

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

North Block, New Delhi-I
Dated, the 09 September, 2014

To

Shri Prem Singh,
Plot No. 394-A, Plat No. 6,
Durga Vihar, Near Sainik Form,
New Delhi-110062

Sub : **Application under Right to Information Act, 2005.**

Sir,

This has reference to the application under RTI Act filed by Shri Prem Singh vide his application dated 19.8.2014, which has been transferred to the undersigned by Shri S Samanta, Under Secretary, MHA vide letter dated 02.9.2014, which was received on 4.9.2014.

2. The information sought by you is not available with the Police-II Division and may be available with CAPFs. As such, your application is being transferred under Section 6(3) of the Right to Information Act, 2005 to the CPIOs of the BSF, CRPF, ITBP, CISF, SSB and Assam Rifles for disposal under RTI Act.

3. The appellate authority is Dr. N S Kalsi, Joint Secretary (Police-II) & Appellate Authority, Ministry of Home Affairs, North Block, New Delhi-110 001.

Yours faithfully,



(Shantanu)

Director (Personnel) & CPIO
☎ 2309 2933

Copy to:-

1. CPIOs, BSF, CRPF, ITBP & CISF CGO Complex, New Delhi alongwith a copy of RTI application dated 19.8.2014 for appropriate action.
2. CPIO, SSB, R.K. Puram, New Delhi alongwith a copy of RTI application dated 19.8.2014 for appropriate action.
3. CPIO, Assam Rifles, Shillong alongwith a copy of RTI application dated 19.8.2014 for appropriate action.
4. Shri S Samanta, Under Secretary, MHA
5. IT Cell, MHA
6. Master folder

PUC

गृह मंत्रालय
Ministry of Home Affairs

जी. ए. आर. 6 / G. A. R. 6
(नियम 22(1) देखें) (See Rule 22(i))

रसीद / RECEIPT

सं. / No. 30777...

दिनांक 20-08-2014
Dated 20.....

श्री/श्रीमती/सुश्री

Received From Shri/Smt./Km.....

Prem Singh

के पत्र संख्या/संदर्भ संख्या के साथ

with Letter No./Reference No.....

के दिनांक 20

Dated.....20.....

बैंकर्स चेक/ड्राफ्ट/भारतीय पोस्टल आर्डर संख्या

Banker's Cheque/Draft/Indian Postal Order No.....

05F 385793

के रूप में रुपये की नकद धनराशि

the sum of Rupees by Cash

सूचना के अधिकार अधिनियम, 2005 के शुल्क हेतु प्राप्त की।

on account of fee under Right to Information Act 2005.

आचकार/Initials

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रुपये /Rs. _____

10/-

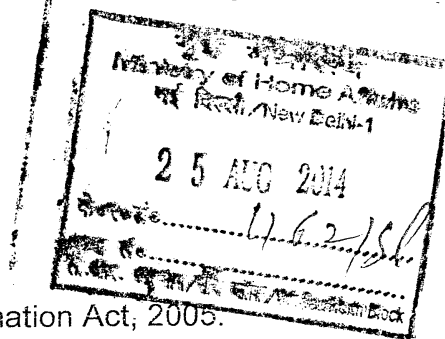
पदनाम / Designation

4912/RTI/2014
1/9/14

Speed Post
Dated 19th August, 2014.

To

The Central Public Information Officer,
Ministry of Home Affairs,
North Block, New Delhi-1.



Subject:- Information sought under Right to Information Act, 2005.

Sir,

I beg to state that Shri Kanwar Singh S/o Shri Sudama Village Jarehar, P.O.Langna, Tehsil: Joginder Nagar, District Mandi (HP) has given a statement before the Court of Collector Sub-Division, Joginder Nagar, District Mandi (HP) that he is an army personnel through his Advocate in Case No 12 dated 1.4.2010 (copy enclosed). As I know from the reliable sources that Shri Kanwar Singh is working in your Department as Sepoy No. CSF-924. It is, therefore, requested that the following information may kindly be provided to me under RTI Act.

1. Whether Shri Kanwar Singh is working in your department.
2. Whether he is an army personnel.
3. What is his present designation and Pay Band and Grade Pay?
4. Whether a provision is available under conduct rules to take departmental disciplinary action against the Govt. employee who has given false statement before the court to get benefit in his favour.

I am enclosing here with Postal Order (No. 05F 385793) of Rs. 10/- (Rupees ten only) for providing of above information under the said act.

Yours faithfully,

RTI
~~Dir (PWS)~~
~~Dir (PWS)~~

Prem Singh
(Prem Singh)
Plot No.394-A, Plat No.6,
Durga Vihar, Near Sainik Form,
New Delhi-110062.

In the Court of Collector Sub Division, Joginder Nagar, Distt. Mandi, H.P.

Case No.
12

Date of Institution
01.4.2010

Date of Decision
08.06.2010

In the matter of;

Kanwar Singh s/o Sh. Sudama r/o Village Langna Tehsil Joginder Nagar, Distt. Mandi(H.P.)

