

By Speed Post

No.14039/61/2013-UTS.II
Government of India
Ministry of Home Affairs

North Block, New Delhi-110 001.

Dated the 14th October, 2013.

Sub: Information sought by Shri Rajender Singh Dahiya under the RTI Act, 2005- regarding.

With reference to his application dated 26.09.2013, filed by Shri Rajender Singh Dahiya, B-1/40, FF, Malviya Nagar, New Delhi, a copy of which has been received in the UTS-II Section/MHA on 07.10.2013 through the RTI Cell of MHA, Shri Rajender Singh Dahiya is hereby informed that the questions regarding why, what, when and whether the public authority had not taken certain actions, if at all, would it take those actions, are not covered under the Act. He may refer the CIC's order dated 21.04.2006 in the matter of Dr. D.V. Rao Vs. Shri Yashwant Singh and an extract of the relevant portion of the judgment which is as follows:

"..... It is not open to an appellant to ask, in the guise of seeking information, questions to the public authorities about the nature and quality of their actions. The RTI Act does not case on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2(f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority."


2. Further, the Hon'ble High Court of Bombay at Goa vide their decision dated 03.04.2008 in Writ Petition No. 419 of 2007 in case of Dr. Celsa Pinto Vs. Goa State up held the same. The Hon'ble High Court *inter alia* stated as under:-

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

3. As regards the reply to point No. 03 is concerned, the applicant may note that from his application it is not clear whether he was a regular incumbent of DANIPS or not. As per the DANIPS Rules, 2003 the Entry Grade officers of DANIPS become eligible for Selection Grade on completion of 8 years regular service in Entry Grade subject to availability.

4. The name and address of the Appellate Authority is as under:

Shri I.S. Chahal,
Joint Secretary (UT)
Ministry of Home Affairs, North Block,
New Delhi - 110001



(S.K. Jain)
Director (Services)
Tel: 2309 2436

To

Shri Rajender Singh Dahiya,
B-1/40, FF, Malviya Nagar,
New Delhi - 110 017

पारी किया/ISSUED

दिनांक/Date.....
मह./Month.....

14.10.13

To

The Public Information Officer
Ministry of Home Affairs
Govt. of India
North Block, New Delhi-110001



APPLICATION UNDER RIGHT TO INFORMATION ACT

Sir,

This is an application under Right To Information Act as no response to the objection/representation made by the applicant, who was appointed as an ACP in Delhi Police w.e.f. 02/03/1987 and retired on 31/07/2005 after putting in 18 years and 4 months in the same rank, on 11th March 2000 with regard to fixation of seniority list of officers of DANIP Cadre was ever furnished to him. The applicant made a fresh representation to the Under Secretary, MHA [UTS-II], Govt. of India on 11.09.2013 & 12.09.2013 but again no reply/response has been given to the applicant. So the applicant through you wants to have the following information:-

1. When I was supposed to be inducted into DANIP Cadre?
2. Why I was not granted selection grade due on 02.3.1995?
3. On which date I stood qualified for grant of selection grade in DANIP Cadre?
4. Why the decisions of Hon'ble Supreme Court delivered in "Harish Chander Batla Vs UOI" reported as [1995] 2 SCC

48 and "Chander Kishore Singh Vs. State of Manipur"
reported as [1999]8 SCC 287 were not followed in all spirit?

5. Why there is so discrimination with the promoted officers?
6. Why was the benefit of selection grade not given to me in view of the Notification No. 14016/8/2010-UTS.II, Govt. of India, Ministry of Home Affairs whereby the junior officers [Laxmi Narain Rao & Ravi Shankar] to me were given benefit of Selection Grade from year 2003?

The requisite fee of Rs. 10/= by way of Postal Order is annexed for the purpose of seeking information under Right To Information Act.



[RAJENDER SINGH DAHIYA] 26/09/2013
Retd. ACP(Delhi Police)
B-1/40, FF, Malviya Nagar,
New Delhi-110017
Mob: 9899853030