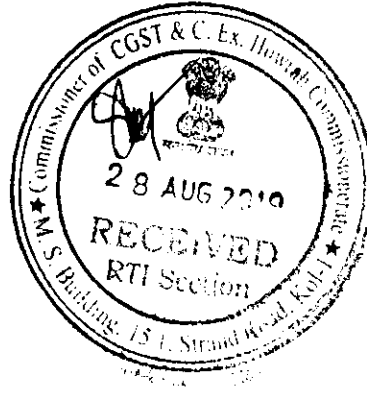


To,  
The C P I O,  
Howrah Commissionerate,  
CGST & CX.  
15/1, Strand Road,  
Custom House,  
Kolkata – 700001



SUB: Seeking Information Under RTI Act.

Ref: -MACP regarding Sri HARADHAN BHATTACHARYYA retired STA from Berhampore CGST & CX Divn.

Information required: -

1. Wherein the Vigilance clearance along with APAR Grading in respect of Sri Haradhan Bhattacharya sent to your office by the office of Bolpur Commissionerate on 16.05.2019 has been received by the office your honour.
2. Action – taken status
3. Date of next DPC for the case

A blank postal order of RS. 10/- (Rs. Ten) only is attached herewith. Postal order no. is -08F 326812

Appeal: -

Your honour is fervently requested to look into the matter and apprise the applicant of latest position of the case in question.

Hope all cooperation & consideration will meet with my prayer in order to rescue me out my family from financial crunch in this hour of hard times we are confronting.

Regards,

Yours faithfully,

*Haradhan Bhattacharya*

(HARADHAN BHATTACHARYYA)

Retired STA from Berhampore CGST & CX Divn.

Address: 89/A, Kathmapara lane,

P.O.- Khagra ,P.S.- Berhampore

DIST- Murshidabad, PIN- 742103

Contact: - 9434514154

Dated: 26/08/2019



NATION  
TAX  
MARKET

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

C. No. IV (16)53/RTI/CGST/HWH/HB/2019-20/18254A

Date: 04.09.2019

To  
Shri Haradhan Bhattacharya,  
89/A, Kathmapara Lane,  
P.O.Khagra, P.S. Berhampore,  
Dist. Murshidabad,  
PIN-742103.

Sir,

**Sub:** RTI application under RTI Act, 2005 filed by Shri Haradhan Bhattacharya - reg.  
\*\*\*\*\*

Please refer to your RTI application dated 26.08.2019 (received by this office on 28.08.2019) filed directly and subsequently been registered under Registration No. 53/RTI/CGST/HWH/HB/2019-20.

The desired informations 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. DPC Branch, Howrah CGST & CEX Commissionerate are mentioned point wise herein below :

**Reply against Point No.1.** Yes, the Vigilance Clearance along with APAR Grading in respect of Sri Haradhan Bhattacharya sent to this office by the office of Bolpur Commissionerate on 16.05.2019 has been received by this office.

**Reply against Point No. 2:** The service particulars along with all relevant documents including APAR gradings and Vigilance Clearance etc. were placed before DSC in the meeting held on 27.05.2014<sup>9</sup> and 28.05.2019 for financial upgradation under MACP Scheme. The DSC scrutinized all the documents and recommended the case as Unfit [w.r.t. DoPT OM No. 35034/3/2008-Estt(D) dated 19.05.2009] as three promotions have already been granted..

**Reply against Point No. 3:** The next date of DSC is yet to be decided.

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 & 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 faithfully,

*Binay Krishna Mandal*  
(BINAY KRISHNA MANDAL)  
CPIO & ASSISTANT COMMISSIONER  
CENTRAL TAX  
HOWRAH GST COMMISSIONERATE

*mc*

(02)  
16/9/19



Super  
(FAA)

4  
16/09

To,  
Shri Pradip Kumar Bohra  
Additional Commissioner & 1<sup>st</sup> Appellate Authority  
Under RTI ACT 2005  
Central Tax, Howrah GST Commissionerate  
M.S. Building (6<sup>th</sup> Floor),  
15/1 Strand Road  
Kolkata 700001

Sub: Financial upgradation under MACP scheme.

