

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

North Block, New Delhi-110001  
Dated the 28<sup>th</sup> June, 2013

To

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

01 JUL 2013

**Sub: Application under RTI Act, 2005-Regarding**

Sir,

With reference to your RTI Application dated 20.05.2013(received in UTS-I Desk on 14.06.2013 by transfer from CVC vide their letter dated 05.06.2013 for furnishing reply on point no 10 & 11), it is informed that queries like "why", "what", "whether", are not covered under the domain of information under the RTI Act, 2005. You may refer the order dated 21.04.2006 passed by the Central Information Commission in the matter of Dr. D.V. Rao Vs Shri Yashwant Singh and another whereby the aforesaid view was upheld by the Commission

2 The designated 1<sup>st</sup> Appellate Authority against this decision is as follows

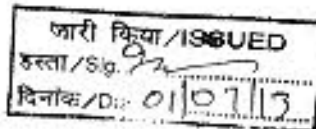
Shri K. K. Pathak  
Joint Secretary (UT)  
Ministry of Home Affairs  
North Block, New Delhi-110001

Yours faithfully,



(S. K. Jain)  
Director (S) and CPIO

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**Central Vigilance Commission**

Dak Under RTI ACT

Dy. No. RTI: 24.0.6.....20/5/13

Date: 20/05/2013

Fee Received Vide RT. No. 11270

Rs. 100/- only

*(Signature)*  
(Receipt Clerk)

To,

The P.I.O.  
Central Vigilance Commission,  
Satarkta Bhawan, INA,  
New Delhi-110 023.

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 15<sup>th</sup> January 2013 was submitted by the under-signed addressed to Sh. K.P. Saroha, Commissioner for departmental enquiries and inquiring authority wherein the applicant has raised his genuine grievances regarding the charge sheet, violation of procedure and also clearly intimated that out of 23 alleged intimations, the intimations pertaining to his wife from her own funds and resources may be dropped in view of the provisions of Rule 16 of AIS (Conduct) Rules, 1968 and GOI Clarification dated 21.2.1974. If so, what action was taken by Sh. K.P. Saroha on these points? Please provide the copies of all the note sheets/records from the date of their submission to the date of their decision.
2. Whether it is fact that these grievances were raised before the I.A. as he was the inquiring authority and was aware about the irregularities being ignored by the disciplinary authority knowingly. If so, what action was taken by Sh. K.P. Saroha on these points? Please provide the copies of all the note sheets/records from the date of their submission to the date of their decision.
3. Whether it is fact that the applicant had specifically written at para 7 in his representation dated 15.1.13 that he has raised these irregularities/points before the D.A. but have not heard anything till date. If so, what action was taken by Sh. K.P. Saroha on these points? Please provide the copies of all

the note sheets/records from the date of their submission to the date of their decision.

4. Whether it is fact that it was the responsibility of the I.A. to examine all these points and irregularities with the concurrence of the legal department or so, but it was simply forwarded to the D.A. If so, what action was taken by Sh. K.P. Saroha on these points? Please provide the copies of all the note sheets/records from the date of their submission to the date of their decision.
5. Please intimate whether the Central Vigilance Commission/I.A. has any authority to examine such representations. If so, please provide the instructions/copy of rules in this regard.
6. Whether it is fact that the applicant had requested in his representation dated 15.1.13 addressed to the I.A. to drop the alleged intimations pertaining to his wife from her own funds and resources. Please intimate whether it was examined under the provisions of Rule 16 of AIS (Conduct) Rules, 1968 before forwarding it to the D.A. If so, what action was taken by Sh. K.P. Saroha on these points? Please provide the copies of all the note sheets/records from the date of their submission to the date of their decision.
7. Whether it is fact that it was the responsibility of the I.A. to examine the same being genuine grievances of a C.O. and forward the same with his comments, for consideration by the Disciplinary Authority. If so, whether it was done or not? Please provide the copies of the note sheets/records in this regard.
8. Whether it is fact that Sh. S.K. Jain, Director (Services), MHA vide his letter dated 28<sup>th</sup> Feb. 2013 has admitted that fresh charge sheet has been issued to the C.O. and requested to commence proceedings immediately. If so, please provide the copies of note sheets/records in this regard.
9. Whether it is fact that on the issuance of fresh charge sheet, it is the responsibility of the I.A. to ignore/drop all the correspondence and decisions either by the I.A. or by the D.A. since 8.2.2005 to the initiation of fresh RDA. If so, please provide the copies of the note sheet/records in this regard.
10. Whether it is fact that MHA had taken a decision on the representation dated 15.1.13 submitted by the C.O. vide its letter dated 28<sup>th</sup> Feb. 2013 addressed to the I.A. directing him to commence proceedings immediately

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because fresh charge sheet has been issued. If so, please provide the copy of the relevant documents/records/notesheets in this regard.

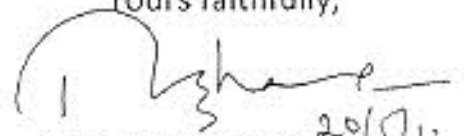
- 11. Whether it is fact that on one side the genuine pleas advanced by the C.O. through his representation dated 15.1.13 addressed to the I.A. was ignored on the plea that fresh charge sheet has been issued, but on the other hand, the D.A. and the I.A. are considering all the correspondence/documents brought on record before the initiation of fresh charge sheet. If so, please provide the copies of all instructions/orders/rules in this regard.

15.1.13  
D.A. & I.A.

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

20/5/13

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