

No. A-12011/1/2014/Pers-III
Ministry of Home Affairs
Police-II Division

North Block, New Delhi,
Dated the 16th June, 2014

ORDER

Sub : Appeal filed by Shri Mukhtiar S Dabas under RTI Act 2005.

Whereas the petitioner had submitted an application dated 17.02.2014 addressed to the CPIO, Ministry of Home affairs seeking information under the Right to Information Act, 2005.

2. Earlier the applicant had sought copies of RRs (Recruitment Rules) of the various cadres of BSF mentioned at para 5 on the RTI application.
3. Whereas Director (Pers) and CPIO informed the petitioner that the information was not available with him and it might be available with the BSF and the RTI application was accordingly transferred to CPIO, BSF on 22.4.2014. The BSF has also sent a reply to the applicant vide their letter No. 27012/03/08-Staff/1997-98 dated 28.02.2014.
4. Whereas the petitioner has now submitted his first appeal to the undersigned requesting as under:-
 - i) The age of superannuation/ retirement needs to be reviewed as the personnel of CISF & Assam Rifles and Non Combatised Personnel serving in BSF retires on superannuation after attaining the age of 60 years.
 - ii) The superannuation retirement age of the Ministerial Cadre personnel of the BSF, may be enhanced from 57 years to 60 years at par with Medical Officer, Law Officers and officers of the rank of DIG.

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5. From the contents of the appeal it is noted that the appellant has made suggestions which are not covered under information under section 2(j) of the RTI Act 2005. Accordingly, the appeal is disposed off.



(Dr. Nirmaljeet Singh Kalsi)

Joint Secretary(P-II) & 1st Appellate Authority

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Shri Mukhtiar S Dabas
Inspector (Min), No. 76002897
122 Bn attached with BSF, Air Wing,
Palam, New Delhi-37

Copy to:-

1. PS to JS (P-II),MHA
2. IT Cell, MHA alongwith with first appeal of the applicant.

(2656/RTI/MHA/2014)
13/5/14

No.Pers/MSD/AW/RTI/14 1163-67
Dated 08 May 2014

To

Dr N S Kalsi, IAS
Joint Secretary (Police-II) & Appellate Authority,
Ministry of Home Affairs, North Block,
New Delhi-110001

Subject: REQUEST FOR SEEKING INFORMATION UNDR RTI
ACT 2005 REG RETIREMENT AGE FROM 57 YRS TO 60
YRS IN R/O MINISTERIAL STAFF OF BSF AS PER 56(A)

Sir,

With great reverence and humble submission, it is submitted that Shri Shantanu, Director (Personnel) & CPIO vide his letter No.A/12011/1/2014/Pers-III dated 22 April 2014 (Photo copy enclosed for ready reference as APPX-A..) has informed that copy recruitment Rules mentioned therein the Retirement age in respect of Central Government employees of BSF, CISF, Assam Rifles are not available with Police-II Division and might be available with BSF.

02. In contradiction, the BSF HQrs CGO Complex Lodhi Road New Delhi vide their letter No.27012/03/08-Staff/BSF/19997-98 dated 28 Feb 2014 have also **denied providing the required information with the plea that BSF does not fall within the ambit of Section 24 of RTI Act 2005. And the Indian Postal Order bearing No.08F-868666 of Rs.10/- returned to me being no longer required.**

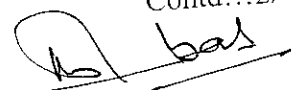
03. Whereas, Shri B. Bandyopadhyay, Under Secretary & CPIO, Ministry of Personnel, Public Grievances & Pensions, DOP&T, North Block, New Delhi vide their letter No.28034/128/2014-Estt.(A) dated 26th Feb 2014 informed me that copy of my application dated 17th February 2014 relating to retirement age from 57 years to 60 years has been forwarded to MHA as the information sought by me closely relates to that Department.

04. Sir, I have been making protracted correspondence wef 17th Feb 2014 with CPIO, Under Secretary, DOPT, MHA as well as with BSF HQ CGO Complex New Delhi, but all the efforts made gone in vain as no info under RTI Act 205 received so far from any where except a copy of extracts of FR 56 relating to age of retirement received from Sh B. Bandyopadhyay, Under Secretary & CPIO, DOP&T, North Block vide their letter dt 26th Feb 2014.

05. Sir, I would like to bring your kind notice that in line with Medical Officers, Law Officers of the BSF and officers of the rank of DIG and above, where there is no direct involvement in fighting/Operational duties, retires on superannuation after attaining the age of 60 years as per FR 56, whereas the personnel of Ministerial Cadre who also do not have direct involvement and perform desk/sedentary together retires after attaining 57 years of age.

06. Barring the above, the Officers and other personnel of Non combatised Staff retires on superannuation after attaining the age of 60 years, though they are working in the same office. But the Combatised Ministerial Staff of BSF retires after 57 years of age.

Contd...2/-


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This type of disparity amongst the staff prevailing under one roof may not be appreciable in the eyes of BSF employees who perform their desk job duties together after meeting shoulder to shoulder.

07. The disparity with regard to age in superannuation retirement needs to be reviewed as the personnel of CISF & Assam Rifles and Non Combatised Personnel serving in BSF retires on superannuation after attaining the age of 60 years. The enhancement of superannuation retirement age of the Ministerial Cadre personnel of the BSF from 57 years to 60 years at par with Medical Officers, Law Officers and officers of the rank of DIG & above appears to be justifiable and needs due consideration.

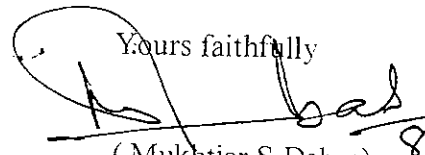
05. Your kind honour being an Appellate authority, as per provisions of the Act, is requested to kindly intervene the matter in the interest of justice and pass an order directing the CPIO both of concerned agencies and BSF to examine the appeals judiciously and to give such information to the appellant sought vide his application dated 17.02.2014 relating to the age of retirement at your end please.

06 Indian postal order Bearing No 23F 427875 dtd 08/05/2014 for Rs 10/- (Rupees ten) only in favour of Joint secretary Police-II MHA, North Block, New Delhi is also enclosed herewith on a/c of RTI Fees.

Thanking you in anticipation please.

Encl - As above (postal order for Rs. 10/-)

Dated the 08 May 2014

Yours faithfully

(Mukhtiar S Dabas) 8/5/14
Inspector(Min), No.76002897
122 Bn attached with BSF
Air Wing, Palam, New Delhi- 37

Advance Copy to:-

1. Chief Information Commissioner, : :Kindly review the decision announced on
MHA, North Block, New Delhi-10001 5.8.2009 in the case of Appellant-Shri Karnail Chand and Respondent- BSF and direct the concerned authorities to furnish the required info in the interest of justice at the earliest please as neither the BSF nor DOP&T, MHA furnishes the info as mentioned above.
2. Sh D K Pathak, IPS, : For kind info and intervene the matter please.
DG BSF, FHQ BSF
CGO Complex, Lodhi Road, Delhi-110003
3. BSF Air Wing New Delhi : For info please
4. 122 Bn BSF, Paloura Camp. Jammu-181124 - For info please.
5. File .