

By Speed Post

No.14039/15/2013-UTS.II  
Government of India  
Ministry of Home Affairs

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North Block, New Delhi - 110 001.

Dated the 03<sup>RD</sup> April, 2014.

**Sub: Appeal filed by Shri A.H. Siddiqui under section 19 (I) of the RTI Act, 2005 - regarding.**

With reference to the appeal dated 20.03.2014 of Shri A.H. Siddiqui filed before First Appellate Authority, the applicant is informed that in response to the RTI applications dated 13.03.2013 (infact it is dated 08.03.2013 forwarded by RTI Cell of MHA to this Section on 13.03.2013) and 10.04.2013, replies dated 02.04.2013 and 06.04.2013 of the CPIO respectively were sent to the applicant. It appears that due to typographical error, the date 06.04.2013 has been mentioned in the reply. However, perusal of the office copy reveals that the reply was issued on 07.05.2013. The CPIO might have signed it on 06.05.2013, combined reply to the first appeals sent on 06.01.2014 & the appeal dated 12.12.2013 has been considered. It may not be out of place to mention that 2<sup>nd</sup> appeal does not file to FAA.

2. The information available with the Ministry has already been provided to the applicant. However, if the applicant has still some grievance, he may personally visit the office to share it with the CPIO or the FAA on a mutually convenient date and time. The applicant is also free to inspect the records available with the Ministry relevant to his applications.

  
(I.S.Chahal)

Joint Secretary to the Government of India/FAA

Tele No.011-2309 2630

To,

**Shri A.H.Siddique,**  
C-7/109,  
Yamuna Vihar,  
Delhi - 110053.

सारी प्रिया/ISSUED  
दिनांक/Date... 03.4.14  
हस्ताक्षर/Signature.....

CR-257852/JS (UT)/14 S.No. 10(R)

83/c

20/3

To Director (Service/MHA)  
Dy. No. 96-RTI  
Date 27/03/2014

From:  
A.H. Siddiqui  
C-7/109, Yamuna Vihar  
Delhi-110053  
Dated: 20/03/2014

JS(UT)  
Dy(UT)  
*[Signature]*

To  
First Appellate Authority/ Joint Secretary (UT)  
Ministry of Home Affairs

North Block, New Delhi-110001

Sub.- Information/ clarification sought with reference to Order dated 6<sup>th</sup> January, 2014 in First Appeal under RTI Act, 2005

Sir,

I had filed first Appeal under RTI Act, 2005 before your honour vide my Appeal dated 12/12/2013. I have received the point wise reply vide your letter No. 14039/15/2013-UTS. II dated 6/1/2014. It is regretted to say that the reply on most of the points is not satisfactory. You are requested to advise the PIO to provide the following information/clarification/documents, which were sought in my original application and has been further clarified/ elaborated based on your reply on First Appeal:

**Appeal No. 1 (Filed in Application dated 13/3/2013)**

- As regards the information sought in Point No. 1 & 2, the PIO may be directed to provide the year wise details of posts of DANICS i.e. no of posts sanctioned and filled under DR and DP quota in Entry Grade/ Selection Grade/ JAG-II and JAG-II, as the case may be, since the time of initial constitution of the cadre, which can be easily provided from the DPC files of relevant years.
- Regarding Point No. 3 & 4, the reply of the PIO was incomplete in so far as, he failed to provide the yearwise list of 165 incumbents (Promotee DANICS) so that it could be ensured that the DP candidates got adequate representation of 50% in DANICS Cadre. In this regard, the record of year wise bifurcating/ earmarking the posts for Entry Grade/ Selection Grade and JAG were requested to be inspected. The inspection could not be done due to my indisposed health. Now again, I have been advised to visit the Ministry to get a clear and correct picture. It has been further mentioned that there are no such year wise lists maintained in the Ministry. It has also been stated that the minutes of the DPC meeting readily available in the Ministry will be provided to the appellent after specifying the Grade and year of DPC.

