



केन्द्रीय कर के प्रधान आयुक्त का कार्यालय  
OFFICE OF THE PRINCIPAL COMMISSIONER OF CENTRAL TAX  
विशाखापट्टणम केन्द्रीय वस्तु एवं सेवाकर आयुक्तालय  
VISAKHAPATNAM CENTRAL GST COMMISSIONERATE  
पत्तन क्षेत्र-विशाखापट्टणम, Port Area, Visakhapatnam-35



पत्र.सं. C.No. IV/16/19/2019-20.RTI

दिनांक Date: 20-08-2019

**Order-in-Appeal No. 02/2019-20**  
(Under the Right to Information Act, 2005)

(Passed by Shri S. Narasimha Reddy, First Appellate Authority/ Additional Commissioner of Central Tax, Visakhapatnam Central GST Commissionerate, Visakhapatnam)

**PREAMBLE**

1. This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.
2. An appeal against the Order can be preferred with the Central Information Commission, Old JNU Campus, Block 4, 5<sup>th</sup> Floor, New Delhi-110067 under Sub-section(3) of Section 19 of the Right to Information Act, 2005.
3. An Appeal against this order must be filed within 90 days from the date of receipt of this order.
4. For further information regarding procedure of appeals, please visit, <http://cic.gov.in>.

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Sub: Right to Information Act, 2005 - Appeal filed by Smt. P. Swarna Latha - Decision under Section 19(1) of the RTI Act, 2005 - Communicated - Regarding.

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This is an appeal filed by Smt. P. Swarna Latha, (hereinafter referred to as the 'Appellant') vide letter dated 19.07.2019 (received in this office on 22.07.2019) against the alleged non-providing of information by the CPIO (Assistant Commissioner of Central Tax), Hqrs., Central GST Commissionerate, Visakhapatnam.

**BRIEF FACTS OF THE CASE:**

2. Earlier, the appellant filed an application with the CPIO, Hqrs., Central GST Commissionerate, Visakhapatnam vide letter dated 17.06.2019 under the RTI Act, 2005, seeking information pertaining to copies of Seniority lists of Sepoys i.e., i) The Establishment orders E.O.(NGO) issued in respect of promotions given in the cadre of Hawaldars from Sepoy cadre during the years 2001 to 2015 and ii) Common Seniority list of Sepoys considered for

promotion to the cadre of Hawaldars of Visakhapatnam - II Commissionerate along with the vacancy list year-wise of Hawaldars during the period from 2001 to 2015.

3. As the information pertained to Hqrs., Establishment Section of the Central GST Commissionerate, Visakhapatnam, the same was forwarded to the Assistant Commissioner of Central Tax (Estt.), CGST Commissionerate, Visakhapatnam vide this office letter C.No.IV/16/09/2019-20.RTI dated 19.06.2019, for further action.

4. In reply to the same, the Assistant Commissioner of Central Tax (Estt.), CGST Commissionerate, Visakhapatnam vide letter C.No. II/39/01/2015-Estt.RTI dated 12.07.19, forwarded the following information:

i) Copies of the Establishment Orders E.O.(NGO) No.12/2007 dated 02.07.2007 and 42/2012 dated 26.12.2012 of Visakhapatnam - II Commissionerate and;

ii) copies of the seniority lists of Sepoys as on 01.01.2009, 01.01.2010, 01.01.2011 & 01.01.2012 and the Vacancy lists of Hawaldar as on 31.03.2011 & 31.03.2012 of Visakhapatnam - II Commissionerate.

5. The above information was forwarded to the applicant by the CPIO, CGST Commissionerate, Visakhapatnam vide letter C.No. IV/16/09/2019-20.RTI dated 17.07.2019.

6. However, the applicant Smt. P. Swarna Latha was aggrieved by the reply furnished by the CPIO, and has filed the present appeal vide letter dated 19.07.2019 (received in this office on 22.07.2019) with a request to pass an order directing the Authority to provide the relevant information as requested by the applicant.

