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To

Sh. Mohan Parasaran,
Hon'ble Solicitor General of India,
Govt. of India,
New Delhi - 110001

Sub: **Regarding information under R.T.I. Act, 2005**

Sir,

I beg to state that I want to have an information under R.T.I. Act as to what law says in the below noted case.

As per order contained in Director General of Posts, New Delhi No. C-14016/13/2004-VP dated 18.01.2006 (copy enclosed), penalty of cut of 10% on a permanent basis on the monthly pension is imposed on Sh. Harbhajan Singh.

In other words he has been punished by 10% cut on pension till death.

Sh. Harbhajan Singh submitted a Review Petition vide his application dated 28.05.2012 (copy enclosed).

Director General of Posts, New Delhi vide his No. C-17015/107/2012-VP dated 02.05.2013 addressed to Chief Postmaster General Panjab Circle, Chandigarh (copy enclosed) says that Review Petition under Rule 29-A of CCS(CCA) Rules, 1965 is not maintainable.

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RECUS
RTI ACT 2005

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India Post

It is against the provisions of Article 32 of the Constitution under which safeguards have been provided in the interest of pensioners.

Under R.T.I. Act, 2005, it is requested to give your opinion about as to law whether the action of Director General of Posts, New Delhi not to allow the Review petition of Sh. Harbhajan Singhis correct or not.

Rs. 10/- as R.T.I. Fee has been deposited at Jalandhar City H.O. and receipt thereon is pasted on the application.

D.A. As above

Yours sincerely,

M.S. Bhatia
(M.S. BHATIA) 29/9/12

R.T.I. Activist
41-A Block
Model House,
Post Office Model Town,
Jalandhar-144003
Panjab

By Speed Post

F. No.21 (235)/2014-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
IMPLEMENTATION CELL

Shastri Bhawan, New Delhi.
Dated 18.03.2014

To

Shri M.S. Bhatia,
41A Block,
Model House,
P.O.-Model Town,
Jalandhar-144003
(Punjab)

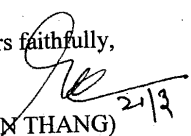
Subject: - Information under RTI Act, 2005.


Sir,

I am to refer to your application dated 04.03.2014 transferred by the Office of the Senior Supdt. Post Offices, Jalandhar Division, Jalandhar vide letter No.CR/14400101/R/2013/0026 dated 04.03.2014 (received on 07.03.2014) on the subject mentioned above and to say that an applicant's right under the RTI Act, 2005 extends only to seeking information as defined in Section 2 (f) of the Act. The information sought by you is in the nature of queries amounting to seeking legal advice and hence, the same is not covered within the ambit of the definition of 'information' as given under Section 2 (f) of the RTI Act, 2005.

2. Dr.(Smt.) Gita Rawat, Joint Secretary & Legal Adviser, Ministry of Law & Justice, Department of Legal Affairs, Room No. 408, 'A' Wing, 4th floor, Shastri Bhawan, New Delhi-110001, Tel No. 23384777, is the 1st Appellate Authority. The period of limitation for filing the 1st Appeal is 30 days.

Yours faithfully,


(K.GINKHAN THANG)
DS&Central Public Information Officer
Tel.No.23384706


Received
21.03.2014

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Dr (Smt) Gita Rawat,
Joint secretary and
Legal Advisor, Ministry of Law
& Justice Dept of Legal Affairs
Room No 408, A wing 4th floor
Shastry Bhawan, New-Delhi
110001.

Subj - Regarding information under R.T.I. Act - 2005
APPEAL THERE ON.

Respected madam,

I am submitting this appeal having not
satisfied with the reply given by K. GINKHAN THAN S.)
DSC Central Public Officer vide his no. F NO 21/235/2014-IC
Dated 18-3-2014 (copy enclosed)

It is a case where punishment increases after
every 6 (six) months.
The pensioner has been punished for life
in other words upto death.

As already regulated in Harshajan Singh Pensioner
has been awarded punishment 10% cut on pension PERMA
NENTLY means upto death, but there is no mention of Dearness
allowance payable on pension.

