

Sri Saurabh Tewari
DDG (E&F)
Appellate Authority
Sanchar Bhavan
NEW DELHI

CE&F
E/289210/2017/RTI/R

07/17

SUBJECT: INFORMATION UNDER RTI ACT 2005; REPLY OF CPIO THEREOF.

This has reference to RTI of u/s dated 17.10.2017 (copy enclosed for ready reference)

Reply of CPIO dated 16.10.20-17 has been received by u/s on 21.10.2017. (copy enclosed for ready reference)

In this connection the u/s would like to state the following:

Reply to points 1. And 2.

Reply Is irrelevant, unconnected and misleading and tantamounts to denial of information.

The request pertains to information of Functions and responsibilities given after assumption of charge of ACGCA.

As is clear from the request at Sl 2. information sought pertains to period after 31.07.2017.

Reply to points 3. To 10.

Reply is vague, contradictory and not based on any sound reasoning. If requested information is not available, then how does **non available information** invoke an exercise that would disproportionately divert the resources of public authority as per Section 7(9) of the RTI Act may pl. be stated. When the CPIO has explicitly stated that requested information is not available, there can be no question of application of Section 7(9) of the Act. You will appreciate that this Section can be invoked only when required information is readily available.

Reply is further contradictory where on one side it is stated that information is not available and on the other stated to be transferred to O/O CGCA. Ghitorni.

Forwarded to AO/SEA-I
For further disposal file

Reply is misleading in that the functions and responsibilities cannot be assumed suo moto by ACGCA and can only be conferred by the Government. A copy of that order (Conferring powers and responsibilities on ACGCA consequent to superannuation of CGCA) is requested for and may pl. be provided.

CPIO, in transferring to O/O CGCA has violated Section 4 (3) of the RTI Act which states:

"Where an application is made to a public Authority requesting for information-

Please put up with before before due date

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Which is held by another Public Authority.....

The public authority to which the application is made shall transfer the application or such part as may be appropriate to that other public authority and inform the applicant immediately about such transfer.

Provided that the transfer.....shall be made...in no case later than five days from the date of receipt of the application."

Neither has the u/s been informed immediately,neither has the time period of five days been adhered to.

It is thus requested to furnish relevant and appropriate information on my above RTI and u/s be given personal hearing before disposal of appeal.

Sumita 7/12/2017

SUMITA PURKAYASTHA

A C G C A, DOT

D11/113,KAKA NAGAR

NEW DELHI 110003

To
The Director(SEA)
CPIO
DoT HQ, Sanchar Bhawan
New Delhi.

Sub:- Information sought under RTI Act 2005.

The Union Cabinet had created an encadred post of CGCA at the apex level and one HAG+ post vide the first Cadre Review of IP&t AFS Group A on 27.10.2016 which was notified by DOT vide OM No3-09/2015-SEAdated10.11.2016. Sri Prahalad Singh assumed charge as as CGCA on05.05.2017 and u/s assumed charge as ACGCA against the newly created HAG+ post on 08.05.2017 . Shri Prahalad Singh superannuated on 31.07.2017. Since then the post of CGCA has been lying vacant.In this connection the following information may please be furnished

1. The functions and responsibilities which have been given to CGCA and ACGCA. Since their respective dates of assumption of charge.
2. The functions & responsibilities which have been given to ACGCA on superannuation of CGCA on 31.07.2017
3. As per functionalities given,the number of official files that have been sent to CGCA & ACGCA till date.
4. The title/Subject matter /Headings of above files along with date of dispatch till date.
5. The address to which these files have been sent.
6. The Name & designation of the officers (officials) who have received the above files.
7. A copy of Receipt Register till date wherein these files have been received.
8. The number of official letters sent to and correspondence made with(O/o) CGCA and ACGCA till date .
9. The headings/title/subject matter of such letters /correspondence along with letter/OM No and date along with date of dispatch.
10. The address to which such letters/correspondence have been sent.
11. The Name and designation of officers/officials who have received above letters/correspondence.
12. Acopy of the Receipt Register till date wherein the above letters/correspondence have been received.

IPO No. 43F 1187085 for Rupees 10/- is enclosed.

Sumita Purkayastha
(Sumita Purkayastha)
Addl.CGCA
D.II /113 Kaka Nagar

No. 33-09/2017-SEA-I
Government of India
Ministry of Communications (Sanchar Mantralaya)
Department of Telecommunications (Doorsanchar Vibhag)
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110 001

Dated: 16.11.2017

To

Ms. Sumita Purkavastha,
D-II/113, Kaka Nagar,
New Delhi -110003

Sub: Information under RTI Act, 2005

Dear Sir,

Kindly refer to your application dated 17.10.2017 on the above subject received in this office 17.10.2017. The information relates to IP&T AFS Gr. "A" is given below:-

S.No	Information sought for	Proposed reply
1	The functions and responsibilities which have been given to CGCA and ACGCA. Since their respective dates of assumption of charge.	Copy of OM No. 03-12/2016-SEA-I dated 13.06.2017 and copy of Empowered Committee notification is enclosed.
2	The functions & responsibilities which have been given to ACGCA on superannuation of CGCA on 31.07.2017.	
3	As per functionalities given, the number of official files that have been sent to CGCA & ACGCA till date.	This information is not available in SEA-I section.
4	The title/Subject matter/Headings of above along with date of dispatch till date.	
5	The address to which these files have been sent.	
6	The Name & designation of the officers (officials) who have received the above files.	As per Section 7(9) of RTI Act the compilation of information on individual cases as sought by Applicant- Appellant would invoke an exercise that would disproportionately divert the resources of the public authority
7	A copy of Receipt of Register till date wherein these files have been received.	
8	The number of official letters sent to and correspondence made with (O/o) CGCA and ACGCA till date	
9	The headings/title/subject matter of such letters/ correspondence along with letter/OM No. and date along with date of dispatch.	
10	The address to which such letters/correspondences have been sent.	However, your RTI application is being transferred to O/o ACGCA, NICF Campus, Ghitorni for providing information on these points.
11	The name and designation of officers/officials who have received above letters/correspondence.	
12	A copy of the Receipt Register till date wherein the above letters/correspondence have been received.	

