

S. No. 9 (1)

79/C

By Registered 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 06<sup>th</sup> January, 2014

Sub: Appeal filed by Shri A.H. Siddiqui under the RTI Act, 2005 – regarding.

With reference to the two appeals dated 12.12.2013 regarding applications dated 13.3.2013 and 10.4.2013 filed by Shri A.H. Siddiqui under the RTI Act, 2005, the appellant is informed that the applications filed by him, the replies given by the CPIO and the appeals filed by him have been considered. Pointwise reply to the appeals is as follows:

**Appeal No. 1 (filed in application dated 13.3.2013):**

Point no. 1-2: That w.r.t. the application dated 13.3.2013 (infact it is dated 8.3.2013 forwarded by RTI Cell of MHA to this Section on 13.3.2013) reply was sent to the appellant by the CPIO on 2.4.2013. In point no. 1 you had asked about the no. of posts of DANICS at the time of initial constitution, their nomenclature, pay scale, yearwise details, dates on which the cadre was reconstituted alongwith a copy of Gazette notification etc. In this regard the copies of DANICS Rules/ Gazette notifications available in the Ministry have been provided to you. You may gather the requisite information from these Rules/ notifications. In your appeal you have mentioned that the information provided by the CPIO is incomplete. However, you have not specified as to which other document is required.

Point No. 3: In response of the point no. 3-4 of the RTI application, the CPIO had replied that the applicant may go through the copies of rules provided to him. In fact, the information asked by the appellant can be gathered from the rules only. No other or separate information is available in the Ministry in this regard. As regards the question of inspecting the records is concerned, the appellant himself had prayed for the same which was allowed by the CPIO. The appellant is further informed that presently the recruitment/appointment/promotion is being governed as per the DANICS Rules, 2003 (amended in 2009). Therefore, the vacancy position as calculated by him in para 3 of his RTI application does not appear correct. He may personally visit the Ministry and discuss the issue to get a clear and correct picture. Further, there are no such yearwise lists maintained in the Ministry. The minutes of the DPC meetings readily available in the Ministry will be provided to the appellant after specifying the Grade (for which the minutes are required) and year of the DPC.

Point No. 4: The appellant is informed that the relevant file is not readily traceable. Further, without having the details regarding the file, it is not possible to locate the same at this point of time. Further information sought involves compilation of

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voluminous documents, which would disproportionately divert the resources of the public authority. No consolidated data base is maintained in the Ministry.

Point No. 5: The appellant is informed that the strength of feeder posts of UTs is not kept at UTS-II Section of MHA. MHA being the cadre controlling of DANICS is supposed to keep the relevant data about DANICS. Therefore, the reply given by the CPIO is correct.

Point No. 6: The appellant has referred the reply given by the CPIO to point no. 10 of the RTI application. In point no. 10 of his application the appellant had asked about the status of encadrement of ex-cadre posts of DANICS created from time to time as requested vide letter dated 25.6.1999 by the then Addl. Secy (Services), GNCTD. The appellant is informed that at this stage, after passage of more than 14 years, it is not possible to trace the letter dated 25.6.1999, if any and to gather the action taken report on the said letter.

**Appeal No. 2 (filed in application dated 10.4.2013):**

Point no. 1-2: That w.r.t. the application dated 10.4.2013, reply was sent to the appellant by the CPIO. It appears that due to typographical error, the date as mentioned in the reply of the CPIO is 6<sup>th</sup> April, 2013. However, perusal of the office copy reveals that the reply was issued on 7.5.2013. The CPIO might have signed it on 6.5.2013.

Point No. 3-4: The appellant is informed that as per the RTI Act, 2005, "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. The CPIO has provided him the information available with him. The issue as to what inference can be drawn after reading the O.M. dated 7.11.2012 and the transfer posting guidelines, is not covered under RTI.

