Sri Saurabh Tewari

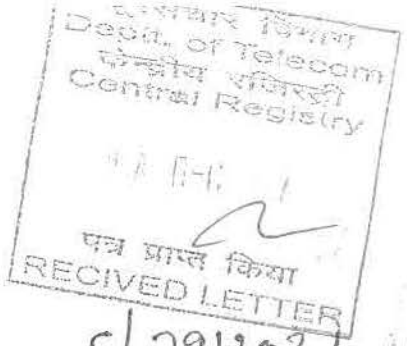
DDG (E&F)

Appellate Authority

DOT Hq

SANCHAR BHAVAN

NEW DELHI



DDG E&F

E/29203/2017/UC/IFC

14/12

Subject: Information sought under RTI Act 2005.

RTI Regn. Sl No. 209/22/11/17

This has reference to my appeal dated 12.12.2017to Appellate Authority on RTI Dated 17.10.2017 and reply of CPIO dated 12.11.2017(received by the u/s on 17.11.2017).

A copy of the Appeal is enclosed for ready reference.

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

Fwd to Shri Alok, AO, SEA-I for further action please

In the last para, the word CGCA had been inadvertently been typed in place of Deputy Secretary,Administration,DOT.

Thus the line may pl be read as follows.....

22/11

CPIO ,in transferring to O/O Deputy Secretary Admin. DOT,has violated Section 4 of the RTI Act which states:.....

Inadvertent error is regretted.

Shri Alok, AO, SEA-I

22/11/17

209/22/11/17

Dated Delhi 14.12.2017

Sumita Purkayastha

A C G C A DOT

D11/113,KAKA NAGAR

NEW DELHI

Asstt (SEA-I)
AAO (SEA-I)
for 14/12/17

SD 66/SD 67.
AAO/SEA
SD67/SEA/17
22/11/17

AO(SEA)
3672/D(SEA)
15/12/17

D(SEA)
14/12

15/12

Sri Saurabh Tewari

DDG (E&F)

Appellate Authority

DOT Hq

Sanchar Bhavan

D(SEA) 14/12

Subject: Information sought under RTI Act 2005.

This has reference to my RTI Dated 17.10.2017 and reply of CPIO dated 12.11.2017(received by the u/s on 17.11.2017).

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

Point No. 3

Reply is incomplete and tantamounts to concealment of information.

The Orinigal application requested for a copy of the proposal and **all file notings** put up to Hon'ble MOSI/C.....

In this context,only final note of Member F has been supplied to u/s from N/35.

As notings do not emanate at the level of Member F ,it is requested that all notings from the very start right from initiation of the proposal,notings at all levels which has formed the basis of and consequently culminated in the above note of M(F),as communicated vide reply of CPIO may pl. be furnished

5066/5067.

Copy of N/S 1 to 34 needs to be furnished as asked for vide original application on **all file notings** as the proposal dated 17/05/2017 of Member (F) has been drawn from the same,

Court (SEA-I)
AAO (SEA-I)

Point No.4

AAO/SEA 5066/SEA/17 22/12/17

Reply is contradictory,misleading and tantamounts to concealment of information.

Both the OMs dated 21.03.2017 and 13.06.17 have been issued by SEA Section.

Thus it is really strange and a matter of grave concern that the SEA Section of DOT which deals with the very important and sensitive matters of Personnel and Establishment of IP&TAFS withdraws and issues order about which It has no information or knowledge.

Information along with documentation may pl. be furnished as to how and on what grounds and with whose approval an OM which was issued by the SEA Section on 3.12.2016 and was also withdrawn by SEA Section without the SEA Section having any information of the same.Information along with documentation may pl be furnished on notings and approval of competent authority as a

3674/D(SEA) 15/12/17

ADG (SEA)

consequence of which the revised OM dated 13.06.2017 was issued without information being made available to the SEA Section on the withdrawal of earlier OM .

Information along with documentation thereof may pl. be furnished as to the grounds on which RTI Application of the u/s has been transferred to the CPIO (DOT Hq) i.e. Deputy Secretary Admin DOT which is totally unconnected and un concerned with IP&T AFS Service or Cadre Matters.

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-

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 immidiately 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 .