The appeal, if any, against the information furnished herein may be preferred before Sh. Saurabh Kumar Tiwari, Deputy Director General (E&F), Department of Telecom, who is the Appellate Authority, within 30 days from the date of issue of this letter.

Yours sincerely,

(Aprajita Sharma)
Director (SEA) & CPIO
Ph. 23036728

Copy to :- ACGCA O/o CGCA, NICF Campus, Ghitorni for providing information on points No. 03 to 12 of above said RTI application directly to the applicant. Copy of RTI application is enclosed.

No. 33-04/2017-SEA-I
Government of India
Ministry of Communications (Sanchar Mantralaya)
Department of Telecommunications (Doorsanchar Vibhag)
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110 001

Dated: 05.01.2018

**APPELLATE ORDER ON APPEAL DATED 07.12.2017 FILED BY MS. SUMITA
PURKAYASTHA**

I, the Appellate Authority in the Department of Telecommunications have carefully gone through the appeal dated 07.12.2017 filed by Ms. Sumita Purkayastha:-

Facts of the case:-

1. Ms. Sumita Purkayastha sought the information under RTI Act, 2005 vide her application dated 17.10.2017
2. The appeal of the applicant is against: -

Reply to points 1 and 2 of OA by CPIO

Reply is irrelevant, unconnected and misleading and tantamount to denial of information. The request pertains to information of Functions and responsibilities given after assumption of charge of ACGCA.

As is clear from the request at Sl. 02, Information sought pertains to period after 31.07.2017

Reply to points 3 to 10 of OA by CPIO

Reply is vague, contradictory and not based on any sound reasoning. If requested information is not available, then how does non available information invoke and exercise that would disproportionately divert the resources of public authority as per Section 7(9) of the RTI Act may please be stated. When the CPIO has

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explicitly stated that requested information is not available, there can be no question of application of Section 7(9) of the Act. You will appreciate that this Section can be invoked only when required information is readily available.

3. The CPIO has intimated that the information as available in the section has already been supplied to the applicant vide this office letter No.33-09/2017-SEA-I dated 16.11.2017.

Decision on the Appeal

I, Saurabh Kumar Tiwari, the Appellate Authority in the Department of Telecommunications have carefully gone through the appeal dated 07.12.2017 filed by Ms. Sumita Purkayastha w.r.t. the supply of information CPIO vide her letter dated 16.11.2017 and have come to the conclusion that :

(A) **As regards, reply to point No.1 and No. 2** is concerned, the grievance of the Applicant-Appellant appellate can be summarized as below:

- (a) Irrelevant, unconnected and misleading information
- (b) Her request pertains to period after assumption of charge of ACGCA
- (c) Information sought pertains to period after 31.07.2017

As regards (a), the Applicant-Appellant has not indicated as to how the information provided to her is irrelevant, unconnected and misleading and further that amounts to denial of information. As such, the grounds adduced do not subsist.

As regards (b), it is seen that the Applicant-Appellant assumed the charge of ACGCA on 08.05.2017. The documents provided by the CPIO is dated 13.06.2017 and 17.08.2017. As such, this ground also does not subsist.

As regards (c), the documents provided in the form of Empowered Committee Notification is dated 17.08.2017 which is after 31.07.2017. As such, the objection of the Applicant-Appellant does not hold good.

(B) **Reply to point No. 3 to 10:**

The Applicant-Appellant has sought voluminous and classified information which basically pertains to details of files, letters, correspondences from various Sections of

DOT HQ Office (henceforth the sender) to the Office of CGCA/ACGCA (hereinafter the receiver). The CPIO in her reply, has mentioned that the information is not available with her meaning thereby that the information as sought and classified was not available. Further the CPIO has also mentioned that an exercise of compilation of such information would disproportionately divert the resources of the public authority and hence claimed exemption under Section 7(9) of the RTI Act. This approach seems to be acceptable in view of the fact that the CPIO has transferred this part of the application to the Office of the recipient, as it would be more convenient to find such information in the Office of recipient which is a new office and would not invoke much of sorting. On the other hand, the provision of information from DOT HQ would invoke an elaborate sorting and compilation exercise. Further, many of the Sections in DOT HQ would be outside the purview of the CPIO. Further, there is no mention in the application w.r.t. the receipt of information from the CPIO to which the application was transferred. It is also to be appreciated that while conducting due diligence for provision of this information the CPIO would have needed some time and therefore the transfer of application beyond 5 days (but within the period prescribed for reply of RTI Application) seems to be justified.

(C) The Applicant-Appellant had also sought a personal hearing from me before the disposal of the Appeal. Accordingly, she was granted a personal hearing of 03/01/2018 at 9.45 P.M.. However, she did not turn up at the appointed time.

In view of the aforesaid, I Saurabh K. Tiwari, the Appellate Authority in Department of Telecommunications have come to the conclusion that the Appeal is without merit and stands disposed off.



(Saurabh Kumar Tiwari)

DDG (E&F) & Appellate Authority

To

Ms. Sumita Purkayastha,
D-II/113, Kaka Nagar,
New Delhi -110003