

File No. 14039/34/2013-UTS.I
Government of India
Ministry of Home Affairs
UTS-I

North Block, New Delhi-110001
Dated the 24th June, 2013

ORDER

Shri J K Sharma has preferred 1st appeal dated 10.06.2013

2. The RTI application dated 29.04.2013 of Shri J. K. Sharma was received in UTS-I desk on 08.05.2013. Director(s) & CPIO vide this Ministry's letter dated 07th June, 2013 furnished the reply to the applicant.

3. The appeal filed by Sh. J K Sharma has been carefully considered and it is found that the aforesaid reply/decision of the CPIO with reference to his application dated 29.04.2013 is in conformity with the Right to Information Act, 2005

4. The appeal is accordingly disposed of.



(K.K.Pathak)
Joint Secretary (UT) &
Appellate Authority

To
Sh. J K Sharma, IPS
Flat No. 1, Type-V DCP/South office Complex,
Hauz Khas,, New Delhi-110016

संलग्नक सहित जारी किया
ISSUE WITH ENCLOSURE *o/c*
Bm
24/6/13

173/RTI/2013
13-06-13

To,

The Appellate Authority
Ministry of Home Affairs,
North Block,
New Delhi.



Subject:- First Appeal under Section 19 of the RTI Act, 2005 seeking certain information under the provisions of RTI Act, 2005.

Sir,

Under the relevant provisions of the above act, the applicant filed an application dated 29-4-13 (copy enclosed) to the PIO, MHA, North Block, New Delhi seeking certain information/documents and the applicant was willing to bear necessary expenditure for the same and the undersigned believes that none of the documents in the said file, forms the subject matter of the exception/exemption, provided u/s 8 of the RTI Act. But the PIO/MHA, New Delhi has failed to furnish the information/documents, as requested by the applicant, though the period of 30 days expired on 29-5-13. The relevant information, which is necessary for the adjudication of the present appeal is as under :-

i)	Name of the appellant	Sh. J.K. Sharma s/o. Sh. R.P. Sharma
ii)	Date of Birth	23.07.1959
iii)	Address of Appellant	Flat No.1, Type-V, DCP/South Office Complex, Hauz Khas, New Delhi-110016.
iv)	Concerned Department	PIO, Min. of Home Affairs, New Delhi.
v)	Date on which Application under RTI Act was filed with the concerned department.	29-4-13
vi)	Date on which the period of 30 days expired, but the PIO,	29-5-13

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JSCW

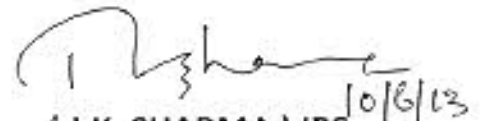
	MHA failed to furnish the information/documents	
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PRAYER

That in view of the above submissions it is prayed that the PIO, MHA may be directed to furnish the requisite information/documents, to the appellatant without any further delay.

Thanking you,

Yours faithfully,



(J.K. SHARMA) IPS 10/6/13

FLAT NO.1, TYPE-V DCP/SOUTH OFFICE
COMPLEX, HAUZ KHAS,
NEW DELHI-110016

29/4/13

To,

The P.I.O.
Ministry of Home Affairs,
North Block,
New Delhi.

Subject:- Application seeking certain information under the provisions of RTI Act, 2005.

Sir,

Under the relevant provisions of the above act, I seek the following information/documents. The applicant is willing to bear necessary expenditure for the same and the under-signed believes that none of the documents in the said file, forms the subject matter of the exception/exemption, provided u/s 8 of the RTI Act.

1. Whether it is fact that a representation dated 14.12.2011 submitted by the under-signed wherein the applicant requested to open the sealed cover and applicant may be given his due promotion, was received by MHA. Please reply either 'Yes' or 'No'
2. If 'Yes', then intimate what action was taken by the MHA. The entire notings submitted in this regard till the final decision taken on such representation may be supplied to the applicant.
3. Whether it is fact that a representation dated 12.9.12 submitted by the under-signed wherein the applicant requested to open the sealed cover in his promotion case as no disciplinary proceedings was pending against the applicant on the date of DPC i.e. Nov. 2010 or even at the time of submission of representation dated 12.9.12, was received by MHA. Please reply either 'Yes' or 'No'.
4. If 'Yes', then intimate what action was taken by the MHA. The entire notings submitted in this regard till the final decision taken on such representation may be supplied to the applicant.
5. Whether it is fact that a representation dated 6.12.12 submitted by the under-signed wherein the applicant submitted the copy of O.M. No.22034/4/2012-Estt.(D), Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel & Training) dated 2nd Nov. 2012 and the para 12 of the said O.M. clear directed the MHA that

Vigilance Clearance cannot be denied on the grounds of pending disciplinary/criminal/court case against a govt. servant, if the three conditions mentioned in para 2 of this department's O.M. dated 14.9.92 are not satisfied. Please intimate as to whether this representation was received by MHA or otherwise.

6. If 'Yes', then intimate what action was taken by the MHA and whether Para 12 of the said O.M. was taken into records while considering his representation or otherwise. The entire notings submitted in this regard till the final decision taken on such representation may be supplied to the applicant.
7. Whether it is fact that a representation dated 9.1.13 submitted by the applicant wherein he has requested to open his sealed cover and grant him promotion considering the DOPT's O.M. dated 2.11.12, mentioned at para 5 above, was received by MHA or otherwise.
8. If 'Yes', then intimate what action was taken by the MHA. The entire notings submitted in this regard till the final decision taken on such representation may be supplied to the applicant.
9. Whether it is fact that on 21.3.13 & 18.4.13 DPCs were held for promoting IPS officers of AGMU Cadre of 1987 and 1988 batch. Whether it is fact that the applicant has submitted representation dated 17.4.13 i.e. before the proceedings held by DPC, with the request to consider the promotion case of the applicant keeping the judgement dated 11.4.13 passed by the Hon'ble Justice A.K. Sikri (the then Chief Justice of Punjab & Haryana High Court and now Judge of Hon'ble Supreme Court of India), wherein the Hon'ble Court has clearly given decision that it is only on conviction in a criminal case the convicted employee is debarred from promotion.
10. If 'Yes' then intimate what action was taken by the MHA and whether the judgement dated 11.4.13 was put up before the members of the DPC or on the notings of the MHA in the file of promotion.
11. Whether it is fact that the promotion case of the applicant was not put up for consideration before the DPC held on 21.3.13 and 18.4.13.
12. If so, what were the reasons for not putting his promotion case before the DPC? Please provide the entire notings of the MHA, which was put up before the DPC and decision taken, if any.
13. Whether it is fact that on the representations of the applicant dated 14.12.11, 12.9.12, 6.12.12, 9.1.13 and 17.4.13 no action was taken by the

MHA. If it is incorrect then please provide the action taken & reports, alongwith their entire notings etc.

14. Whether it is a fact that the applicant was denied his promotion on illegal grounds and without any rule/instructions. If not, then please provide the copy of the rule/instructions on which the applicant's promotion was denied and his sealed cover was not opened at the time of DPC's held in Nov. 2010 and onwards. Please provide the entire notings of the MHA in this regard.

The application fee of Rs.10/- as prescribed under RTI Act, 2005 has been deposited vide receipt No. _____ dated _____. The applicant is also willing to bear necessary expenditure for providing the notings/documents as requested above.

Thanking you,

Yours faithfully,


(J.K. SHARMA) IPS

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