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भारत सरकार
GOVERNMENT OF INDIA
महानगर 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, दुर्गा चौर, 180, शांतिपाली, 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)/84/CGST/Pr. CCO/RTI/March-19/2019/Kol/

Date: 28.03.2019

To
Shri Sanjib Kumar Raul,
26-Swami Vivekananda Road,
Flat No. 3, Baghajatin Kolkata-700032.

Sir,

Sub: RTI Application dated 27.03.2019 filed by Shri Sanjib Kumar Raul under Right to Information Act 2005 -req.

Please refer to the above mentioned subject. The application was received at this end on 27.03.2019 and has subsequently been registered at this office vide Regn. No 106/RTI/CGST/CC/KOL/2019 dated 27.03.2019.

The information sought in your RTI application is partially available with this CPIO, which will be provided separately. and for remaining information, it may be available with the CPIO, Office of the Commissioner, CGST & CX, Howrah Commissionerate under Kolkata Zone. Accordingly, copy of your RTI application is being transferred to the CPIO of the above mentioned Office, for providing you the requisite information directly under Section 6(3) of the Right to Information Act, 2005.

If you are aggrieved or dissatisfied with the reply provided by this CPIO, you are at liberty to prefer an appeal within 30 days to the 1st Appellate Authority Mr. K.G.V.N. Suryateja, Joint Commissioner, Office of the Principal Chief Commissioner of CGST, Kolkata Zone, Kendriya GST Bhawan, 2nd floor, 180 Shantipally, Rajdanga Main Road, R.B. Connector, Kolkata -700107.

Yours Sincerely,

Sanjib Kumar Raul (RTI)
4/4/19
AC

29/3/19
(Md. Faizul Haque)
CPIO & Joint Commissioner (In-Situ),
CCO, Kolkata Zone

Copy to:

- ✓ The CPIO, Office of the Commissioner, CGST & CX, **Howrah Commissionerate** under Kolkata Zone with a request to provide information directly to the applicant within the stipulated time provided under the RTI Act under intimation to this office. Copy of the said RTI application of Shri Sanjib Kumar Raul is enclosed herewith

Yours Faithfully,

29/3/19
(Md. Faizul Haque)
CPIO & Joint Commissioner (In-Situ),
CCO, Kolkata Zone

The Central Public Information Officer
Office of the Chief Commissioner (C.C.O.),
CGST & CX, Kolkata
GST Bhawan
180 Shantipally, Rajdanga Main Road
Kolkata - 700 107

Hon'ble Sir,

Subject: Application filed under Section 6(1) of the R.T.I. Act, 2005.

It is a matter of facts and records that the Seniority List of Inspectors published on 30th November, 2015, applying N.R. Parmar Judgment and unsettling settled seniority as fixed in the Seniority List dated 21.02.2008 and 31st March, 2010, whereby the junior direct recruits of 2005 and subsequent years have been made senior to 2003 batch of promotes. The said seniority list dated 30th November, 2015 has been made subject to final outcome of the W.P.C.T. No. 81 of 2014 (U.O.I. & Ors. Vs. Shri Devesh Sankar Srivastava & Ors.) who is one of the junior direct recruits and hence one of the beneficiaries in the redrawn seniority list dated 30th November, 2015 which has been published when the stay order issued by the Hon'ble High Court, Kolkata on 28th July, 2014 in W.P.C.T. No. 81 of 2014 against the order of the Ld. Central Administrative Tribunal, Kolkata Bench for restoring seniority list in respect of the seniority list dated 31st March, 2010 is still alive.

Thereafter, the Board has issued clarificatory letter on 02.12.2016 for implementation of N.R. Parmar Judgment with prospective applicability, i.e., after 27th November, 2012. The then Chief Commissioner formed several committees - first, headed by the Cadre Controlling Commissioner and higher-level officers for implementation of N.R. Parmar Judgment in the light of Board's letter dated 02.12.2016 (subsequently confirmed under Board's letter dated 23.02.2018 and 31st August, 2018), where it has been decided that the N.R. Parmar judgment shall be prospectively applicable.