PERSONAL HEARING:

7. A personal hearing was granted to the appellant on 07.08.2019. The appellant Smt. P. Swarna Latha was unable to attend the hearing and authorised Sri. P. Phani Satya Sai to represent her on her behalf and make submissions. Accordingly, Sri. P. Phani Satya Sai attended the Personal Hearing. He reiterated the submissions that are already made in the appeal made before and further stated that the information provided by the CPIO, Visakhapatnam Commissionerate vide the letter C.No.IV/16/09/2019-20-RTI dated 17.07.2019 was not sufficient and did not serve their purpose.

Therefore, he once again requested that (i) the Establishment Orders E.O.(NGO)s issued in respect of promotions given in the cadre of Hawaldars from Sepoy cadre during the years from 2001-2015 and (ii) the Common Seniority list of Sepoys considered for promotion to the cadre of Hawaldars of Visakhapatnam II Commissionerate (erstwhile) along with the vacancy list year-wise of Hawaldars during the period from 2001-2015 may be provided. He had nothing more to add.

#### DISCUSSIONS AND FINDINGS:

6. I have carefully gone through the appellant's RTI application dated 17.06.2019 and the appeal filed dated 19.07.2019 and the related documents.

7. As seen therein, the appellant Smt. P. Swarna Latha, vide RTI application of dated 17.06.2019 under the RTI Act, 2005, had sought information pertaining to (i) the Establishment Orders E.O.(NGO)s issued in respect of promotions given in the cadre of Hawaldars from Sepoy cadre during the years from 2001-2015 and (ii) the Common Seniority list of Sepoys considered for promotion to the cadre of Hawaldars of Visakhapatnam II Commissionerate (erstwhile) along with the vacancy list year-wise of Hawaldars during the period from 2001-2015.

8. The Assistant Commissioner of Central Tax (Estt.), CGST Commissionerate, Visakhapatnam vide letter C.No. II/39/01/2015-Estt.RTI dated 12.07.19, forwarded the following information:

i) Copies of the Establishment Orders E.O.(NGO) No.12/2007 dated 02.07.2007 and 42/2012 dated 26.12.2012 of Visakhapatnam - II Commissionerate and;

ii) copies of the seniority lists of Sepoys as on 01.01.2009, 01.01.2010, 01.01.2011 & 01.01.2012 and the Vacancy lists of Hawaldar as on 31.03.2011 & 31.03.2012 of Visakhapatnam - II Commissionerate.

9. However, the applicant is aggrieved as the information was not complete i.e., all the Establishment orders, seniority lists and vacancy lists for during the period 2001 to 2015 were not provided. The reply of the CPIO clearly states that the information as available with the section was provided and therefore, it is clear that the full information was not provided to the applicant.

10. As per Section 3 of the RTI Act, 2005 "all citizens shall have right to information". As the documents requested by the applicant are public



documents, the same can be furnished to her. Further, the CPIO has not stated any reasons for not providing the complete information. Hence, I opine that the appeal filed by the applicant is justified.

11. In view of the above findings, I proceed to pass the following order.

**ORDER**

The appeal filed by the appellant Smt. P. Swarna Latha vide the letter dated 19.07.2019, is allowed and the CPIO, CGST Commissionerate, Visakhapatnam is directed to re-verify the records / files and provide the information available on records to the appellant.

221-261-219  
(S. NARASIMHA REDDY)  
ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY

To,  
**Smt. P. Swarna Latha,**  
Door No.2-36-26,  
Trivedi Nagar, A.C. Garden,  
Rajahmundry - 533 101,  
Andhra Pradesh.

Copy submitted to:  
The Principal Commissioner of Central Tax, CGST Commissionerate,  
GST Bhavan, Visakhapatnam - 530 035.

Copy to

1. The CPIO/Assistant Commissioner of Central Tax, CGST Commissionerate, Visakhapatnam.
2. The Superintendent (Systems) - for uploading into Departmental Website.