

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

North Block, New Delhi,
Dated the 20 August, 2014

ORDER

Sub : Appeal filed by Shri Anil Kumar Upadhyay under RTI Act 2005.

Whereas the applicant had submitted a RTI application dated 05.04.2014 addressed to the CPIO, Ministry of Home affairs seeking the information under the Right to Information Act, 2005.

2. Earlier the applicant had sought copies of the SSB Act 2007 and SSB Rules 2009 on the subject vide your RTI application dated 05.4.2014.

3. Whereas Director (Pers) and CPIO informed the applicant that the information was not available with him and it might be available with the SSB and the RTI request was accordingly transferred to CPIO, SSB on 17.4.2014 (copy attached).

4. Whereas the applicant has now submitted his first appeal dated 25.7.2014 to the undersigned stating that he has not received information sought for against his RTI application dated 05.4.2014.

5. I have gone through the appeal filed by the applicant. I have also gone through the RTI application dated 05.04.2014 filed by the applicant. I find that the information sought by the applicant is concerned with SSB. Therefore, the RTI application dated 05.04.2014 has rightly been transferred by Director (Pers) and CPIO to the CPIO, SSB for disposal under RTI Act. The applicant should have submitted his first Appeal to the first Appellate Authority of SSB. Appeal is therefore, transferred to the Appellate Authority of SSB for disposal under RTI Act.

6. The appeal is disposed of accordingly.



(Dr. Nirmaljeet Singh Kalsi)
Joint Secretary(P-II) & 1st Appellate Authority
☎ 2309 2478

Shri Anil Kumar Upadhyay
S/o Ashok Kumar Upadhyay
Ashok Sadan, Near Sisa Factory,
Gausganj, Gangi, P.O. Arrah
Dist- Bhojpur (Bihar) Pin- 802301

Copy to:-

1. First Appellate Authority, SSB, RK Puram, New Delhi alongwith a copy of first appeal.
2. PS to JS(P-II),MHA
3. IT Cell, MHA alongwith a copy of the appeal dated 10.6.2014.

RTI- 1771 Droller 1114

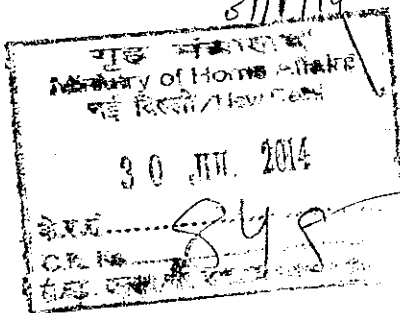
Post

Dy. No. 156/1114

1244 Dy. No. 4270/RTI/2014

31/7/14

30/7/14



By Registered Post

RTI MATTER

To,

The Appellate Authority,
Ministry of Home Affairs,
North Block, New Delhi- 110001

Sub: **Ist Appeal under RTI Act, 2005 for not providing the required information.**

Sir,

I have requested to the Director (Pers)/ Central Public Information Officer, Ministry of Home Affairs, North Block, New Delhi-110001 vide my letter dated 05/04/2014 to provide information under RTI Act, 2005 (**Copy enclosed an Annexure-A**).

2 Now, after a period of more than **110 days** I have nothing heard from the Director (Pers)/ Central Public Information Officer, Ministry of Home Affairs, North Block, New Delhi-110001. I am compelled to make an appeal with the request to provide the required information at the **earliest please**.

3 It is therefore requested to consider my appeal for providing the required information as requested above please.

Encl: - As above (Application dated 05/04/2014)

Dated:- 25-07-2014.

JS (P-11)
~~JS (P-11)~~

Yours faithfully,

Anil kumar upadhyay.

ANIL KUMAR UPADHYAY

S/O Ashok Kumar Upadhyay,

Ashok Sadan, Near Sisa Factory,

Gausganj, Gangi, P.O- Arrah,

Dist- Bhojpur (Bihar) Pin- 802301

Mobile No- 9122431271, 7870762147

"Annexure-A"

To,

The Director (Pers) / Central Public Information Officer,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Sub: - Application for seeking information under Right to Information Act, 2005.

Sir,

I hereby request to provide the following information under provision of the Right to Information Act, 2005.