All of a sudden, status of high-power committee has been down-graded by comprising of the junior grade officers and staff having no jurisdiction, authority and power over cadre control and the said Shri Devesh Sankar Srivastava who is the main private respondent in the W.P.C.T. No. 81 of 2014 (and having already been benefited by promotion to the grade of Superintendent and having been posted in the Commissionerate of Customs (Preventive), West Bengal, Kolkata and having no role in the administrative matter even in its remotest proximity) was inducted in the said committee that derailed the earlier decision on prospective implementation of N.R. Parmar Judgment. His deliberation to espouse his own cause is evident from the minutes of the meeting held on 7th September, 2017 [Annexure-6 to the reply of the respondent in the matter of O.A. No. 350/2008 of 2018 (Shri Avijit Das and Ors. Vs. U.O.I. & Ors.)]

Information sought for :-

Please furnish the note-sheet pages relating to the induction of Shri Devesh Sankar Srivastava in the Committee formed by the C.C.O. to review the Seniority List of all grades in the light of N.R. Parmar judgment and all the deliberations made by him (note-sheet pages and correspondence pages of the concerned file) till his exit from the said committee and also those relevant to his exit from the said committee.

Enclosed submit a 10 Rupee Note as requisite fees and undertake to pay further if asked for.

ENCL: A 10(ten) Rupee Note No.42P 119216.

Yours faithfully,

(Signature)

(SANJIB KUMAR RAUL) 27/03/2019
26-Swami Vivekananda Road
Flat No.3, Baghajain,
Kolkata - 700 032.

C. No. IV (16)03/RTI/CGST/HWH/SKR/2019-20 / 1551A

Date: 29.04.2019

To

Shri Sanjib Kumar Raul,
26-Swami Vivekananda Road,
Flat No.3, Baghajatin,
Kolkata-700032.

Sir,

Sub: - RTI application under RTI Act, 2005 filed by Sanjib Kumar Raul
- Request for furnishing of information - reg.

Please refer to your RTI application dated 27.03.2019 received by this office on 04.04.2019 from the CPIO & JC (In-Situ), Pr. CCO, CGST & CX, Kolkata Zone, 180, Shantipally, GST Bhawan, 2nd Floor, Kolkata-700107 which has been registered under Registration No. 03/RTI/CGST/ HWH/SKR/2019-20.

The desired information in respect of Howrah CGST & CX Commissionerate as sought for by you and as received from the Section concerned i.e. the HQ DPC & ET Branch of Howrah CGST & CX Commissionerate are mentioned below:

- i) Information sought for:-
The note-sheet pages relating to the induction of Shri Devesh Sankar Srivastava in the Committee formed by the CCO to review the Seniority list of all grades in the light of N.R.Parmar Judgement.

Reply: This is for your information that the instant issue neither does pertain to DPC Branch nor dealt with by the Establishment Section of Howrah CGST and Central Excise Commissionerate.

- ii) Information sought for:-
All the deliberations made by him (note sheet pages and correspondence pages of the concerned file) till his exit from the said committee and also those relevant to his exit from the said committee.

Reply: The CPIO is not in a position to furnish any information/reply in view of the reply as contained in Query No. i) above.

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 & 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 sincerely,

(RAM KUMAR BHADURY)
CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX
HOWRAH GST COMMISSIONERATE

C. No. As above/

/ 1551A

Dated: 29 /04/2019

Copy to the CPIO & JC (In-Situ), Pr. CCO, CGST & C.Ex., Kolkata Zone, 180, Shantipally, GST Bhawan, 2nd Floor, Kolkata-700107 with reference to his endorsement under F.No.V(30)84/CGST/Pr.CCO/RTI/March-19/2019/Kol/5324 dated 29.03.2019 for his information please.

(RAM KUMAR BHADURY)
CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX