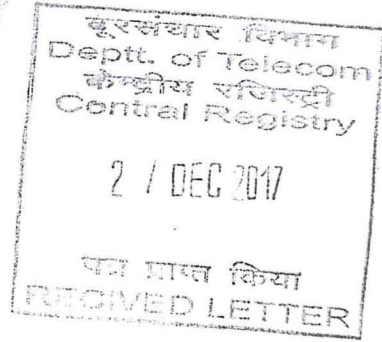


2303/DPH (CR & P)
27/12/17

DDG (E&F) (3)
10358/27/01/2018
28/12/18

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



Subject Information sought under RTI Act 2005.

This has reference to my RTI Dated 30.10.2017 and reply of CPIO dated 27.11.2017 (copy enclosed for ready reference).

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

1. As per information furnished by the CPIO, the above Appeal has been transferred to another CPIO. CPIO has violated the Provisions of the above Act which expressly states that such transfer of Appeal should take place in not later than 5 days and applicant be informed immediately. That neither of the provisions have been adhered to clearly reveals, apart from violation of above RTI Act, the delay and diversionary tactics being pursued by CPIO.

2. As per information furnished by the CPIO, no Group A, B, or C officers have been posted till date in the O/O CGCA by the SEA Section, whereas for Personal staff and Group D staff, the application has been transferred to CPIO, NICF.

Thus it construes from above information furnished by the CPIO, the SEA Section is responsible for posting of Group A, B, C Officers and NICF is responsible for posting of Group D and Personal staff.

As per order dated 28.04.17 enclosed along with reply of CPIO, NICF was to provide requisite administrative logistics for the day to day functioning of CGCA.

As no office can assume powers suo moto against orders issued by DOT, a copy of order directing NICF to provide (only) Group D and personal staff may be provided.

Relevant Documents may be provided for not posting of officers by SEA Section as per information furnished by CPIO.

3. This has reference to point No 17. Of the reply furnished by CPIO.

CPIO has not applied his/her mind in furnishing above information or is deliberately using delay and diversionary tactics.

As per admission of CPIO, no Group A, B, or C Officers have been posted to o/o CGCA. No information re posting of any staff has been received from CPIO, NICF, which as per provisions of above Act is deemed refusal of request.

RTI Rego.
Sl. no. 223
5/18

Pl. to Shri. Akh.
Ad, SEA 2
for further
action please.
A30
5/11/18

17/SEA/2018
Shri. Akh.
Ad, SEA 2

20/11/18
Com SEA 1

Ad/SEA/2018
17/01/18

Adg/SEA
3782/D(SEA)
2/12/18

DC(SEA)
Place
27/12/18

27/12/18
A30
5/11/18

Under the above circumstances, it is not understood, how and where an "O/O ACGCA" can exist without any officers or staff to which CPIO informs the application has been sent.

The composition of above "O/O ACGCA", to which CPIO has sent above RTI Application and names of officials comprising the "office" may be provided.

Letters in Office are always maintained and communicated by a Receipt and Despatch Section of the office concerned, which in this case is non-existent.

Relevant information along with supporting record and documents may be furnished as to who is the person in the above "O/O CGCA" that has received the same application letter under signature.

4. This is perhaps a unique case, wherein Applicant, as ACGCA, is seeking information about the very existence and operationalization of O/O CGCA (and ACGCA) and where CPIO, instead of furnishing relevant information, is transferring the application to the very (NON EXISTENT) office about which information is being sought!

It is further evident that CPIO has not applied his/her mind in furnishing reply to point no. 17 of the Application.

Receipt Register pertains to the Section from which it is despatched or being sent and is the primary document for establishing that communication has been despatched and also received in the office to which it has been despatched.

Reply furnished does not pertain to information sought for, as the name and designation of the official who has signed and received documents in O/O ACGCA as recorded in the Receipt Register of office of despatch was sought for.

Relevant information as sought for may be provided.

