

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	GSTJP/R/T/24/00014	Date of Receipt (प्राप्ति की तारीख) :	29/02/2024
Transferred From (से स्थानांतरित):	Central Board of Excise and Customs - Central Excise on 29/02/2024 With Reference Number : CBECE/R/E/24/00135		
Remarks(टिप्पणी) :	Pertains to you.		
Type of Receipt (रसीद का प्रकार) :	Electronically Transferred from Other Public Authority	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Prabhu CG	Gender (लिंग) :	Male
Address (पता) :	No.321,Sreeniketana, 7th Cross, Bhuvaneshwarinagar, BSK III Stage, III Phase, V Block,, Bengaluru, Pin:560085		
State (राज्य) :	Karnataka	Country (देश) :	India
Phone Number (फोन नंबर) :	+91-9448753764	Mobile Number (मोबाईल नंबर) :	+91-9448753764
Email-ID (ईमेल-आईडी) :	prabhucg64@gmail.com		
Status (स्थिति)(Rural/Urban) :	Urban	Education Status :	Graduate
Requester Letter Number(निवेदक पत्र संख्या) :	Details not provided	Letter Date :	Details not provided
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	0 (Received by Central Board of Excise and Customs - Central Excise) (original recipient)	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	Anupama Saksena, CCO, JZ
Information Sought (जानकारी मांगी):	PDF file attached.		
Original RTI Text (मूल आरटीआई पाठ):	PDF file attached.		

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Please provide following information and copies of documents sought for. These data would be used for analysis of the exercise of powers vested on Appellate Authorities who also review the orders and propose for revision of penalty imposed by the disciplinary authority. The information sought is in public interest and hence no privilege clause is applicable.

1. DoPT's instructions / circulars / notifications regarding procedure to be followed by the appellate authority in exercise of powers vested under Rule 29 of the CCS (CCA) Rules, 1965 while reviewing the order of penalty imposed by disciplinary authority as per Rule 11 of the said Rules
2. DoPT's instructions / circulars / notifications regarding procedure to be followed by the appellate authority in revision proceedings for enhancement of the penalty of compulsory retirement already imposed on a government servant in terms of said Rule 11(vii) of the CCS (CCA) Rules, 1965
3. DoPT's instructions / circulars / notifications empowering the appellate authority to review and issue notice for revision of penalty by referring to findings of another case of same government servant which had already been accepted in review
4. Zone wise number of orders-in-original passed by the disciplinary authority imposing minor penalty as specified under Rule 11(i) to 11(iv) of the CCS (CCA) Rules, 1965 during the years 2022 & 2023
5. Zone wise number of orders-in-original passed by the disciplinary authority imposing major penalty as specified under Rule 11(v) to 11(ix) of the CCS (CCA) Rules, 1965 during the years 2022 & 2023
6. Zone wise number of orders-in-original out of (4) above that were reviewed and proposed for revision for enhancement of penalty during the years 2022 & 2023
7. Zone wise number of orders-in-original out of (5) above that were reviewed and proposed for revision for enhancement of penalty during the years 2022 & 2023
8. Zone wise number of orders in revision out of (6) above issued for enhancement of penalty during the years 2022 & 2023
9. Zone wise number of orders in revision out of (7) above issued for enhancement of penalty during the years 2022 & 2023

10. Zone wise number of orders in revision issued after communicating the opinion of the Commission as required under the provisions of Rule 29 of the CCS (CCA) Rules, 1965, during the years 2022 & 2023
11. Number of orders of enhancement of penalty issued by the President of India as revisionary authority during the years 2022 & 2023
12. Zone wise number of cases where the appellate authority in revision proceedings has remanded the case to original disciplinary authority for enhancing the quantum of penalty imposable under Rule 11 of the CCS (CCA) Rules, 1965 in respect of serving government servants during the years 2022, 2023 & 2024
13. Zone wise number of cases where the appellate authority in revision proceedings has remanded the case to original disciplinary authority for enhancing the quantum of penalty imposable under Rule 11 of the CCS (CCA) Rules, 1965 in respect of retired government servants during the years 2022, 2023 & 2024



कार्यालय मुख्य आयुक्त
Office of the Chief Commissioner
सीजीएसटी एवं केन्द्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर
CGST & Central Excise (Jaipur Zone), Jaipur

F.No. GCCO/RTI/APP/402/2024-LEGAL

Dated .03.2024

To,

Sh. Prabhu CG,
No. 321, Sreeniketana,
7th Cross, Bhuvaneshwarinagar,
BSK III stage, III Phase, V Block,
Bengaluru, Karnataka-560085

Sir,

Subject: - Online RTI application Registration No. GSTJP/R/T/24/00014 dated 29.02.2024, filed by Sh. Prabhu CG, No. 321, Sreeniketana, 7th Cross, Bhuvaneshwarinagar, BSK III stage, III Phase, V Block, Bengaluru, Karnataka-560085 – reg.

Please refer to your RTI application Registration No. GSTJP/R/T/24/00014 dated 29.02.2024 for providing information under RTI Act, 2005.

In this context, the reply/information sought is as under:-

Point no. 1,2 & 3	<i>Applicant has not specified the document required. Further, DOPT's instructions /circulars/notifications are available on DOPT's website. As such, the same cannot be termed as "information" under Section 2(j) of the RTI Act, 2005 in the light of Decision dated 12.04.2007 of Hon'ble CIC, New Delhi in the matter of K. Lall vs. M.K. Bagri (File no. CIC/AT/A/2007/00112) wherein it was held that "It shall be interesting to examine this proposition. Section 2(j) of the RTI Act speaks of 'the right to information accessible under this Act which is held by or under the control of any public authority.....' The use of the words 'accessible under this Act'; 'held by' and 'under the control of' are crucial in this regard. The inference from the text of this subsection and, especially the three expressions quoted above, is that an information to which a citizen will have a right should be shown to be- a) an information which is accessible under the RTI Act and b) that is held or is under the control of a certain public authority. This should mean that unless information is exclusively held and controlled by a public authority, that information cannot be said to be information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a predetermined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act".</i>
Point no. 4 & 5	<i>Information is not being maintained in the form as required. The CPIO is not supposed to go through individual file to create information; or to interpret information; or to solve the problems raised by the applicant. This would amount to creation of information which the CPIO is not expected to. Hence, the same can't be provided being the same not qualified as information in terms of qualified as information in terms of Section 2(f) of the RTI Act, 2005.</i>
Point no. 6 to 10, 12 & 13	<i>Information is not being maintained in the form as required. The CPIO is not supposed to go through individual file to create information; or to interpret information; or to solve the problems raised by the applicant. This would amount to</i>

I/194/794/2024	<i>creation of information which the CPIO is not expected to. Hence, the same can't be provided being the same not qualified as information in terms of qualified as information in terms of Section 2(f) of the RTI Act, 2005.</i>
Point No.11	<i>Not available with this office.</i>

If you are not satisfied with above reply, you may prefer an appeal against the reply within 30 days of receipt of this reply to The Appellate Authority and Additional Commissioner, Office of the Chief Commissioner, CGST & Central Excise (JZ) Jaipur, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur-302005. _

Yours sincerely,

Signed by Anupama Saksena

Date: 19-03-2024 14:03:52

Reason: Approved

(Anupama Saksena)

CPIO & Assistant Commissioner

Copy to:-

1. Superintendent (Computer), CGST & Central Excise, Jaipur to upload on Zonal website.