

I/ [REDACTED] /2019

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submissions which cannot be taken into consideration at this stage.

5. In view of the above, I pass the following order:

**Order:**

The appeal is rejected and disposed of accordingly.

(RAJAN LACHALA)  
1<sup>st</sup> Appellate Authority (RTI)  
GST Commissionerate, Ludhiana.

**Speed Post/copy to:-**

1. Sh. [REDACTED] ( [REDACTED] ), S/o S. [REDACTED]  
[REDACTED], Model Town [REDACTED] a [REDACTED]
2. The CPIO, GST Division Ludhiana-East, Ludhiana for information and necessary action.

I/ [REDACTED] /2019

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as to how and why the reply to RTI application is 'Nil'.

4. **Discussion and Findings:**

4.1: I have carefully examined the appeal filed by the Appellant, CPIO's reply to the notice and relevant provisions of the Act.

4.2: I find that the appellant is aggrieved for not providing the desired information.

4.3: I further observe that the information as requested by the appellant has already been supplied to the appellant as 'Nil' as no information was reportedly available with the CPIO. Hence not, supplied to the appellant.

4.4 Before deciding on the issue, it will be in the fitness of things to revisit Section 2(f) of the Act which exclusively defines **information**. The same is reproduced below:

Section 2:-----

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*(f)- 'information' means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force:*

Thus, from the above it is vivid that the information in possession of the public authority in any form as stipulated above is bound to be provided to the information seeker, of course under certain exceptions which are separately deliberated upon under Section 8 of the Act. It also inter-alia means that the information, only in possession of the public authority needs to be supplied to the appellant and in no case can be created for the appellant.

Therefore, I do not find any reason do intervene into the decision of the CPIO keeping in view of the facts that the desired information is not available with him.

I also observe that vide e-mail dated 02.05.2019 the appellant has added some more

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e-mail) on the following grounds:

a) I had requested for providing of information regarding the details of the payment made to me in view of Office Order issued vide C. No. II-24(5) Pay & Cash/2008 dated 19.04.2010 by Additional Commissioner (Admn), Office of The Commissioner, Central Excise, Chandigarh-I vide which my pay was fixed w.e.f. 01.01.2006 as Pay Band 17870/- and Grade Pay Rs.5400/- in pursuance of CBEC letter issued vide F. No. A-26017/98/2008-Ad.II(A) dated 23rd December, 2009 mentioned in the Office Order. Reply has been given -Nil.

The information regarding the details of the payment made to me in view of Office Order issued vide C. No. II-24(5) Pay & Cash/2008 dated 19.04.2010 by Additional Commissioner (Admn), Office of The Commissioner, Central Excise, Chandigarh-I vide which my pay was fixed w.e.f. 01.01.2006 as Pay Band 17870/- and Grade Pay Rs.5400/- in pursuance of CBEC letter issued vide F. No. A-26017/98/2008-Ad.II(A) dated 23rd December, 2009 mentioned in the Office Order must be available in the records.



b) I had requested for the details of arrear paid to me w.e.f. 01.01.2006 in pursuance of the above said Office Order dated 19.04.2010 along with worksheet for calculation of the arrear payable/paid to me in the same format as reflected in pay bills i.e. basic pay, D.A., A.D.A. and other allowances separately. Again, reply has been given as - Nil.

I am unable to comprehend why the information sought by me is Nil as I had joined as Superintendent (Tech) in the then Central Excise Division, Ludhiana-II in May, 2010 (Presently CGST Division-East, Ludhiana) and the records of pay and allowances of the staff working therein are available with them.

**It is, therefore, requested that it may be specifically intimated whether the payment in this regard has been made or not. Otherwise Nil information provided vide letter dated 08.04.2019 shall have to be treated as the payment has not been made to me in this regard.**

**3. Reply to the Notice by CPIO:**

3.1: A notice vide File No. TECH-RTI0APL/2019-HQ-GST-LDH/2019 dated 26.04.2019 was issued to the CPIO to provide comments on the appeal filed by the Appellant. The CPIO vide his letter C. No. IV(16)Tech/RTI/2016/461 dated 08.05.2019 has replied to the notice. The CPIO has reiterated his earlier submissions and has deliberated upon