RTI Time bound  
A  
27/3/14

U.S. (UT-11) DCP  
*[Signature]*  
20/3/2014  
Sh. Ravinder

सं. क्र. 257852/14/एस. नं. 10(र)  
दि. 20-03-2014/सं. क्र. 96-RTI  
आप/दि. 12-12-2013/सं. क्र. 14039/15/2013-UTS-II  
विषय/दि. 06-01-2014

In this regard, I wish to submit that I had asked these documents for each year in which DPC was held. It is again clarified that the copies of yearwise eligibility lists for promotion, Agenda for DPC, minutes of DPC for promotion to Entry Grade, Grant of Selection/JAG-II and JAG-I since the initial constitution of DANICS Cadre indicating the details of posts of Deputaion, leave and training reserve at each level i.e. Entry Grade/Selection Grade and JAG etc. may please be provided alongwith year wise quota of Direct Recruit (DR) and Departmental Promotees (DP) under DANICS and the actual representation of DR:DP in each year. The year from which the DR:DP have been given adequate representation as prescribed under DANICS Rules, may be informed. This information could be gathered by me also, if I had been provided the copies of documents mentioned above. It is not possible for me to specify the years in which DPCs were held nor is an applicant expected to know these details. Strangely, I have been informed by you that the relevant file is not traceable and without having the details regarding the file, it is not possible to locate the file. It has also been mentioned that it involves compilation of voluminous documents.

The reply is contradictory and evasive. On one hand, it has been stated that the relevant file is not traceable, on the other hand, it has been stated that it can't be located without details. A plea has been taken that it involves compilation of voluminous documents. All this indicates that the intention is to not to provide the information. To my knowledge, there is a separate file for DPC for each year/Grade. How is it possible that none of the files of DPC since constitution of DANICS Cadre is available/ traceable? The concerned officer should be asked to trace the file(s) and provide the information/copies of documents free of cost to me on the basis of details provided by me earlier and now again. If the file (s) of any year is/are not traceable, responsibility may be fixed.

It is also submitted that the information/ notings giving justification/ reason/ logic from file regarding reducing the quota of departmental promotion in DANICS from 66% to 50% has not been provided, which should be available in the file regarding reconstitution of Cadre or DPCs.

3. As regards Point No. 5, the strength of feeder posts year wise for other UTs in 1971 and 1995 could be provided from the files of DPCs held in different years as the direct recruitment and promotion cannot be done without having the information about feeder cadre from different UTs. The PIO did not give correct information and the FAA has also decided that the information provided by the PIO is correct. The PIO may be directed to provide the information without any further delay.
4. In response of point No. 6 also, the FAA has mentioned that at this stage, after passage of more than 14 years, it is not possible to trace the letter and gather the action taken report. In this regard, it is submitted that the No. of the letter was provided only to provide a clue of the matter. The PIO may be directed to inform whether there was/ is any proposal for encadring the ex-cadre posts of DANICS created by GNCT of Delhi from time to time, a process which was initiated for the first time vide letter dated 25/6/1999 from Add. Secretary (Services), GNCT of Delhi and is still inclusive.

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**Appeal No. 2 (Filed in Application dated 10/4/2013)**

1. In response of Point 4, I had stated in First Appeal that incomplete information has been provided by the PIO. The yearwise number of posts filled against deputation, leave and training reserve since 10/2/2013 has not been provided. The list of the officers who had applied for deputation but whose application was not forwarded and those who were selected but were not relieved during the same period has also not been provided along with copies of noting from concerned files.

The FAA has replied that the PIO has provided the information available with him, which is not correct. The list of officers whose wards were studying in Xth or XIIth Standard at the time of their transfer to outlying segments or during their /tenure posting in outlying segment and who requested their transfer back to Delhi was not provided by the Ministry. The FAA has also stated that the Ministry has not maintained any list of DANICS officers who were transferred back to Delhi on the ground that their children are studying in Class Xth or XIIth. It is very strange that the Ministry issues transfer orders and there are many instances where some DANICS officers were allowed to continue in Delhi or other UT despite their transfer being due on the ground that their wards were studying in Xth or XIIth Class. Then, how is it possible that their list is not available with the Ministry?

2. In response of Point No.5 of First Appeal, it is stated that PIO had provided the names of only those officers who were allowed deputation but the names of those officers whom had applied for/ selected for deputation but were not allowed to proceed on deputation, were not provided. In this case also, the intention is to not to provide the names.

The PIO may be directed to provide, free of cost, the copies of notings dealing with all the requests for retention in Delhi or Home UT on the grounds of Children's study after the Transfer Policy was implemented in 2010. Similarly, the notings of all the cases of transfer on deputation or retention of lien, whether accepted or rejected may also be provided

In view of the above submissions, it is most humbly prayed that the concerned PIO may be advised to provide me the complete information alongwith copies of the documents/ notings, which had already been specified by me in my original applications dated 13/3/2013 and 10/4/2013 and now clarified/ elaborated again and punitive action against PIO may also be taken for not providing the complete and timely information.

Yours faithfully,



(A.H. Siddiqui)