Point No. 4: The appellant is informed that para (vii) of the transfer policy is read as under:

"(vii) Due regard may be given to representation of an officer, who is due for transfer but whose children are studying in 10<sup>th</sup> /12<sup>th</sup> class, for stay in Delhi or other place of his posting. For this purpose, every officer will notify MHA at the beginning of academic session that his/her child has entered 10<sup>th</sup> / 12<sup>th</sup> class so that MHA gets the opportunity to take due note of the fact before taking a decision regarding posting of the officer. However, such officer should also submit an undertaking in writing that he /she is willing to be relocated outside the segment on transfer after his/her child has completed 10<sup>th</sup>/12<sup>th</sup> Class. In order to ensure availability of officers and to fairly distribute the onus of serving in the outlying segment, the continuance

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in Delhi / any segment on the ground that child is studying in 10<sup>th</sup>/12<sup>th</sup> Standard may be subject to availability of officers in outlying segments."

Perusal of the aforesaid makes it clear that as per the transfer policy for DANICS there is no provision for the officers whose wards are studying in class IX or XI. It is also clarified to the appellant the Ministry has not maintained any list of DANICS officers whose were transferred back to Delhi on the ground that their children are studying in class X/ XII.

Point No. 5: As per DANICS Rules, 2003 (amended in 2009), there are 109 posts against the reserves. The proportionate reserves are being operated in each grade in accordance with the proportion of the sanctioned strength in that grade. The names of officers who are in deputation have already been provided to the appellant by the CPIO. As regards the names of the officers who had applied for deputation but whose applications were not forwarded or those who were selected but not relieved, It is clarified that the Ministry has not maintained any list indicating these details.

3/1-14  
(I.S. Chahal)

Joint Secretary to the Government of India and First Appellate Authority  
Tel: 011-23092630

To,

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

जारी किया/ISSUED  
दिनांक/Date..... 06.1.14  
स्थान/Place.....

CR. 213347 (JS(UT)) / 12 S.No. 8 (R)  
23/12

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From:

A.H. Siddiqui

Off. Director (Services) MHA  
Dy. No. 3267 2563 RST  
Date: 24/12/2013

C-7/109, Yamuna Vihar

Delhi-110053

Dated: 19/12/2013

उ.टी.एस.-II/उ.एस.एम.ए.  
U.T.S.-II/M.H.A.  
आवेदन No./Dy. No. RTI-190  
दिनांक/Date: 26.12.13

To

First Appellate Authority/ Joint Secretary (UT)

Ministry of Home Affairs

North Block, New Delhi-110003

Sub.:- First Appeal under RTI Act, 2005

Sir,

I wish to file first Appeal under RTI Act, 2005 on the following grounds:

JS(UT)  
Dy(S)  
23/12  
RTI  
24/12  
S.O/USB

1. That I had sought some information from the PIO, UTS-II, MHA vide my application dated 10/4/2013. (Copy enclosed)
2. That I received some information vide letter No. 14039/15/2013-UTS-II dated 6/4/2013. Surprisingly, the reply to application dated 10/4/2013 was sent vide letter dated 6/4/2013 ? i.e. on a date even prior to the date of RTI application (perhaps to cover up the delay). I was provided wrong and incomplete information. **The delay in filing the first Appeal, caused due to my indisposed health, may please be condoned.** The grounds of Appeal are as under:
  3. a) In response of Point 1, it has been informed that OM dated 7/11/2012 and the transfer/ posting guidelines are two separate issues and the inference drawn by me is not correct. The fact is that the OM dated 7/11/1012 has a clear reference to the transfer/ posting guidelines as the last sentence mentions, "The recommendation of the UT Administration should be strictly in accordance to the transfer/posting guidelines for DANICS/DANIPS issued on 10/2/2010." On the pretext of these being two different issues and allegedly incorrect inference drawn by me, no information has been provided.

26/12/13  
Sh. Rawinder

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4. In response of Point 3, Para 3 it was informed that no such lists are maintained in the Ministry. I was also advised to inspect the documents by identifying the documents/ files with numbers and date.

In this regard it is submitted that I am a senior citizen and not in a position to inspect the documents after identifying them and obtaining permission for inspection, which is a cumbersome process and I am indisposed also for the last few months. Moreover, the Ministry cannot expect an applicant to have knowledge of the file numbers/date of documents. However, in my application, I had already specified the documents/files. (kindly refer to Point 3 in Para 3 of my application). The copies of documents might have been provided by the Ministry but the same was not done deliberately causing avoidable harassment to me.

5. In response of Point 4 also incomplete information has been provided. 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 alongwith copies of noting from concerned files.

