



केन्द्रीय कर के प्रधान आयुक्त का कार्यालय  
OFFICE OF THE PRINCIPAL COMMISSIONER OF CENTRAL TAX,  
विशाखापट्टणम केन्द्रीय वस्तु एवं सेवाकरआयुक्तालय  
VISAKHAPATNAM CENTRAL GST COMMISSIONERATE,  
पत्तन क्षेत्र, विशाखापट्टणम35-  
Port Area, Visakhapatnam-35



C.No. IV/16/31/2020-21-RTI

Date:- 03.03.2021

**Order-in-Appeal No. 04/2020-21**  
(Under the Right to Information Act, 2005)

(Order passed by Shri A Syam Sundar, First Appellate Authority/ Additional Commissioner of Central Tax, Visakhapatnam Central GST Commissionerate, Visakhapatnam)

**प्रस्तावना/PREAMBLE**

1. यह आदेश आर.टी.आई अधिनियम 2005 की धारा 19 के अंतर्गत जारी किया गया है।  
*This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.*
2. यदि आप इस आदेश से संतुष्ट न हो, तो आप केन्द्रीय सूचना आयोग, पुराने जेएनयू कैंपस, ब्लॉक 4, 5वीं मंजिल, नई दिल्ली -110067 के सम्मुख आर.टी.आई अधिनियम, 2005 की धारा 19 की उप-धारा (3) के अंतर्गत एक अपील दायर कर सकते हैं।  
*An appeal against the Order can be preferred to 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. इस आदेश की प्राप्ति की तारीख से 90 दिनों के भीतर अपील दायर किया जाना चाहिए।  
*An Appeal against this order must be filed within 90 days from the date of receipt of this order.*
4. कृपया अपील की प्रक्रिया से संबंधित अधिक जानकारी के लिए : <http://cic.gov.in> में देखें।  
*For further information regarding procedure of appeals, please visit, <http://cbic.gov.in>.*

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Sub: Right to Information Act, 2005- Appeal filed by Shri P. Phani Satya Sai - Decision under Section 19(1) of the RTI Act, 2005 - Communicated - Regarding.

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This is an appeal filed by Shri P. Phani Satya Sai, (herein after referred to as the "Appellant"), vide letter dated 31.01.2021 (received in this office on 02.02.2021) against the alleged incomplete 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 RTI application dated 23.12.2020 with the CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam under the RTI Act, 2005, seeking information pertaining to a) any time frame for the cadre controlling authority to fill the vacancies that arise from time to time, due to retirements, promotions etc., b) Hawaldar vacancies arising out of Establishment Order (NGO)17/2009 dtd.15.04.2009 & c) copies of promotion

*11/03/21*  
*Shri Vikram*  
*Shri*  
*Shri*

orders from Sepoy to Hawaldar cadre issued between 15.04.2009 and 15.04.2018.

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/16/31/2019-20-RTI dated 06.01.2021, 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 27.01.2021, forwarded the following information:

a)The information is available in Public Domain. May be obtained from Public Domain.

b)Yes, In the year 2009 in respect of Visakhapatnam-I Commissionerate.

c) Copies of the following Establishment Orders issued by Visakhapatnam – II Commissionerate covered for the panel year 2008-09 to 2012-13 are enclosed herewith:

E.O.(NGO) No. 42/2012 dated 26.12.2012 and 25/2013 dated 05.11.2013 issued by Visakhapatnam – II Commissionerate & E.O.(NGO) No.26/2014 dated 30.09.2014, 04/2010 dated 18.02.2010.

5. The above information was forwarded to the applicant by the CPIO, CGST Commissionerate, Visakhapatnam vide letter C.No. IV/16/31/2020-21-RTI dated 27.01.2021.

6. However, the applicant Shri P. Phani Satya Sai was aggrieved by the reply furnished by the CPIO, and has filed the present appeal vide letter dated 31.01.2021 (received in this office on 02.02.2021) with a request to pass an order directing the Authority to provide the relevant information as requested by the applicant.

#### DISCUSSIONS AND FINDINGS:

7. I have carefully gone through the appellant's RTI application dated 23.12.2020 and the appeal filed dated 31.01.2021 and the related documents.

8. As seen therein, the appellant Shri P. Phani Satya Sai, vide RTI application dated 23.12.2020 under the RTI Act, 2005, had sought information pertaining to a) any time frame for the cadre controlling authority to fill the vacancies that arise from time to time, due to retirements, promotions etc., b) Hawaldar vacancies arising out of Establishment Order (NGO)17/2009 dtd.15.04.2009 & c) copies of promotion orders from Sepoy to Hawaldar cadre issued between 15.04.2009 and 15.04.2018.

9. The Assistant Commissioner of Central Tax (Estt.), CGST Commissionerate, Visakhapatnam vide letter C.No. II/39/01/2015-Estt-RTI dated 27.01.2021, forwarded the following information:

“a) The information is available in Public Domain. May be obtained from Public Domain.

b) Yes, In the year 2009 in respect of Visakhapatnam-I Commissionerate.

c) Copies of the following Establishment Orders issued by Visakhapatnam – II Commissionerate covered for the panel year 2008-09 to 2012-13 are enclosed herewith:

E.O(NGO) No. 42/2012 dated 26.12.2012 and 25/2013 dated 05.11.2013 issued by Visakhapatnam – II Commissionerate & E.O.(NGO) No.26/2014 dated 30.09.2014, 04/2010 dated 18.02.2010.”

10. However, the applicant is aggrieved as the information was not complete i.e., in respect of

a) the answer is cryptic and vague and requested for orders/guidelines followed by the department while giving promotions &

b) the supporting document /order as per which benefit of Hawaldar promotion was given to the next 14 sepoy in the Seniority list as Hawaldars.

11. The replies provided by CPIO are examined. The reply of the CPIO in respect of

a) that “the information sought is available in Public Domain and may be obtained from there” seems vague and therefore the same may have been elaborated and provided to the applicant.

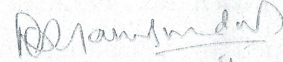
b) The information in Para 2(b) as requested by the applicant is vague and as per the RTI Act, 2005, the information which is sought by the applicant needs to be clearly mentioned. The applicant is directed to provide clear information which he requires from the department.

12. Further, the CPIO has not stated any reasons for not providing the order copy/document in respect of para 2(b) of RTI application. Hence, I opine that the appeal filed by the applicant is justified.

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

**ORDER**

The appeal filed by the appellant Shri P. Phani Satya Sai vide their letter dated 31.01.2021, 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, subject to judiciary and third party relationship.



(A SYAM SUNDAR)  
ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY

To,  
**Shri. P. Phani Satya Sai,**  
Door No.2-36-26,  
Trivedi Nagar Stret, Alcot Gardens,  
Rajahmundry – 533101,  
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.