

File No.A.42012/15/2014-Ad.II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi the 14th August, 2014

To

Shri S. C. Mandal
WZ-69, Nasirpur Road
Palam Extension Part-II
New Delhi-110045

Subject:- Information sought by Shri SC Mandal, R/o WZ-69, Nasirpur Road, Palam Extension Part-II, New Delhi-110045 under Right to Information Act, 2005 – reg.

Sir,

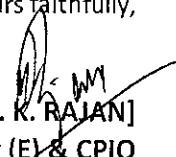
I am directed to refer to your application dated 28-07-2014 received vide OM No.A-43020/1/2014-RTI dated 01-08-2014 on the subject mentioned above. The application has been considered and it is found that the information sought by the applicant in r/o point No. (a) to (e) is not maintained centrally the Division and it involves compilation of data from several files and service records of a number of officials and any attempt to do so will result in disproportionate diversion of resources.

2. However, the applicant is welcome to visit this Office at a mutually convenient time to peruse the files and service records available in this Section and obtain copies of the materials on payment of the requisite fee.

3. So far as information asked in Point No. (f) is concerned, it is informed that fixing of responsibilities and imposing punishment on the persons dealing with this matter under this CPIO does not arise as there is no delay on the part of the Administration. It has only taken action as per Audit objection.


4. The appellate authority in respect of this matter under the RTI Act is Shri Satpal Chouhan, Joint Secretary (Admn.), Ministry of Home Affairs, Room No.194, North Block, New Delhi-110001, (Tel.No.23093178), and the appeal, if any, can be made within 30 days of the issue of this reply.

Yours faithfully,


[V. K. RAJAN]
Deputy Secretary (E) & CPIO

Copy to :-

1. SO (IT) – along with a copy of the RTI Application for uploading in MHA Website under RTI Act, 2005.
2. RTI Cell – for information with reference to the OM cited above.


[V. K. RAJAN]
Deputy Secretary (E) & CPIO

28/7/14

RTI MATTER

From: S. C. Mandal, Assistant (Rtd.),
WZ-69, Nasirpur Road,
Palam Extn. Part -II,
New Delhi- 110045.

To: The Central Public Information Officer (CPIO),
Administration Division, Ministry of Home Affairs,
North Block,
New Delhi-110011.

**Subject: Request for information under the Right to Information Act, 2005-
regarding.**

Sir,

Please refer to my representation **dated 18th June, 2014** on the above subject (**copy enclosed**), requesting you therein for early delayed payment of withheld amount of my retirement benefits alongwith 18% interest on delayed balance amount. The delay is on account of no fault on the part of the Government employees.

2. In response/reply to my representation, Admn. II Section, MHA vide letter No. A. 42012/10/2014-Ad.II dated 26th June, 2014, has, inter-alia, stated as under:

"It is mandatory on the part of Admn. to act on the Audit Objections and effect recoveries. Moreover, the case of Shri Mandal is not a one-off case as other Assistants who retired as early as 2-3 years back, have also faced similar situations and suffered similar delays in release of withheld benefits on their retirement".

3. Based on the aforesaid facts and circumstances mentioned in my representation, I request that the following information may please be provided to me under the Right to Information Act, 2005:

- (a) The information regarding total number of retired Assistants / Section Officers / Under Secretaries (with details of names, designation, dates of retirement, dates from which their pay was stepped up with Shri G. M. Kabui and their basic pay before stepping up and after stepping up) whose pay was stepped up with Shri G.M. Kabui may be provided to me.
- (b) The PAO (Pension). MHA has raised certain objections with regard to the stepping up of the pay of the aforesaid retired employees with Shri G. M. Kabui. The details of objections raised by the PAO (Pension), MHA, in each case of the retired employees may be provided along with copies of letters/OMs/communications containing the said objections.

DS(E)
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- (c) Consequent upon the objections raised by the PAO (Pension), MHA, the pay of the aforesaid Assistants/Section Officers/Under Secretaries was retired / reduced to the pre-stepping up level and large sums of overpayment of pay and allowances were received from their D.C.R. Gratuity. The information regarding the amount of overpayment of pay & allowances received from the D.C.R. Gratuity of each of the retired employees may be provided alongwith copies of due and prove statement for recovery of such payment.
- (d) Had the PAO (Pension), MHA, not objected to the stepping up of their pay, the said retired employees would have got increased amount of pension, D.C.R. Gratuity, commuted value of pension and encashment of leave salary. As their pay was re-fixed/reduced to the pre-stepping up level on the basis of the objections raised by the PAO (Pension), MHA, there was a considerable loss/decrease in their retirement basis. I request that the information regarding the amount of loss suffered by the retired employees in each category of the retirement benefits, i.e. pension, D.C.R. Gratuity, commuted value of pension and encashment of leave salary, may be provided to me alongwith detailed calculations.
- (e) Now that the DoP&T have clarified the stepping up of the pay of Assistant (CSS) with that of Shri Kabui, Assistant, vide DoP&T's ID Note No. 979549/2014-Estt.(Pay), dated 23.04.2014 and that the objections raised by the PAO (Pension), MHA, have been proved wrong/invalid. Consequent upon the said clarification of the DoP&T, the retired employees are entitled to their retirement benefits on the basis of the stepped up level of their basic pay. In the context, the information as to the re-fixation/ stepping up of the pay of the retired employees to the level of the pay of Shri Kabui, Assistant and payment of their retirement benefits may be provided to me. In case, the pay has not been re-fixed / stepped up and the differential amount of the retirement benefits at the increased rates have not been paid so far, the information as to the delay in the re-fixation/stepping up of pay and the payment of differential amount of retirement benefits may be provided to me. Also, the information regarding refund of pay and allowances recovered from the DCR Gratuity, towards overpayment of pay and allowances may also be provided.
- (f) Because of the wrong/invalid objections raised by the PAO (Pension), MHA, and mishandling of the issue by the Administration of MHA, Ministry of Home Affairs were put to torture, harassment and sufferings with no fault on the part. All their hopes, aspirations and future plans were marred / demolished /shared by both the PAO(Pensin), MHA and the Administration Division of the MHA. In this context, I request that the information regarding fixing responsibilities and imposing punishment action taken by the Government of India on the person /persons for miss-management/ mishandling of the issue may please be provided to me. In case, no action is taken/contemplated against such persons, the information regarding allowing them to go scot-free may also be provided to me.

4. I request you to provide the requisite information under RTI Act- 2005 to me at the earliest.

5. I have deposited the requisite fee of Rs. 10/- by way of cash against Receipt No. 30166 dated. 28/07/14 (Copy enclosed).

Thanking you,

Yours faithfully,


(S. C. Mandal)

Dated: 28.07.2014