12/12/17

Dated Delhi: 12.12.2017

Sumita Purkayastha

A.C.G.C.A , DOT

D11/113 KAKA NAGAR

NEW DELHI

(7)

12/11/17

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: 9.11.2017

To

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

Sub: Information under RTI Act, 2005

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

S.No	Information sought for	Reply
1	A copy of the proposal containing the responsibilities and functions justifying the creation of apex level and HAG+ Level post which was approved by Cabinet may please be furnished.	Copy of DoT's proposal is enclosed (56 pages).
2	A copy of the order on functions and Reporting Structure of CGCA which was notified by Finance Establishment vide OM No. 03-12/2016-SEA dated 21.03.2017 may please be furnished.	Copy enclosed (03 pages).
3	A copy of the proposal & all file noting put up to Hon'ble MoS IC for fresh notification on Cadre Review which was finally issued vide No. 03-12/2016-SEA-I dated 13.06.2017 may please be furnished.	Copy of Noting is enclosed (07 pages).
4	A copy of the noting and all related documents as a consequence of which the OM No. 03-12/2016-SEA dated 21.03.2017 was withdrawn and the noting vide which the revised OM No. 03-12/2016-SEA-I dated 13.06.2017 issued may please be furnished.	This information is not available in SEA-I section. However, your RTI application is being transferred to Deputy Secretary (Admn.-I) & CPIO, DoT Hqs. for providing information on these points.

2. 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

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

Copy to :- Deputy Secretary (Admn.-I) & CPIO, DoT Hqs. for providing information on points No. 04 of above said RTI application directly to the applicant. Copy of RTI application is enclosed.

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: .01.2018

APPELLATE ORDER ON APPEAL DATED 14.12.2017 FILED BY MS. SUMITA PURKAYASTHA

I, the Appellate Authority in the Department of Telecommunications have carefully gone through the appeal dated 14.12.2017 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 grounds of Appeal are as under :-

2.1 **Reply to Point No. 3 of OA by CPIO**

Reply is incomplete and tantamount to concealment of information.

The original application requested for a copy of the proposal and all file notings put up to Hon'ble MOSI/C.....

In this context, only final note of Member (F) has been supplied to her from N/35

As notings do not emanate at the level of Member (F), it is requested that all noting form the very start right from initiation of the proposal, nothings at all levels which has formed the basis of and consequently culminated in the above note of M(F), as communicated vide reply of CPIO may please be furnished.

Copy of N/S 1to 34 needs to be furnished as asked for vide original application on all file notings the proposal dated 17.05.2017 of Member (F) has been drawn from the same.

2.2 **Reply to Point No. 4 of OA by CPIO**

Reply is contradictory, misleading and tantamounts to concealment of information.

Both the OMs dated 21.03.2017 and 13.06.2017 have been issued by SEA Section

Thus it is really strange and a matter of grave concern that the SEA Section of DoT which deals with the very important and sensitive matters of Personnel and Establishment of IP&T AFS withdraws and issued order about which it has no information or knowledge.

Information along with documentation may please be furnished as to how and on what grounds and with whose approval on OM which was issued by the SEA section on 03.12.2016 and was also withdrawn by SEA Section without the SEA Section having and information of the same. Information along with documentation may please be furnished on notings and approval of competent authority as a consequence of which the revise OM dated 13.06.2017 was issued without information being made available to the SEA Section on the withdrawal of earlier OM.

Information along with documentation thereof may please be furnished as to the grounds on which RTI application of the u/s has been transferred to the CPIO (DOT Hq.) i.e. Deputy Secretary Admin DoT which is totally unconnected and unconcerned with IP&T AFS Service of Cadre Matters.

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-

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 she been informed immediately, neither has the time period of five days been adhered to.

Decision on the Appeal

3. The CPIO has intimated that out of 4 points on which the information was sought for by the Applicant-Appellate, information on first 03 points was available with SEA-I section and the same was supplied to her.

4. It is observed that the Applicant-Appellant had sought the following information vide S.No 03 of her application:-

*"A copy of the proposal & all file noting put up to Hon'ble MoS IC for **fresh notification** on Cadre Review which was finally issued vide No. 03-12/2016-SEA-I dated 13.06.2017 may please be furnished".* (Emphasises supplied)

The relevant note sheets seeking information with respect to **fresh notification** has already been provided to the Applicant- Appellant. Her request for notings from 1/N to 34/N is at best a matter of fresh application and therefore does not come under the scope of this Appeal. A fresh application for this additional information may be moved by the Applicant –Appellant, if she so desires.

5. Information on point No. 04 was not available with the CPIO. However, on scrutiny of the record it was found that SEA-I's order dated 21.03.2017 was withdrawn by Admn.I Cell order dated 27.03.2017/28.03.2017. Accordingly, her application was forwarded to Admn.I Cell for providing the information on this point. Reply on point No. 04 has already been forwarded to the Applicant-Appellant by Deputy Secretary (Admn.I) & CPIO vide his letter No.50-24/2017-Admn.I dated 19.12.2017.

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

(Saurabh Kumar Tiwari)
DDG (E&F) & Appellate Authority

To,

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