Ref: RTI application filed under RTI ACT 2005 to CPIO & Assistant Commissioner, Central Tax, Howrah CGST Commissionerate.

Sir,

Advised by CPIO & Asst. Commissioner Central Tax against my RTI application dated 26/08/2019 I do hereby approach you with my service tenure in detail below for your kind consideration and necessary action.

My service tenure is as follows:-

1. I joined as Sepoy on 24-03-1983.
2. Retired as on E.A from Berhampore Divn. Under Bolpur Commissionerate as on 30-09-2017.
3. On completion of 12 years of service I got 1<sup>st</sup> A.C.P on 09.08.1999 with pay scale of 2650-65-3300-4000(Refer to copy No.4)
4. Promoted to the grade of Havalder on 23-12-2002 with pay scale " 2750-70-3800-75-4400 " which is wrong (Ref to Copy no. 5)
5. Again MACP clarification (Ref – copy no. 6 & 7) Sepoy and Havalder merged (Introduced date of MACP on 01.09.2008.
6. Group 'D' having pay scale 2650 & 2750 is eligible for MACP on completion of 10,20&30 years of service.
7. Before my superannuation Audit gave an objection (Ref. Copy No. 2) in respect of wrong fixation during above said point .(Point no. 3 & 4)
8. On the basis of the said objection A.C., CGST. Berhampore Divn. Recovered an amount of Rs. 1,05,332.00 ( REF copy no. 3 ) from my gratuity. As per Audit objection earlier said on ( point no. 7) I am now eligible for 1<sup>st</sup> & 2<sup>nd</sup> MACP as on 01.09.2008 proposal of my name for granting of MACP was sent thrice from Berhampore Divn.( Ref. Copy No. 1)

Under the above circumstances I appeal to you for proper justice.

Regards,

Date: 16.09.2019

Address:  
89/A, Kathmapara lane,  
Khagra, Berhampore  
Murshidabad, 742103  
Contact No.: 9434514154

Yours faithfully,

Haradhan Bhattacharya



NATION  
TAX  
MARKET

## RTI MATTER

भारतसरकार GOVERNMENT OF INDIA  
OFFICE OF THE COMMISSIONER OF CENTRAL TAX, HOWRAH GST COMMISSIONERATE  
एम.एस. बिल्डिंग, 15/1, स्ट्रैंडरोड, कोलकाता- 700001  
M.S. BUILDING, 2<sup>nd</sup> floor, 15/1, STRAND ROAD, KOLKATA- 700001  
दूरभाषसं/PHONE NO. 033-2262-8490

**ORDER-IN-APPEAL NO.07/RTI/2019-20**

**Dated 25/09/2019**

**PASSED BY** Shri. Pradeep Kumar Bohra  
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 Haradhan Bhattacharya, 89/A, Kathmapara Lane, P.O.Khagra, P.S. Berhampore, Dist. Murshidabad, PIN-742103 against the reply/information furnished by the CPIO, Central Tax, Howrah CGST Commissionerate under C.No.IV(16)53/RTI/CGST/HWH/HB/2019-20/8254A dt. 04.09.19 pertaining to the RTI application dated 26.08.2019.

I. The appellant filed application dated 26.08.2019 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:**

- (1) Wherein the Vigilance clearance along with APAR Grading in respect of Sri Haradhan Bhattacharya sent to your office by the office of Bolpur Commissionerate on 16.05.2019 has been received by the office your honour.
- (2) Action- taken status.
- (3) Date of next DPC for the case

#### **Reply of the CPIO:**

- (1) Yes, the Vigilance Clearance along with APAR Grading in respect of Sri Haradhan Bhattacharya sent to this office by the office of Bolpur Commissionerate on 16.05.2019 has been received by this office.
- (2) The service particulars along with all relevant documents including APAR gradings and Vigilance Clearance etc. were placed before DSC in the meeting held on 27.05.2019 and 28.05.2019 for financial upgradation under MACP Scheme. The DSC scrutinized all the documents and recommended the case as Unfit [w.r.t. DoPT OM No. 35034/3/2008-Estt(D) dated 19.05.2009] as three promotions have already been granted.
- (3) The next date of DSC is yet to be decided.