..... Appellant

Versus

1. Sh. Prem Singh s/o Sh. Ganesha R/o Langna Tehsil Joginder Nagar. Distt. Mandi (H.P.)
2. Sh. Gopal Singh s/o Sh. Kedar Chand r/o Langna Tehsil Joginder Nagar Distt. Mandi (H.P.)

..... Respondents.

Appeal under Section 14 of the H.P. Land Revenue Act against the order passed by the A.C. Ist Grade, Joginder Nagar, Dated 16-12-2008.

Order

This is an appeal which has been preferred by the appellant against the order passed on 16-12-2008 by the Asstt:Collector Ist Grade, Joginder Nagar. The main grounds of appeal are as under;

1. That the order passed by Ld. Lower Court is not legal order in the eyes of law and is based on surmises and conjectures and is liable to be set aside.
That no proper procedure has been followed by the Ld. Lower Court in deciding the mode of partition.
2. That the lower Court proceeded ex-parte against the appellant without any reasonable grounds. The appellant is an army personnel and he has not been served through proper service of summons. The lower court proceeded ex-parte of the appellant by marking the presence of the counsel K.S. Barwal, Advocate which is wrong. Previously in the lower court, the appellant has never engaged his counsel. The lower court without going through the made service, has not adopted proper procedure mentioned in the revenue Acts as well as in C.P.C.
3. That the more submissions will be put forth during the course of arguments with the permission of the Hon'ble Court.
4. That the appellant came to know about this order only on 8.7.2009 when he visits

Collector,
Mandi, H.P.

Handwritten notes and signatures on the left margin, including a date stamp '01/06/2010' and a signature.

②

of the Patwari Halqua in Patwarkhana who told him about the above said proceedings. Only then the appellant applied for the certified copy of the said order and the appellant applied for the certified copy of the said order and the appellant received the copy of the order on 27.7.2009. As such the appeal is within limitation from the date of knowledge. However the appellant is also filling an application under section 5 of the Limitation Act for the condonation of delay if any. It has been prayed that this appeal may kindly be accepted and the case be remanded to the lower for deciding the matter afresh.

Parties were served and opportunity was given to adduce oral as well as documentary evidence. The arguments advanced by the Ld. Counsels for both the parties heard at length. The Ld. counsel for the appellant has reiterated the grounds of appeal and laid emphasis on the point that the appellant is an army personnel and he has not been served. The lower court has proceeded ex-parte by marking the presence of advocate who has never been engaged and argued that opportunity of being heard be provided for the sake of justice. On the other hand Ld. Counsel for the respondent argued that mode of partition has been prepared as per law and ex-parte order is legal and as per law.

I have given considered thought to the arguments advanced by the Ld. Counsel for both the parties and gone through case file and lower court file. Perusal of the case file reveals that Sh. Prem Singh, Respondent No. I has moved an application before A.C. Ist Grade Joginder Nagar under section 123 of H.P. Land Revenue Act for partition of land bearing Khewat No. 83 Khatauni No. 160, 161, 162 and 163 Kita 67 measuring 07-14-9 bighas situated in Mauza Langna/222 Tehsil Joginder Nagar and A.C. Ist Grade after affording opportunity to the parties prepared mode of partition & has sent it to field Kanungo for implementation which is still pending. Meanwhile Sh. Kanwar Singh, the present appellant has filed appeal on the plea that he is an army personnel and he has not got opportunity to defend his case and he has been proceeded ex-parte on 05.08.2008. Perusal of order dated 5.8.2008 and summons reveals that the summon was pasted on the door of appellant that too in the presence of wife of appellant. But the appellant has argued that he was not at home at that time and it was not possible for him to attend court. On the other hand Ld. Counsel for the respondents has argued that they have no objection if the opportunity is given to the appellant but the case should be decided in time bound manner by the A.C. Ist grade Joginder Nagar. In view of the above discussion, the

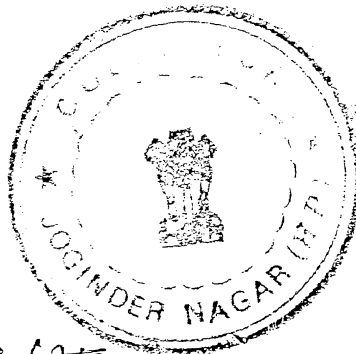
Collector,

D. J. Nagar

Mandi

appeal is remanded with the direction that one opportunity to the appellant be provided to file his objection, if any and partition application be decided after affording opportunity to at the earliest as per laid down procedure. The copy of this order alongwith lower court case file be sent to the Tehsildar Joginder Nagar for compliance. The case file after due completion be cosigned to general record room.

Announced



WSr
Collector, ~~Mandi~~,
Sub-Division, Joginder Nagar
Distt. Mandi H.P.
~~Dist. Mandi~~

~~Enrol no 6977~~

~~at Joginder Nagar 03rd Dec, 2010~~

Authorised by Section 78 of
the Indian Evidence Act 1928
[Signature]

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[Signature]
T-8, 2011