Dated Delhi 27.12.2017

Sumita Purkayastha
27/12/17
SUMITA PURKAYASTHA

ACGCA DOT

D11/113.Kaka-Nagar

NEW DELHI



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: 27.11.2017

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

Sub: Information under RTI Act, 2005

Kindly refer to your application dated 30.10.2017 on the above subject. The information relates to IP&T AFS Gr. "A" is given below:-

S.No	Information sought for	Reply
1	The No. of Gr. "A" officers posted in office of CGCA (apart from CGCA and ACGCA)	No such officers has been posted in O/o CGCA till date.
2	The names and designation of officers posted to the O/O CGCA at the HAG, SAG, JAG, STS and JTS levels along with their respective dates of posting	
3	A copy of the posting orders of the above Gr. "A" officers may please be furnished.	
4	The No. of Gr. "B" officers posted to the O/o CGCA along with their names, designation and date of posting	
5	A copy of the posting orders of above Gr. "B" officers may please be furnished.	
6	No. of Gr. "C" officials posted in O/o CGCA along with their names, designation and date of posting	
7	A copy of the posting orders of above Gr. "C" officials may please be furnished.	
8	No. of Gr. "D" officials posted to O/o CGCA along with their names, designation and date of posting	Copy of order dated 28.04.2017 is enclosed. However, your RTI application is being transferred to Director(NICFI) & CPIO for providing information on these points.
9	A copy of the posting orders of the above Gr. "D" officials may please be furnished.	
10	No of personal staff posted/attached to O/o CGCA/ACGCA along with their names, designation and dates of posting.	
11	A copy of the posting orders of above personal staff for O/o CGCA/ACGCA may please be furnished.	
12	Details of whether posting of personal staff is on same lines as that in the other HAG+ level officer of the Cadre (for ACGCA office) and in the other Apex level post of Member (F) for CGCA office, please be furnished.	
13	Names of PPS and PS to CGCA may please be furnished	
14	Names of PPS and PS to ACGCA may please be furnished.	
15	A copy of posting orders of above 4 officials may please be furnished.	

16	Copies of all posting orders of all above Gr A.B.C.D. officers officials which have been endorsed to CGCA/ACGCA may please be furnished	in view above is "Nil"
17	Copy of the Receipt Register along with name and designation of the official who has received and signed in the O/o CGCA/ACGCA may please be furnished.	Your RTI application is being transferred to O/o ACGCA, NICF Campus, Ghitori 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,

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

Copy to: - (1). Director (NICF) & CPIO, O/o DG, NICF, Ghitori for providing information on points No. 08 to 15 of above said RTI application directly to the applicant. Copy of RTI application is enclosed.
 (2). ACGCA, Room No. 02, Shed No.-07, NICF Campus, Ghitori for providing information on point No. 17 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: 25.01.2018

APPELLATE ORDER ON APPEAL DATED 27.12.2017 FILED BY MS. SUMITA PURKAYASTHA

I, Saurabh K. Tiwari, the Appellate Authority in the Department of Telecommunications have carefully gone through the appeal dated 27.12.2017 filed by Ms. Sumita Purkayastha:-

Facts of the case:-

1. Ms. Sumita Purkayastha sought the information under RTI Act, 2005 vide her application dated 30.10.2017.
2. The grounds of Appeal are as under :-

2.1. As per information furnished by the CPIO, the above Appeal has been transferred to another CPIO. CPIO has violated the Provisions the above Act which expressly states that such transfer of Appeal should take place in not later than 5 days and applicant be informed immediately. That neither of The provisions have been adhered to clearly reveals, apart from violation of above RTI Act, then delay and diversionary tactics being pursued by CPIO.

2.2 As per information furnished by the CPIO, no Gr. A, B, or C officers have been posted till date in the O/o CGCA by the SEA section, whereas for Personal staff and Gr. D staff, the application has been transferred to CPIO, NICF

Thus it construes from above information furnished by the CPIO, the SEA section is responsible for posting of Gr. A, B, C, officers and NICF is responsible for posting of Gr. D and personnel staff.