	<p style="text-align: center;">कार्यालय प्रधान आयुक्त OFFICE OF THE PRINCIPAL COMMISSIONER, माल एवम सेवा कर आयुक्तालय- लुधियाना CENTRAL GOODS AND SERVICES TAX COMMISSIONERATE-LUDHIANA जीएसटी भवन , फ ब्लॉक, ऋषि नगर लुधियाना-141001 GST BHAWAN, F-BLOCK, RISHI NAGAR, LUDHIANA-141001 दूरभाष/Phone No. 0161-2679415, फैक्स/Fax No.-0161-2304881 ई-मेल/E-mail: gst.ludhiana@gov.in</p>	
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दिनांक: 22/05/2019

**Order-in-Appeal No. : 01/RTI/GST/Ldh/19**

(An appeal against this order lies to the Central Information Commission, Block No. 5 (5<sup>th</sup> Floor), Old JNU Campus, New Delhi. This copy is issued to the individual for his/her personal use free of cost. The person feeling aggrieved with this order can file appeal to the Appellate Authority within 90 days of the receipt of this order)

**Brief Facts:**

Shri [REDACTED] ( [REDACTED] ), S/o [REDACTED] Singh, [REDACTED], Model Town [REDACTED], [REDACTED] (hereinafter referred to as the "appellant"), vide his RTI application dated 26.02.2019, received in the office of Central Public Information Officer, GST Commissionerate Ludhiana on 06.03.2019 through GST Commissionerate Jalandhar under Section 6(3) seeking information under RTI Act, 2005.

The application was transferred to CPIO, GST Division-East, Ludhiana (Erstwhile Central Excise Division-II, Ludhiana) under Section 6(3) of the RTI Act and also disposed of by the CPIO, GST Division-East, Ludhiana.

**2. Grounds of Appeal:**

2.1: That the CPIO vide his office letter IV(16)Tech/RTI/[REDACTED]/2016/[REDACTED] dated 08.04.2019 had provided reply to the RTI application.

2.2: The Appellant, being not satisfied, has filed an appeal received on 25.04.2019 ( through

me in view of Office Order issued vide C.No.II-24(5) Pay & Cash/2008 dated 19.04.2010 by Additional Commissioner (Admn), Office of The Commissioner, Central Excise, Chandigarh-I vide which my pay was fixed w.e.f. 01.01.2006 as Pay Band 17870/- and Grade Pay Rs.5400/- in pursuance of CBEC letter issued vide F.No. A-26017/98/2008-Ad.II(A) dated 23<sup>rd</sup> December,2009 mentioned in the Office Order must be available in the records.

b) I had requested for the details of arrear paid to me w.e.f. 01.01.2006 in pursuance of the above said Office Order dated 19.04.2010 along with worksheet for calculation of the arrear payable/paid to me in the same format as reflected in pay bills i.e. basic pay, D.A., A.D.A. and other allowances separately.

Again, reply has been given as - Nil.

Again, I am unable to comprehend why the information sought by me is Nil as I had joined as Superintendent (Tech) in the then Central Excise Division, Ludhiana-II in May, 2010 (Presently CGST Division- East, Ludhiana) and the records of pay and allowances of the staff working therein are available with them. The information regarding the details of the arrears paid to me w.e.f. 01.01.2006 in view of above said Office Order issued vide C.No.II-24(5) Pay & Cash/2008 dated 19.04.2010.

c) I had requested for supply of a certified photocopy of my service book and the page number on which payment made to me on account of the above said Office Order has been reflected.

Reply received in this regard is OK as the service book is available with the CGST Commissionerate, Jalandhar.

7. Last date for filing the appeal : 09.05.2019.

8. Particulars of Information

(a) Kindly provide details of the payment made to me, if any, in view of Office Order issued vide C.No.II-24(5) Pay & Cash/2008 dated 19.04.2010 by Additional Commissioner (Admn), Office of The Commissioner, Central Excise, Chandigarh-I vide which my pay was fixed w.e.f.01.01.2006 as Pay Band 17870/- and Grade Pay Rs.5400/- in pursuance of CBEC letter issued vide F.No. A-26017/98/2008-Ad.II(A) dated 23<sup>rd</sup> December,2009 mentioned in the Office Order.

**It is, therefore, requested that it may be specifically intimated whether the payment in this regard has been made or not. Otherwise Nil information provided vide letter dated 08.04.2019 shall have to be treated as the payment has not been made to me in this regard.**

(b) Details of arrear paid to me, if any, w.e.f. 01.01.2006 in pursuance of the above said Office Order dated 19.04.2010 along with worksheet for calculation of the arrear payable/paid to me in the same format as reflected in pay bills i.e. basic pay, D.A., A.D.A. and other allowances separately.

