



Government of India

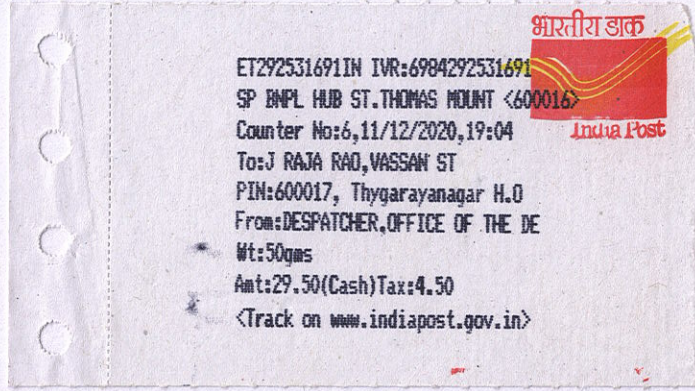
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
OFFICE OF THE DEVELOPMENT COMMISSIONER
ADMIN OFFICE BUILDING
MEPZ – SPECIAL ECONOMIC ZONE,
GST ROAD, TAMBARAM, CHENNAI - 600 045
Phone : 044 – 2262 8305 Fax: 044- 2262 8218

File No. RTI/467/2020-21

Dated: 11.12.2020

To

Shri J.Raja Rao,
Advocate,
No.6/1, Vasan Street,
T.Nagar, Chennai – 17
600 017



Sir,

Sub: Information required under RTI Act, 2005 -Reg.

Kindly refer to your RTI application dated 27.10.2020 (received this office on 02.11.2020). The information as available in this office records are provided herewith in respect of this office:

Sl.No.	Information sought	Reply
1.	When Ravi Sangar, presently working as UDC, got appointed in MEPZ originally and the Name of the post in which he was appointed originally?	Shri S. Ravi Sangar was appointed on 26.2.1985 as Duplicating Operator on <i>ad-hoc</i> basis.
2.	Whether the post in which he was appointed was permanent and substantive? If the answer is no, please specify the nature of the post which he was appointed.	He was initially appointed on <i>ad-hoc</i> basis as Duplicating Operator, subsequently on 01.04.1988 he was substantively appointed as Duplicating Operator.
3.	Whether the vacancy for the post in which he was appointed was Notified and advertised in any newspaper? Please give the particulars of the same. If not advertised? Please mention the rule under which it was not Notified / advertised. If it was Notified, furnish the name of the candidates who have applied for the said post.	Records/files pertaining to his initial appointment are not available hence information could not be provided.

4.	Is it true that Mr. Ravi Sangar is related to the Development Commissioner Mr. Arumugam and is it true that Mr. Ravi Sangar got posting in MEPZ because he is related to Mr. Arumugam.	<p>It is a hypothetical question. Moreover, the question of applicant involves interpretation of "Relationship between two people" which is beyond the purview of CPIO under the RTI Act, 2005.</p> <p>The Hon'ble Central Information Commission in its Order dated 03.032017 in Appeal No. CIC/SB/A/2016/001025/CBECE-BJ (in the case of Mr.SubrataGuha Ray Vs. CPIO) has stated the following:-</p> <p>"At the outset the Commission observed that under the provision of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. Similarly, redressal of grievance, reason for non-compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act."</p> <p>From the above Case Law, it is evident that the CPIO is not supposed to create information that is not part of the records.</p>
5.	Has MEPZ received any complaint so far that Ravi Sangar was appointed in MEPZ by back door entry with the influence of the Development Commissioner.	As per the available records no such complaint received so far.
6.	Whether Development Commissioner has not power to appoint anyone he likes in MEPZ? Please furnish the relevant rules on which Ravi Sangar appointed by the Development Commissioner.	<p>It is a hypothetical question. Moreover, the question of applicant involves interpretation of Rules which is beyond the purview of CPIO under the RTI Act, 2005.</p> <p>The Hon'ble Central Information Commission in its Order dated 03.032017 in Appeal No. CIC/SB/A/2016/001025/CBECE-BJ (in the case of Mr.SubrataGuha Ray Vs. CPIO) has stated the following:-</p> <p>"At the outset the Commission observed that under the provision of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. Similarly, redressal of</p>