Query in Brief Shri N. Payeng, IPS, Inspector General (1st Appellate Authority), Frontier Hqrs, SSB, Guwahati-781022 (Assam) vide letter No.FG/II/VIG-RTI ACT 2005/Vol-IV/2013/4299-4300 dated 12/03/2014 (Copy enclosed as Annexure-"A") has provided the following information under RTI on the disciplinary proceeding conducted against me: -

S No	Information requested by the undersigned	Information provided by the Appellate Authority letter referred above
1.	Have I ever been informed about hearing under Rule-44 of SSB Rules, 2009 by the authority? If yes, by which mean? Please provide me details.	No, Rules 44 provides for preparation of offence report for use during Summary Trail. There is no provision for giving of the same as per SSB Act & Rules.
2.	Have I ever been informed about hearing under Rule-45 of SSB Rules, 2009 by the authority? If yes, by which mean? Please provide me details.	Yes, verbally ordered and marched before the Adjutant who after reading out of charge, remanded cases for hearing by the Commandant.
3.	Have I ever been informed about hearing under Rule-46 of SSB Rules, 2009. If yes, by which mean? Please provide me details.	Yes, before the Commandant in presence of Adjutant & offence report, containing the charge was readout to you and the witnesses heard.
4.	Proceeding under Rule-46 of SSB Rules, 2009 and substance of Evidence thereof.	After hearing under Rule-46 on punishment was awarded to you and ROE was ordered under Rule-46 (3). Order for conducting of ROE alongwith charge sheet has already been handed over to you vide letter No. 8513-16 dated 17.04.2013 which was received by you vide letter No. Nil dated 17.04.2013.
5.	Have I ever been informed by the authority (i.e. Recording Officer) for taking statement of PWs, DWs in ROE ordered against me? If yes, by which means? Please provide me details.	The ROE officer has conducted ROE as provided for under SSB Act and Rules and you have also complied with all the Rules as spelt out under Rule-51, wherein you have been apprised of his various rights and duties under SSB Act and Rules.

It seems that the Inquiry/Recording Officer has conduct the Record of Evidence (ROE) inquiry without issuing Summon to the accused/witnesses because in the instant case Inquiry/Recording Officer has not only superseded the [Rule 51 Record of evidence (7) The provision of section 101 shall apply for procuring the attendance of witnesses before the officer preparing the record of evidence and the witnesses shall be summoned as per Forms given in Appendix XV.] **SSB Rule 2009 but also superseded the Section [101. (1) The convening officer or the presiding officer of a Force Court or the Judge Attorney or, as the case may be, the Deputy Judge Attorney-General or the Additional Judge Attorney-General or the officer approved under section 95 or the commanding officer of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing] SSB Act, 2007 called the accused by apprising the various rights and duties under SSB Act and Rules.**

Information required under RTI Act 2005: - In reference to above, kindly provide certified copy of the

- i. **Amendment of the SSB Act 2007 and SSB Rules 2009** through which Recording Officer has been empowered to conduct the Record of Evidence (ROE)/inquiry without issuing Summon to the accused/witnesses because in the instant case Inquiry Officer has superseded the SSB Rule 2009 as well as SSB Act, 2007 by calling the accused (undersigned) by only apprising the various rights and duties under SSB Act and Rules.
- ii. If there is no any amendment in the SSB Act 2007 / SSB Rules 2009 then kindly provide copy of the order/instruction passed by MHA through which Recording Officer conducted ROE with issuing any Summon (Appendix XV).

Enclosed please find herewith Indian Postal Order for Rs 10/- vide IPO No. 73C 961020 and 73C 961021 dated 21/04/2014 being RTI Fee favouring of the Accounts Officer, Ministry of Home Affairs, New Delhi.

I am a bonafide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country.

Yours faithfully,

Anil Kumar Upadhyay
05/04/2014

ANIL KUMAR UPADHYAY
S/o Shri Ashok Kumar Upadhyay,
Ashok Sadan, Near Sisa Factory,
Gausganj, Gangi Post- Arrah,
Dist- Bhojpur (Bihar) Pin-802301

Encls: As above.

अभ्यर्था COUNTERFOIL
इसे फाइलर प्रेषक अपने पास रख ले।
To be detached and kept by the Sender.
पोस्टल आर्डर
रुपए 5.00 Rs.
POSTAL ORDER

किस अदा करना Accounts
To whom payable obhicer, MHA
किस डाकघर में New Delhi:
At what Office New Delhi:
क्या इसे क्रॉस किया है Yes
Whether crossed Yes
भेजने की तारीख 05/04/2014
Date sent 05/04/2014

73C 961020

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Whether crossed Yes
भेजने की तारीख 05/04/2014
Date sent 05/04/2014



POSTAL ORDER NO. 73C 961020 DATED 05/04/2014 FOR THE PAYEE'S ACCOUNT IN THE NAME OF ANIL KUMAR UPADHYAY S/O SHRI ASHOK KUMAR UPADHYAY ASHOK SADAN NEAR SISA FACTORY GAUSGANJ GANGI POST-ARRAH DIST. BOHJPUR (BIHAR) PIN-802301