**It is, therefore, requested that it may be specifically intimated whether the payment in this regard has been made or not. Otherwise Nil information provided vide letter dated 08.04.2019 shall have to be treated as the payment has not been made to me in this regard.**

Thanking you

Signature of Appellant

E-mail address - [REDACTED]

Mobile No. [REDACTED]

**2019/O/O JC-GST-LDH**

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

To: Rajan Lachala &lt;rajan.lachala@gov.in&gt;

Date: 04/25/19 11:42 AM

From: Central GST Commissionerate Ludhiana &lt;cexldh@nic.in&gt;

----- Original Message -----

From: [REDACTED]

Date: Apr 24, 2019 10:11:42 PM

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

To: cexldh@nic.in

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

I.D. No. \_\_\_\_\_

To

Sh. Rajan Lachala ji,  
Joint Commissioner-First Appellate Authority,  
Office of the Commissioner, CGST, Ludhiana.  
GST Bhawan, F Block, Rishi Nagar, Ludhiana.

1. Name of the Applicant : [REDACTED]
2. Address of the Applicant : [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
3. Particulars of the Central Public Information Officer:
  - (a) Name: Sh. Varun Mitnla ji, Asstt. Commissioner- cum- CPIO .
  - (b) Address: CGST Division-East, B-30, 154, Majestic Tower, Sherpur, Ludhiana.
4. Date of submission of application for seeking information : 26.02.2019.
5. Date on which 30/35/40 days from submission of application are over: 25.03.2019. However, reply received by post on 10.04.2019.
6. Reasons for appeal: (Please indicate separately for each question)
  - (A) No response received within the specified period: Not Applicable.
  - (B) Aggrieved by the response received within the specified period- Yes. The information supplied vide letter C. No. IV(16)Tech/RTI/[REDACTED]/2016/[REDACTED] dated 08.04.2019 has been supplied without application of mind. Following information was requested:
    - (a) Kindly provide details of the payment made to me in view of Office Order issued vide C.No.II-24(5)Pay & Cash/2008 dated 19.04.2010 by Additional Commissioner (Admn), Office of The Commissioner, Central Excise, Chandigarh-I vide which my pay was fixed w.e.f.01.01.2006 as Pay Band 17870/- and Grade Pay Rs.5400/- in pursuance of CBEC letter issued vide F.No. A-26017/98/2008-Ad.II(A) dated 23<sup>rd</sup> December,2009 mentioned in the Office Order.
    - (b) Details of arrear paid to me w.e.f. 01.01.2006 in pursuance of the above said Office Order dated 19.04.2010 along with worksheet for calculation of the arrear payable/paid to me in the same format as reflected in pay bills i.e. basic pay, D.A., A.D.A. and other allowances separately.
    - (c) A certified photocopy of my service book may be provided to me and the page number on which payment made to me on account of the above said Office Order has been reflected may please be intimated.

Reply received vide letter dated 08.04.2019 is as under:

Please refer to your RTI application dated 26.02.2019 filed under RTI Act,2005 received on 18.03.2019 through Deputy Commissioner-cum-CPIO, GST Commissionerate, Ludhiana. In this regard, the point wise information is as under;

- a) Nil.
- b) Nil.
- c) Not applicable.

(C) Grounds for appeal:

a) I had requested for providing of information regarding the details of the payment made to me in view of Office Order issued vide C.No.II-24(5) Pay & Cash/2008 dated 19.04.2010 by Additional Commissioner (Admn), Office of The Commissioner, Central Excise, Chandigarh-I vide which my pay was fixed w.e.f. 01.01.2006 as Pay Band 17870/- and Grade Pay Rs.5400/- in pursuance of CBEC letter issued vide F.No. A-26017/98/2008-Ad.II(A) dated 23<sup>rd</sup> December,2009 mentioned in the Office Order.

Reply has been given -Nil.

I am unable to comprehend why the information sought by me is Nil as I had joined as Superintendent (Tech) in the then Central Excise Division, Ludhiana-II in May, 2010 (Presently CGST Division- East, Ludhiana) and the records of pay and allowances of the staff working therein are available with them. The information regarding the details of the payment made to

information".

I find that the Hon'ble Supreme Court in the matter of Girish Deshpande Vs CIC & Others (SLP(C) no. 27734/2012) has held that:

*"The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right".*

Further Office Memorandum No. 11/2/2013-1R(pt.) dated 14.08.2013 issued by the Ministry of Personnel, Public Grievances & Pensions, DOPT, New Delhi is also supporting the above view of the Hon'ble Supreme Court.