The Basic Pension of the pensioner is Rs 6870/- and
10% cut comes to Rs 687/- From 1-1-06 there was a No Dearness
Relief on pension and Rs 687/- was being recovered every
month. After every six (6) months the recovery increased
on 1st of January and 1st of July the recovery increased on increa.
Dearness allowance.
For Example the recovery 10% cut was Rs 687/- and
due to 100% Dearness Relief from 1-1-2014 it @ outlited mean
1374/- is being deducted.

The Pensioner has not made any misapprop-
riation or Fraud during the service.

In my view the officer who has issued these orders on behalf of President of India has misused the power in the name of President of India. The cut should be for one, two or three years, but the officer perhaps did not know the ^{quickness} ~~quickness~~ of the order.

Pensioner Retired on 31-8-2003 and so far more than $1\frac{1}{2}$ one and half lac Rupees have been recovered from him.

It is violation of article 311 of Constitution of India where safe guard has been provided to the PENSIONER. The review petition has been rejected on the plea ^{that there is no provision of appeal under Rule 9 of CESC Pension Rules 1972} As is clear from your office letter I sought information under R.T.I. Act 2005, but your office refused to give on the plea that it is just as SEEKING - LEGAL ADVICE.

I request if your office has not to give legal Advice then what for meant your office?

Daily these happened to be the cases where Law minister is being requested to give its opinion.

You are therefore requested to look into the matter and supply the information sought for

Yours sincerely
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29-4-14

(M. S. BHATIJA)
41-A Block, Model House
PO MODEL-TOWN
JALLANOHAR-144003
PANJAB.

**BEFORE DR. GITA RAWAT, JOINT SECRETARY & FIRST
APPELLATE AUTHORITY**

(Under Section 19 of RTI Act, 2005)

**MINISTRY OF LAW & JUSTICE: DEPARTMENT OF LEGAL AFFAIRS
ROOM NO. 408, 'A' WING, SHASTRI BHAWAN, NEW DELHI 110001**

Appeal No.21(235)/2014-IC

Date: 27.05.2014.

In the matter of

Shri M.S. Bhatia,
41 A Block, Model House,
P.O. Model Town,
Jalandhar-144003

Appellant

Versus

Central Public Information Officer
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhawan
NEW DELHI – 110001

Respondent

Date: 27.05.2014

ORDER

The appellant has filed an appeal on 2.4.2014 received on 9.4.2014 under Section 19 of the RTI Act for not getting the information furnished by the CPIO, the respondent vide letter NO. 21(235)/2014 dated 18.03.2014.

Brief facts of the case:

1. The appellant vide his application dated 4.3.2014 received on 07.03.2014 sought information relating to Nature of Quarries.
2. The respondent has collected the information from the concerned sections of this Ministry and sent the reply to the appellant vide letter No. 21(235)/2014-IC dated 18.3.2014.
3. Being aggrieved with the information of the respondent the appellant has filed an appeal received on 9.4.2014.

4. I undersigned have been appointed as Appellate Authority in the matter on. After perusal of the facts of the case it appears that no hearing is required in this matter.

Observation

5. On perusal of the record it appears that the information furnished by the respondent vide letter dated 28.1.2014 is the substantive response for the information asked by the applicant in the original application.
6. I have assessed the facts and circumstances of the case and come to the conclusion that the CPIO, the respondent has acted as per provisions of Act. In view of keeping the principles of natural justice the appeal is rejected.
7. The appellant may kindly note that since the proceeding has been closed, no further hearing may be conducted in this matter. Moreover, if there is any grievance against the order of the Appellate Authority, he may file second appeal before the Hon'ble CIC sitting at 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066 (within 90 days) i.e period as prescribed under the provision of RTI Act, 2005.



27/5/14

(DR. GITA RAWAT)
Joint Secretary & Appellate Authority
Date: 27.5.2014

Copy to:

1. Shri M.S. Bhatia, 41 A Block, Model House, P.O. Model Town, Jalandhar-144003
2. Smt. Asha Sota, CPIO/Under Secretary, Deptt. of Legal Affairs.

(DR. GITA RAWAT)
Joint Secretary &
First Appellate Authority
Ministry of Information & Public Relations
(Deptt. of Legal Affairs)