		<p>grievance, reason for non-compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act."</p> <p>From the above Case Law, it is evident that the CPIO is not supposed to create information that is not part of the records.</p>
7.	When did Ravi Sangar got appointed permanently in MEPZ and what is the Recruitment Rule under which he was permanently appointed in MEPZ. Please furnish the details and provisions for the relevant Rules.	As per the Office Order dated 29.06.1993 issued by this Office, Shri S. Ravi Sangar's date of Substantive appointment is 01.04.1988 in the grade of Duplicating Operator.
8.	Please furnish the qualifications for the post in which Ravi Sangar appointed permanently and informed whether the said Ravi Sangar fulfilled all the eligibility conditions as per RR to fill the post permanently	Shri S. Ravi Sangar has completed Higher Secondary at the time of his appointment as Duplicating Operator on <i>ad-hoc</i> basis. Whereas other part of the question involves interpretation of the Rules by PIO which is not under the purview of PIO, however the last available RRs of MEPZ SEZ notified in the Gazette during 1991 is furnished for information of the applicant.
9.	Whether Ravi Sangar passed typing test? What is the score he obtained in the test? What is the educational qualification of Ravi Sangar at the time of permanent appointment in MEPZ.	<p>Shri S. Ravi Sangar had passed typing test, however with respect to the score he obtained in the typing test, no records available in this Office.</p> <p>His Educational Qualification at the time of permanent appointment is Higher Secondary.</p>
10	Furnish the details such as the date of his initial appointment, permanent appointment, promotion to next grade so far? Is he qualified for all the promotions he got so far?	<p>Date of initial appointment as Duplicating Operator on <i>ad-hoc</i> basis : 26.02.1985</p> <p>Date of Substantive appointment in the grade of Duplicating Operator: 01.04.1988.</p> <p>Date of promotion to the post of LDC: 05.06.1991.</p> <p>Date of promotion to the post of UDC. 15.5.2000</p>
11	Is it true the Service Book and the Personal File of Ravi Sangar is missing from office. If yes, how did it go missing? Was FIR filed against the officials of Admin section for loss of file.	<p>His Service Book available whereas his Personal File [Vol.I] is missing. However a circular in this regard was circulated among the departments and confirmed it is not available.</p> <p>No FIR filed</p>

12	Who were the officials in Admin Section when files go missing.	<ol style="list-style-type: none"> 1. Smt. C. R. Kalavathy, who was then Office Superintendent, now retired; 2. Smt. N. Padma, who was then UDC; and 3. Shri S. Ravi Sangar, who was then LDC.
13	Was Ravi Sangar posted in Admin Section before? Specify the dates	<p>Yes.</p> <p>Specific dates of his posting in Admin Section could not be deduced however, in the last ten years he was not posted in Admin Section.</p>
14	Has this office received any complaint with allegation that Ravi Sangar is the one who stole his file from office? Was any inquiry conducted regarding this and has the file been reconstructed by the then Admin Section? If not, why.	<p>No complaints received against Shri S. Ravi Sangar.</p> <p>Regarding the reason why no inquiry was conducted or the file been reconstructed, it is informed that as per the case laws in respect of Dr.Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs The Goa State Information on 3rd April, 2008 (2008(110) Bom L R 1238) and the Hon'ble Central Information Commission Order dated 03.03.2017 in Appeal No. CIC/SB/A/2016/001025/CBECE-BJ (Mr.SubrataGuha Ray Vs CPIO) which was held that " the definition of "Information" under Section 2(f) of the RTI Act, 2005 cannot include within its fold answers to the question "why" which would be the same thing as asking the reasons for a justification for a particular thing. Similarly, the PIO is not supposed to create information that is not part of the record. Therefore, since the reason sought by the applicant is not part of the record of this office, the information sought by the applicant in the present case does not fall within the purview of Section 2(f) of the RTI Act, 2005.</p>
15	Whether a Government employee can work without a personal file and furnish the relevant rules for maintaining personal file for the individual employees working in Central Government.	<p>The question asked by the applicant involves interpretation of the relevant Rules by the CPIO which is not within the purview of RTI Act, 2005, as per the definition of "Information" under Section 2(f) of the RTI Act, 2005.</p> <p>The Hon'ble Central Information Commission in its Order dated 03.03.2017 in Appeal No. - CIC/SB/A/2016/001025/CBECE-BJ (in the case of Mr.SubrataGuha Ray Vs. CPIO) has stated the following:-</p> <p><i>"At the outset the Commission observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to</i></p>

		<p><i>hypothetical questions. Similarly, redressal of grievance, reasons for non-compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act."</i></p> <p>From the above Case Law, it is evident that the CPIO is not supposed to create information that is not part of the records.</p> <p>Therefore, the information sought by the Applicant in the present case does not fall within the purview of Section 2(f) of the RTI Act, 2005.</p>
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2. If you are not satisfied with the information furnished above, you may prefer an appeal with the 1st Appellate Authority detailed below within 30 days of the date of this letter.

Shri.VIKAS PAL,IRS,
Deputy Commissioner of Customs,
MEPZ-Special Economic Zone,
N.H. 45, Tambaram,
Chennai-600 045.

Yours sincerely,

Sd/-
(Balasubramaniam. S)
CPIO/Asst. Development Commissioner