As per order dated 28.04.2017 enclosed along with reply of CPIO, NICF was to provide requisite administrative logistics for the day to day functioning of CGCA.

As no office can assumed powers suo moto against orders issued by DOT, a copy of order directing NICF to provide (only) Gr. D and personnel staff may be provided.

Relevant documents may be provided for not posting of officers by SEA section as per information furnished by CPIO.

- 2.3 This has reference to point No. 17 of the reply furnished by CPIO.

CPIO has not applied his/her mind in furnishing above information or is deliberately using delay and diversionary tactics.

As per admission of CPIO, no Gr. A, B, or C officers have been posted to O/o CGCA. No information re posting or any staff has been received from CPIO NICF, which as per provisions of above Act is deemed refusal of request.

Under the above circumstances, it is not understood, how and where an "O/o ACGCA" can exist without any officers or staff to which CPIO informs the application has been sent.

The composition of above "O/o ACGCA", to which CPIO has sent above RTI application and names of officials comprising the "office" may be provided.

ABal
 Issued
 25/1/18

[Handwritten signature]

237

Letters in office are always maintained and communicated by a Receipt and despatch section of the office concerned, which in this case is this case is nonexistent.

Relevant information along with supporting record and documents may be furnished as to who is the person in the above "O/o CGCA" that has received the same application letter under signature.

2.4. This is perhaps and unique case, wherein application, as ACGCA, is seeking information about the very existence and operationalization of O/o CGCA (and ACGCA) and where CPIO, instead of furnishing relevant information is transferring the application to the very (NON EXISTENT) office about which information is being sought.

It is further evident that CPIO has not applied his/her mind in furnishing reply to point No. 17 of the application.

Receipt Register pertains to the section from which it is despatched or being sent and is the primary document for establishing that communication has been despatched and also received in the office to which it has despatched.

Reply furnished does not pertain to information sought for, as the name and designation of the official who has signed and received documents in O/o ACGCA as recorded in the Receipt Register of office of despatch was sought for.

Relevant information as sought for may be provided

3. **Decision on the Appeal**

(i) Applicant-Appellant had request information on 17 points vide her application dated 30.10.2017. CPIO has supplied information as available with the CPIO. However, scrutiny on the record it was found that information on points may be available in NICF and O/o ACGCA. Therefore, the application was also transferred to these offices.

(ii) The CPIO vide her letter dated 27.11.2017 has transferred the RTI application to NICF for providing information on points No. 8 to 15 of RTI application dated 30.10.2017 which also includes information on Personnel Staff

(iii) Further, Applicant-Appellant has requested for relevant documents to be provided for not posting of officers by SEA section as per information furnished by CPIO. As fresh and additional information has now been sought by the Applicant-Appellant, the same 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

(Regarding Point No. 17

(i) RTI application dated 30.10.2017 was transferred by CPIO to ACGCA, Room No. 02, Shed No. 07, NICF Campus, Ghitorni for providing information on point No. 17.

(ii) The following information has been sought:-

(a) "The composition of above "O/o ACGCA", to which CPIO has sent above RTI Application and names of officials comprising the "office" may be provided."

The O/o CGCA/ACGCA as on date comprises of Ms. Sumita Purkayastha, ACGCA alongwith personnel for administrative logistics, if any, provided by NICF. The Application has already been transferred to NICF for providing information to the Appellant.

(b) Relevant information along with supporting record and documents may be furnished as to who is the person in the above "O/o CGCA" that has received the same application letter under signature.

&

(c) Reply furnished does not pertain to information sought for, as the name and designation of the official who has signed and received documents in O/o ACGCA as recorded in the Receipt Register of office of despatch was sought for.

The above said information (b)&(c) may be available with O/o ACGCA to whom the Application has already been transferred.

4. In view of the aforesaid, the Appeal stands disposed off accordingly.

Saurabh Kumar Tiwari
28/11/18

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

To,

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