c) Total	: 77
(ii) No. of vacancies actually filled	
(New Recruits joined )	: 00
(iii) No. of vacancies carried forward	: 77

The above mentioned vacancies of 77 Nos. of 2004-05, which were not filled up during 2004-05, were carried forward to the subsequent year (2005-06) and added with current vacancy of 35 Nos., to give total DR vacancies for that year to 112 altogether against which 163 nos. have been appointed as it would be evident from the break-up available at page-137 of W.P.C.T 81 of 2014. Be it please noted that vide Ministry of Finance, Department of Revenue, CBEC F.No. A-12034/SSC/1/2003-Ad.III (B) (Vol.III) dated 27.04.2005, Under Secretary to the Government of India made zone-wise allocation of the candidates who have qualified on the basis of the Graduate Level Examination, 2003, to the posts of Inspectors (Central Excise), Inspector (Preventive Officer) and Inspector (Examiner) in the CBEC, out of which in Kolkata Central Excise, 192 candidates have been sent by Board.

Seniority List of Inspectors dated 30.11.2015 clearly depicts particulars of successful SSC examinees of 2003, who are claimed to have joined in 2005 and subsequent years, as affirmed before Hon'ble High Court at Calcutta in W.P.C.T. 81 of 2014. Page 134 of W.P.C.T. 81 of 2014 contains details of DR from the period 01.01.2003 to 31.10.2003, as under:-



By Direct Recruitment

- (i) No. of vacancies to be filled.
  - (a) Vacancies of the year : 40
  - (b) Vacancies brought forwarded : 00
  - (c) Total : 40
- (ii) No. of vacancies actually filled (New Recruits joined) : 00
- (iii) No. of vacancies carried forwarded : 40

At page 135 of W.P.C.T. 81 of 2014 contains DR particulars for the rest of the period of 2003, as represented below:-

2. By Direct Recruitment

- (i) No. of vacancies to be filled
  - (a) Vacancies of the year : 14
  - (b) Vacancies brought forward : 40
  - (c) Total : 54
- (ii) No. of vacancies actually filled (New Recruits Joined) : 02
- (iii) No. of vacancies carried forward : 52

From the above, it would be manifestly clear that during the entire period of 2003 and 2004-05, although DR vacancies were available, there were no direct recruitment except 2(two) resulting in "to be carried forward" vacancies of 77 nos. at the end of 2004-05 for being accounted for as "Carried Forward" vacancies of 2005-06, which were filled up during 2005-06 amongst 163 nos. of DR appointees, and there is no earthly reason for not coming to conclusion that those 77 nos. of DR appointees fall under Board's allocation of 192 candidates of 2003 SSC examinees as sent by Board vide its letter dated 27.04.2005.

Therefore, reply given by the CPIO against query, "Ministry of Finance, Department of Revenue letter under F.No. A-12034/SSC/2003-Ad.III(B)(Vol.III) dated 27.04.2005 is incorrect and misleading within meaning of Section 20 of RTI Act, 2005.

The appellant herein craves have to produce copy of W.P.C.T. 81 of 2014 showing 77 DR vacancies at the end of 2004-05 and copy of Board's letter dated 27.04.2005, providing list of 2003 SSC examinees allocated to Kolkata Zone of Central Excise.

From the allocated list, 77 candidates can be ascertained who were appointed in 2005-06, with break-up, as requested for in the instant RTI application, which has been withheld by the CPIO.

The appellant has prayed for

- (i) passing an information as prayed for against Point No. 1 & 2 of the RTI application

And / or

- (ii) for giving direction to the CPIO to pass information as per (a) above.



- II. Aggrieved with the reply dated 20.02.2019 the appellant has preferred the instant appeal.

An opportunity for Personal Hearing was granted to the appellant on 22.03.2019 at 11.30 AM. Accordingly, the appellant appeared on the said date before the First Appellate Authority for Personal Hearing. During the personal hearing, the appellant submitted his written submission reiterating what has been sought for in his application.

### III. Discussion & findings

(a) I have gone through the case records, the appeal dated 05/03/2019 vis-à-vis the reply dated 20.02.2019 furnished by the CPIO & Assistant Commissioner, Central Tax, Howrah CGST Commissionerate pertaining to the RTI application dated 24.01.2019 filed by the instant appellant.

(b) In the instant case, I find that the moot point of the instant appeal, to all intents and purposes, revolves around the information of 77 DR appointees who were appointed against 2004-2005 DR Quota out of 192 candidates sent by the Board as contended by the appellant.

(c) As a matter of fact, delving deep into the text of the application and the information sought for it is explicitly clear that the information are pertaining to different details viz. the name, designation (presently held) and place of posting of 77 DR appointees against 2004-05 DR Quota out of 192 candidates sent by Board vide F.No.A-12034/SSC/1/2003-Ad.III (Vol.III) dated 27.04.2005 as contended by appellant.

However, the information sought for by the appellant vis-à-vis the reply dated 20.02.2019 furnished by the CPIO I observe that the same do not seem to be precise and in detail inasmuch as he has neither been able to explain as to how the Ministry of Finance, Department of Revenue's letter under F.No. A-12034/SSC/1/2003-Ad.III (B) (Vol.III) dated 27.04.2005 does not relate to the vacancies for the year 2004-05 nor cited any reasonable ground in defence of his stand. Therefore, I am of the opinion that the reply of the CPIO is not commensurate with the information so sought for by the appellant concerned.


In the light of the above discussion and findings, I proceed to pass the following orders.

### IV. ORDER

- (1) I direct the CPIO to initiate necessary action to furnish detail and precise reply/information to the appellant within 15(Fifteen) days from the date of receipt of this order as to how the Ministry of Finance, Department of Revenue's letter under F.No. A-12034/SSC/1/2003-Ad.III (B) (Vol.III) dated 27.04.2005 does not relate to the vacancies for the year 2004-05.

The appellant is, however, at liberty to prefer a 'Second Appeal' before the Central Information Commission, Room No.326, 2<sup>nd</sup> Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi-110066 within 90-days from the date of receipt of this order.

The appeal is disposed of accordingly.

  
29/03/2019  
(Chetan Lama)

1<sup>st</sup> Appellate Authority

&

Addl. Commissioner of Central Tax  
Howrah CGST Commissionerate


F. No. IV (16)14/RTI/Appeal/CGST/HWH/NP/2018-19/

Dated: 29 /03/2019

Copy for information to:

13709-10-B

- (1) Shri Narottam Pandey, K/J-14, Jagatpur, Aswininagar, P.O.-Gouranganagar, Kolkata-700 162.
- (2) The CPIO & Assistant Commissioner, CGST & C.Ex., Howrah CGST & C.Ex. Commissionerate, Kolkata for compliance.

  
29/03/2019  
(Chetan Lama),

1<sup>st</sup> Appellate Authority,

&

Addl. Commissioner of Central Tax  
Howrah CGST Commissionerate

o/c