In view of the 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 application dated 10/4/2013 and punitive action against PIO may also be taken for not providing the complete and timely information.

Encl.: As above

Yours faithfully,



(A.H. Siddiqui)

S.No. 7(R)

CR-213353/JS(UT)/13  
23/12

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From:

A.H. Siddiqui

C-7/109, Yamuna Vihar

Delhi-110053

Off Director (Services) MHA  
Dy. No. 2864 RTI

Dated: 19/10/2013

U.T.S.-II/UTS  
U.T.S.-II/M.H.A.  
70/Dy. No. RTI-175  
26/12/13

To  
First Appellate Authority/ Joint Secretary (UT)  
Ministry of Home Affairs  
North Block, New Delhi-110003

JS(UT)  
Dy(S)  
23/12/13  
Ayan

Sub.- First Appeal under RTI Act, 2005

Sir,

So/2864

I wish to file first Appeal under RTI Act, 2005 on the following grounds:

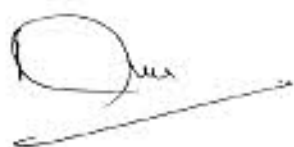
1. That I had file an application dated 13/3/2013 under RTI Act seeking some information. (Copy enclosed)
2. That I received some information vide letter No. 14039/15/2013-UTS-II dated 2/4/2013, which was incomplete. I was also advised in the said letter to make payment of Rs. 84/-for providing copies of documents as sought in Points 1, 2 & 9. Some documents were provided on payment of the requisite fees. However, the information and documents provided were incomplete, hence the present Appeal. **The delay in filing the first Appeal, caused due to my indisposed health, may please be condoned.** The grounds of Appeal are as under:
3. a) In response of Point 3 & 4, it was informed that the cadre posts strength and pay scale may be perused in the copy of rules. It was also mentioned that specific year has not been mentioned and I was advised to inspect the documents in UTS-II section in MHA.

26/12/13

On behalf of

RTI

In this regard, it is submitted that a perusal of the copies of the rules sent to me later on reveals that it contains details of posts earmarked for JAG and Grade-II and Grade-I (Selection Grade) only. However, for year wise lists of incumbents




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(promotee DANICS), it was mentioned that specific year has not been mentioned, I was advised to visit UTS-II Section for inspection of documents.

In this regard it is submitted that I am a senior citizen and not in a position to inspect the documents after identifying them and obtaining permission for inspection, which is a cumbersome process and I am indisposed also for the last few months. **Moreover, in my application, I had already specified that I wanted year wise lists (for the period for which these rules remained in force) but I was asked to inspect the documents.** Similarly, the yearwise eligibility lists for promotion, minutes for DPC for promotion and other information since the constitution of DANICS Cadre till date could have been provided from records but I was asked to inspect the documents. The copies of documents might have been provided by the Ministry but the same was not done deliberately causing avoidable harassment to me. The PIO may please be advised to provide the copies of the documents as I am not in a position to visit the MHA and inspect the documents due to health reasons.

4. In response of Point-6 of the Application, I was informed that I had not provided the particulars of the file/ rules, hence no information cannot be given. In this regard it is submitted that the Ministry cannot expect an applicant to have knowledge of the file numbers/date of documents. However, in my application, I had already provided the particulars of the files/ (DANICS) rules. (Kindly refer to Point 6 of my application). The copies of documents might have been provided by the Ministry but the same was not done deliberately causing avoidable harassment to me.
5. In response of Point-8 of my application, I was provided incorrect information that details of feeder posts of Entry Grade of DANICS/DANIPS are not maintained in the Ministry. The fact is that this information is available in the files of DPC for induction of officers from feeder cadre to DANICS/DANIPS. The PIO may be advised to provide the information.
6. In reply to Point-10 of the application, a vague reply has been given-"No such list is readily available in the Ministry." I had not asked for any list but the status of encadrement of ex-cadre posts of DANICS created from time to time in GNCT of Delhi and as requested vide letter dated 25/6/1999 from the then Addl. Secy. (services), GNCT of Delhi. The PIO may be advised to provide me the information correctly.

  
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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 application dated 13/3/2013 and punitive action against PIO may also be taken for not providing the complete and timely information.

Encl.: As above

Yours faithfully,



(A.H. Siddiqui)