While going through the appeal filed by the appellant, I find that there is no larger public interest involved in disclosing the information sought by the appellant and the information if disclosed might cause unwarranted invasion of the privacy of the individual, about whom the information is being sought by the appellant. Therefore, I hold that the decision of the CPIO in the present case is justified and holds good.

5. **Order:**

In view of above, I reject the appeal filed by the appellant.

PARAMAVTAR SINGH GILL  
(Paramavtar Singh Gill)  
1<sup>st</sup> Appellate Authority (RTI)  
GST Commissionerate. Ludhiana.

**Speed Post/copy to:-**

- i. Sh. [REDACTED] ( [REDACTED] ), H.No. [REDACTED], [REDACTED], [REDACTED]
- ii. The Deputy Commissioner-cum-CPIO, GST Commissionerate, Ludhiana for information please.

not be denied to any person. More over this is in public domain, therefore the information sought cannot be denied.

(iii) That the then CPIO of the same office had furnished the information to applicant on the same issue in respect of Shri V.S.Sekhon Supdtt, for the period 6/2012 to 5/2013 then posted at Hqrs. Office.

(iv) In support of his contentions the appellant has cited the case of R K Jain Vs. Central Excise Delhi-I in the order-in-appeal No. 29/RTI/appeal/ACD/D-1/2009 dated 6.8.2009 in which it was held that denial of access to documents in such case erodes public faith which is not a sound sign of vibrant democracy and larger public interest warrants disclosure and withholding of information by CPIO not in true spirit of RTI Act,2005, and further directed to provide the requested information- section 8(1)(J) of RTI,Act,2005.

### 3. Reply to the Notice by CPIO:

3.1: A notice vide File No.TECH-RTI0APL/2019-HQ-GST-LDH/1/2019 dated 06.06.2019 was issued to the CPIO to provide comments on the appeal filed by the Appellant. The CPIO's office vide letter F.No. P-C-RTI/1/2019-HQ-GST-LDH dated 26.06.2019 has replied to the notice as under:

"The information sought has already been supplied vide letter C.No. 1/8831/2019 dated 21.05.2019. In respect of comments sought by the Appellate Authority, there is no change in our earlier submission.

### 4. Discussion and Findings:

I have carefully examined the appeal filed by the Appellant, the reply of the CPIO, his reply to notice and relevant provisions of the Act.

The appellant has filed RTI application dated 21.06.2017. The CPIO has denied the information in terms of Section 8 (1) (j) of the Act. Section 8 (1) (j) of the Act provides:

*"information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer*

*or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such*



कार्यालय प्रधान आयुक्त  
OFFICE OF THE PRINCIPAL COMMISSIONER  
माल और सेवाकर आयुक्तालय, लुधियाना  
GOODS & SERVICES TAX COMMISSIONERATE, LUDHIANA  
जीएसटी भवन, एफ ब्लॉक, ऋषि नगर, लुधियाना- 141001  
GST BHAWAN, F-BLOCK, RISHI NAGAR, LUDHIANA- 141001  
दूरभाष/TELE: 0161-2679426 फैक्स/FAX: 0161-2304881; ई-मेल/Email: tech-gstldh@gov.in

27/06/2019

Order-in-Appeal No. : 02/RTI/GST/Ldh/19

(An appeal against this order lies to the Central Information Commission, Block No. 5 (5<sup>th</sup> Floor), Old JNU Campus, New Delhi. This copy is issued to the individual for his/her personal use free of cost. The person feeling aggrieved with this order can file appeal to the Appellate Authority within 90 days of the receipt of this order)

**Brief Facts:**

1. [REDACTED] (S [REDACTED]), [REDACTED] [REDACTED] [REDACTED] [REDACTED] (hereinafter referred to as the "appellant"), vide his RTI application dated 09.05.2019, received in the office of Central Public Information Officer-GST Commissionerate-Ludhiana (hereinafter referred to as "the CPIO") on 13.05.2019, under the Right to Information Act, 2005 (hereinafter referred to as "the Act"), had desired certain information.