**Reasons for appeal:** The instant appeal revolves around financial upgradation under MACP scheme. Consequently, being aggrieved with the reply dated 04/09/2019 of the CPIO, the instant appeal has been filed by the appellant on the following grounds:

**Grounds of appeal:** The appellant has not mentioned any grounds of appeal in the instant appeal dated 16.09.2019.

**Relief Sought for:** To give proper justice regarding the appellant's MACP scheme.

**II.** Aggrieved with the reply dated 04.09.2019 the appellant has preferred the instant appeal.

The Appellant has thus prayed for the following relief:

Prayer for providing proper justice of appellant's financial upgradation under MACP scheme.

**III.** An opportunity for Personal Hearing was granted to the appellant on 24.09.2019 at 12.00 PM. The appellant appeared before the First Appellate Authority on the said date for Personal Hearing. During the course of personal hearing, the appellant has orally prayed for relief on the issue of his MACP.

#### **IV. Discussion & finding**

(a) I have gone through the case records, the appeal dated 16.09.2019 vis-à-vis the reply dated 04.09.2019 furnished by the CPIO & Assistant Commissioner, Central Tax, Howrah CGST Commissionerate pertaining to the RTI application dated 26.08.2019 filed by the instant appellant including the oral submissions made by the appellant during the course of Personal Hearing.

(b) In the instant case, I find that the moot point of the appeal, to all intents and purposes, revolves around financial up gradation under MACP scheme. I intend to examine the issue from the perspective of the information sought for by the appellant vis-à-vis the reply/information furnished by the CPIO concerned. From the textures/wordings, as elicited from the CPIO's reply/information, it is amply clear that the CPIO has rightly provided the point wise information to the appellant as desired.

However, on a plain reading of the instant appeal, I find that no grounds of appeal have been framed/cited by the Appellant in the subject appeal. Instead, the same contains service particulars of the appellant along with bunch of documents pertaining to his MACP. Now, since the appellant has prayed for proper justice in relation of his application, I have no other option but to ponder over the instant matter in the light of the information sought for and the reply furnished by the CPIO concerned. To my considered views, the CPIO has correctly provided the information as available with him to the appellant coupled with the fact that the reply is to the point, well commensurate and in consonance with the information so sought for by the appellant. Thus, I hold that proper justice has already been made by the CPIO in his capacity to the appellant through the point wise information so provided.

(c) Now, I intend to take into account the oral submissions made by the appellant during the course of personal hearing which exclusively borders on some sort of grievances relating to his pay fixation. In this premise, it will be in the relevance of things to cite that the First Appellate Authority is neither empowered by the provision of the RTI Act and, ipso-facto, nor

supposed to perform as a Grievance Redressal Authority. Thus, the functioning of the First Appellate Authority is strictly confined to look into the aspect of furnishing information and/ or supply of documents so sought for by an applicant under the RTI Act.

(d) In the emerged circumstances, I opine that the CPIO has rightly provided the information to the applicant. Therefore, I have no hesitation to concur with the stand taken by the CPIO concerned in the instant case.


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

**V. ORDER**

(1) I uphold the stand taken by the CPIO in the instant case and reject the appeal.

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.

  
(~~PRADEEP KUMAR BOHRA~~)  
1<sup>st</sup> Appellate Authority  
&  
Additional Commissioner  
CGST & CX  
Howrah CGST Commissionerate

C. No. IV (16)07/RTI-Appeal/CGST/HWH/HB/2019-20 /


Date: 25.09.2019

9598-99A

Copy for information to:

(1) Shri Haradhan Bhattacharya, 89/A, Kathmapara Lane, P.O. Khagra, P.S. Berhampore, Dist. Murshidabad, PIN-742103

(2) The CPIO & Assistant Commissioner, CGST & C.Ex., Howrah CGST C.Ex. Commissionerate, Kolkata.

  
(~~PRADEEP KUMAR BOHRA~~)  
1<sup>st</sup> Appellate Authority  
&  
Additional Commissioner  
Howrah CGST Commissionerate

o/c