(19)

No. 14039/38/2013-UTS-II
Government of India
Ministry of Home Affairs

North Block, New Delhi,
Dated the 14th August, ,2013

Subject: Appeal under RTI Act, 2005 – Regarding.

With reference to his appeal dated 24.07.2013 received in this office on 06.08.2013 filed under section 19 of the RTI Act, 2005, Shri V.C. Pandey is informed that the appeal filed by him vis-a-vis the reply given by CPIO have been considered. Tthe points raised in (i) to (v) of the RTI application dated 26.6.2013 are covered under Section 8 (1) (h) of the RTI Act, 2005. Since the case is under investigation, the documents cannot be provided till the finalization of the matter. The reply given by the CPIO is correct and no intervention of Appellate Authority is required.

(K.K. Pathak)
Joint Secretary to the Government of India
and 1st Appellate Authority
Tel. No. 2309-2630

To

Shri V.C. Pandey, IAS,
50/4, MCD Officers Flat,
Bungalow Road,
Delhi – 110 007.

जारी किया/ISSUED
दिनांक/Date.....16.8.13
हस्ता./Sign.....

From

V.C. Pandey, IAS
AGMUT-99
Managing Director (LDCL)&
Secretary in U.T. of Lakshadweep

To

Shri. K.K. Pathak,
Joint Secretary (UT) &
Appellate Authority,
Govt. of India,
Ministry of Home Affairs,
Room No. 193-A/I, North Block,
New Delhi – 110001.

Sub:- Appeal under section 19 of the RTI Act, 2005.

Sir,

Most respectfully, I wish to submit that I had sent an application dated 26th of June, 2013 under RTI Act 2005. Receipt of the application fee dated 3rd July, 2013 has been received to me, therefore date of receipt of application would be 3rd of July, 2013 not 10th of July, 2013 as mentioned by the Ld. CPIO & Director (Services). I had requested the information by the aforesaid application (copy enclosed for ready reference) and CPIO has denied the information on the ground that the information sought is covered under section 8(1)(h) of RTI Act 2005 and also informed that the documents of charge memo and other noting copies cannot be provided as the disciplinary proceedings have not yet been completed. In this regard I submit my appeal on the following grounds :-

1. CPIO has denied the information taking the shelter of the section 8(1)(h) of the RTI Act 2005 which is not applicable in this case.

2. The charge memorandum dated 9th February 2011 was issued after the advise of CVC (CVC has given advises in this case to MCD & GNCT of Delhi in 2006 and MHA in January, 2011). The said charge memorandum has been quashed by the Central Administrative Tribunal, Principal Bench, New Delhi in the O.A. No. 724/2011 filed by me on 6th of May, 2011. Since no appeal was filed against this judgement, it is now become final. No disciplinary proceedings are pending against me as has been mentioned by the CPIO & Director (Service).

6

3. Further Central Vigilance Commission has given new advise which is not admissible particularly when Commission has already given at least 3 advises in the same matter in the past.

4. Noting which has finally concluded to the charge memorandum now quashed and the observation on the advise of the Court Judgement is not Secretive particularly when the file has been routed through various agencies/departments. Therefore shelter of section of 8(1)(h) of RTI Act 2005 is not applicable.

In view of the above I submit this appeal under section 19 of the RTI Act, 2005 as CPIO has not furnished the information.

Yours faithfully,

24/12/2013

(V.C. Pandey, IAS)
AGMUT-99
Managing Director
Lakshadweep Development Corporation Ltd. &
Secretary in UT
Union Territory of Lakshadweep,
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