

No.14039/38/2014-UTS.II

Government of India

Ministry of Home Affairs

North Block, New Delhi - 110 001.

Dated the 28th April, 2014.

Sub: Information sought by Shri Sandeep Kumar under the RTI Act, 2005 - regarding.

With reference to his RTI application dated Nil, received in the UTS-II Desk, MHA on 16.04.2014, Shri Sandeep Kumar, House No. 190, Gali No. 03, Chauhan Patti, Delhi, point wise information relevant to UTS-II Section is provided as under:

Point No. 01:- The applicant is informed that para 2 (i) of the transfer policy for DANICS/DANIPS reads as under:-

"The promotee DANICS/DANIPS officers will have to serve in one of the outlying segments for a minimum period of 2 years. The direct recruit officers are required to serve in the outlying segments in two spells - the first spell will be of minimum 3 years and the second will be of minimum 2 years. However, the number of stints and duration in outlying segments may vary subject to availability of suitable officers".

Point No. 02:- The applicant is informed that promotee officers are generally inducted to DANICS around the age of 50 and they remain in DANICS for a period of about 08-10 years. Most of them retire from the Entry Grade only. All these facts are considered in deciding that the length of posting of promotee officers in outlying segments.

Point No. 03 & 04:- The applicant is informed that para 8 (vii) of the transfer policy for IAS/IPS reads as under:-

"The tenure of Promotee IAS/IPS officers of AGMU cadre who have crossed the age of 50 years will be as follows:

(a) In case of an officer who has crossed the age of 50 years, the tenure of transfer outside Delhi/Chandigarh/Home State will be of two years.

(b) IAS/IPS officer inducted from Mizoram or Arunachal Pradesh may be posted back to hi/her home segment i.e. Mizoram or Arunachal Pradesh, three years before his/her retirement at his/her request.

Point No. 05:- The proposal was moved for reduction of tenure from 03 years to 02 years of DANICS officers.

Point No. 06:- The point is not covered under the RTI Act, 2005. The Ministry, being the Cadre Controlling Authority can utilize the services of cadre officers at any place in public interest & as per administrative requirement. The applicant may refer the CIC's order dated 21.04.2006 in the matter of Dr. D.V. Rao Vs. Shri Yashwant Singh and an extract of the relevant portion of the judgment which is as follows:

"..... It is not open to an appellant to ask, in the guise of seeking information, questions to the public authorities about the nature and quality of their actions. The RTI Act does not case on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2(f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority."

Further, The applicant is also informed that the Hon'ble High Court of Bombay at Goa dated 03.04.2008 in Writ Petition No. 419 of 2007 in case of Dr. Celsa Pinto Vs. Goa State vide which the Hon'ble High Court *inter alia* stated as under:-

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

Point No. 07:- The applicant is informed that the Ministry of Home Affairs being the Cadre Controlling Authority in respect of DANICS is competent to decide the policy. However, comments of the UT segments were called from the UTs.

- 2. The name and address of the First Appellate Authority is as under:

Shri I.S. Chahal,
Joint Secretary (UT)
Ministry of Home Affairs, North Block,
New Delhi – 110001

Encl: A/A



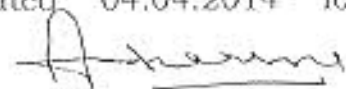
(Anuj Sharma)
Director and CPIO
Tel: 2309 2436

To

Shri Sandeep Kumar,
House No. 190,
Gali No. 03,
Chauhan Patti,
Delhi.

Copy for information to:

Shri S. Samanta, Under Secretary, RTI Section, MHA vide their letter bearing No. A-43020/01/2014-RTI dated 04.04.2014 for information.



(Anuj Sharma)
Director and CPIO
Tel: 2309 2436

जारी किया/ISSUED

दिनांक/Date..... 29.4.14
हस्ताक्षर/Sgn.....

To,

The Public information Officer
Ministry of Home Affairs,
Govt. Of India, North Block
New Delhi-110001

367/SP

Sir,

Please provide me the following information under RTI Act 2005.

1. Is it a fact that the tenure of promotee DANICS officers in outside territories is two years?
2. If yes, then what is the basis of prescribed the length / Period of tenure as two years ?
- ✓ 3. Is it a fact that the tenure of promotee IAS officers in outside territories is two years?
- ✓ 4. If yes, then what are the grounds on which the said tenure was reduced from three years to two years?
5. Is it a fact that the proposal was moved for reduction of tenure of senior DANICS Officers from 3 years to 2 years?
6. What are the reasons for not reducing the tenure of senior DANICS Officers from 3 years to 2 years?
7. Is it a fact that all the union territories namely NCT Delhi, Andaman & Nicobar Island, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu had given their consent on the above said policy.

Tenure of promotee IAS officers is 3 years

RTI

Encl: Postal order Rs. 10/-

Dial/Saran

Sh-5

1975/RTI/2014
03/04/2014. 2015/8

Yours faithfully,

(Signature)

(Sandeep Kumar)

House No. 190, Gali No.-3,
Chauhan Patti,
Delhi