**2. Grounds of Appeal:**

2.1: That the CPIO vide his office letter File No.TECH-RTI0APP/[REDACTED]/2019-HQ-GST-LDH dated 22.05.2019 had provided reply to the RTI application as "this information is not warrant to be disclosed to the applicant because the same is covered under the exemption in terms of Section 8(1)(j) of the RTI Act, 2005"

2.2: The Appellant, being not satisfied, has filed an appeal received on 31.05.2019 (through e-mail) on the following grounds:

(i) The information sought in respect of pay particulars and as such is a public activity and therefore does not fall under section 8(1)(j) of the RTI Act.

(ii) The Act further provides that information which cannot be denied to the parliament shall

██████████ 2019/Tech

given on Mobile No. 9814552099 for further explanation in the subject matter.

9. Thanking your kind honour.

Dated: 31.5.2019

Yours faithfully,

Sd/- ██████████  
██████████  
██████████  
██████████

7/2019/Tech

Subject: Fwd: Appeal to the worthy Appellate Authority under RTI Act, 2005  
 To: ICU GST Ludhiana <tech-gstldh@gov.in>

Date: 06/04/19 11:25 AM

From: Rajan Lachala &lt;rajan.lachala@gov.in&gt;

for necessary action

----- Original Message -----

From: Commissioner Principal <tech-gstldh@gov.in>  
 Date: May 31, 2019 3:13:30 PM  
 Subject: Fwd: Appeal to the worthy Appellate Authority under RTI Act, 2005  
 To: rajan.lachala@gov.in

----- Original Message -----

From: [REDACTED]  
 Date: May 31, 2019 2:42:32 PM  
 Subject: Appeal to the worthy Appellate Authority under RTI Act, 2005  
 To: tech-gstldh@gov.in

To

Shri Rajan Lachala,  
 1st Appellate Authority (RTI Act,2005),  
 Office of the Principal Commissioner,  
 GST, GST Bhawan, Ludhiana.

Sir,

Sub: Appeal against the CPIO's letter File No.Tech/RTIOAPP/141/2019-HQ-GST-LDH/1/19118/2019 dated 22.5.2019.

Most respectfully, it is submitted that the requisite appeal against the above mentioned letter of the CPIO is as under on the following grounds, for re-consideration of my application dated 9.5.2019.

1. The copy of reply letter received from the concerned branch has not been enclosed with the reply under the transparency act to know the full contents.
2. The post office work has been done as received and conveyed not re-considered at CPIO's level and for re-look was also requested on 28.5.2019. In this regard, it is informed that matter cannot be re-looked and appeal may be filed. Therefore, this appeal is submitted.
3. Please go through the section 8(1)(j) which speaks about public activity or interest. The information sought relates with the public activity that the applicant is senior and as such his pay is to be fixed at par with his junior as per the Honorable Central Administrative Tribunal, Chandigarh, orders.
4. There is no invasion of the privacy as the pay has been also been fixed of junior to the applicant on the Court Orders on 26.10.2018 and the said detailed pay fixation orders has been issued later on, as requested to be supplied to the applicant.
5. The Act further provides that information which cant not be denied to the parliament shall not be denied to any person. More over this is in public domain and is official documents being prepared on the orders of the honorable Tribunal and further required to fix the pay of his senior (applicant) that is also on the orders of the Tribunal. Moreover the larger public interest justifies as several public servants will be benefitted as per these Court orders.
6. It is also submitted that CPIO of the same office vide his letter CNo.IV(16)Tech/RTI/[REDACTED] Ldh/2013/20533 dt. 4.11.2013 has supplied the such Pay Particular for the period 6/2012 to 5/2013 of Shri V.S.Sekhon supdt, Then posted at Hqrs. Office. The facts may kindly be considered for verification to know the truth in the subject matter. The scanned copy will be supplied if needed thereof,
7. Shri Ashutosh Baranwal, the Commissioner and then 1st appellate authority CBEC in the case of R K Jain Vs. Central Excise Delhi-I in the order-in-appeal No. 29/RTI/appeal/ACD/D-I/2009 dated 6.8.2009 has held that denial of access to documents in such case erodes public faith which is not a sound sign of vibrant democracy and larger public interest warrants disclosure and withholding of information by CPIO not in true spirit of RTI Act,2005, and further directed to provide the requested information- section8(1)(J) of RTI,Act,2005. There are so many judgments of Honorable Punjab and Haryana High on the section 8(1)(j) in respect of Marks in interviews of candidates etc. and allowed the disclosure.
8. Hope the submission will be considered by your kind honour and the requisite Pay Particular/Pay fixation order will be supplied urgently through ID No. [REDACTED] A miscall may kindly be