Subject: Appeal under RTI Act 2005

RTI appeal dated 26/09/2017 received from Shri Shri J.V. Natani, Jaipur through DoPT letter No. AB-14017/6/2017-Estt. (RR)/Appeal/2017 hereby stands transferred to Mines-II Sections under Section 6(3) of RTI Act 2005 for appropriate action.

Encl: As above
FTS: 104735, 104734

Smt. Farida Naik, Director (M-II)/Appellate Authority
PI Cell U.O. No. 2/163/2017-PI Dated 09.11.2017

[V. Jayanthi]
CPIO

[Signature]
10.11.17
ORDER

Subject: Appeal under Right to Information Act, 2005.
Appellate: Shri Janki Vallabh Natani, 47, Printers Nagar -II, Tonk Road, Jaipur, Rajasthan - 302011

1. As the Appellate authority have duly considered the original application dated 04.08.2017, which has been received this Department on 25.08.2017, the CPIO's reply dated 14.09.2017 and appeal dated 26.09.2017.

2. The reply of CPIO is in order vide letter No.AB-14017/6/2017-Estt.(RR)/53879 dated 14.09.2017. It is also to inform that as per allocation of Business Rules, this Department frames personnel policies for the Central Governments Civil Servants and posts. These are not suo-moto applicable to Autonomous Bodies, PSUs, Trust or Banks which are governed by regulation/instruction issued by concerned administrative Ministry/Department under Statute/Act of the Parliament by which they are created or came into existence alongwith their own set of Service Rules. However, if the orders/instructions issued by DOP&T are adopted by the Autonomous Bodies, PSUs, Trust or Banks etc. then these orders/instruction should be applicable in their case also.

3. It may be noted that under RTI Act, 2005, only such information can be supplied which already exists and is held by the Public Authority or held under the control of the Public authority. The Public Information Officer is not supposed to create information, or to interpret information, or to solve the problems raised by the applicants, or to furnish replies to hypothetical questions. Also, the Act does not require providing non-existing ‘advice’ or ‘opinion’ to an applicant. No material information specific to the query is available.

4. However, a copy of the 1st appeal is being forwarded to the CPIO/Appellate Authority, Ministry of Mines for providing the available information available, if any.

5. Now, therefore, in exercise of the powers conferred under Section 19(6) of the RTI Act, 2005, the appeal made by the applicant stands disposed of with the above observations.

6. An appeal against the aforesaid decision of the Appellate authority shall lie with the Central Information Commission within 90 days as provided under sub-section (3) of the Section -19 of the RTI Act 2005.

By Jayanthi
Joint Secretary/First Appellate Authority

Copy to:
1. Shri Janki Vallabh Natani, 47, Printers Nagar -II, Tonk Road, Jaipur, Rajasthan – 302011.
ORDER

Subject: Appeal under Right to Information Act, 2005.

Appellate: Shri Janki Vallabh Natani, 47, Printers Nagar –II, Tonk Road, Jaipur, Rajasthan - 302011


I, as the Appellate authority have duly considered the original application dated 04.08.2017, which has been received this Department on 25.08.2017, the CPIO’s reply dated 14.09.2017 and appeal dated 26.09.2017.

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6. An appeal against the aforesaid decision of the Appellate authority shall lie with the Central Information Commission within 90 days as provided under sub-section (3) of the Section 19 of the RTI Act 2005.

Copy to:
1. Shri Janki Vallabh Natani, 47, Printers Nagar –II, Tonk Road, Jaipur, Rajasthan – 302011.

(Signed)

Jayanthi G.

Joint Secretary/First Appellate Authority
No. 2600/VA/N/65/GSI/RTI/DOPT

Date: 26/09/2017

To

Smt. S. Jayashree
I A& Joint Secretary(E.I.), DOPT

North Block, New Delhi

PIN - 110002

Sub: Information under RTI act 2005-Appeal against unsatisfactory and incomplete reply , Attempt to evade information

Ref: My online RTI Registration no. DOPT/RT/2017/53879 dated 25/08/2017

Madam/Sir

The CPPO has deliberately tried to evade reply to some of the queries and not provided correct reply so the appeal requesting to do justice.

Point 1: Was specifically asked that what was need for reaffirmation of organized status of Geology stream of GSI as organized group A service when it was known that Geology stream of GSI is organized group A service since 1942, as revealed from RTI reply to a query of Mr. G.S. Jaggi, Director, Geology, MOM. DOPT has deliberately evaded the reply and MOM has tried to mislead. The reply by MOM that service rules of central Geological service was notified in 25/09/2010, accordingly the NPSG is being created to the 20th or senior duty, posts to the eligible officers of central Geological service is totally unacceptable, false and misleading. Geological stream officers and even other supporting stream officers which even did not fulfill attributes of organized group A service were getting the NPSG benefit of the 60% GSI, much before the date of notification mentioned in the reply.

Point 2: Pay commission has recommended pay parity with two year junior IAS officers, duly accepted by Government. There cannot be pay parity if batch wise fitment is not done and unjustified and biased eligibility criteria are imposed as has been done in case of Group A officers of GSI. Anonymous rules for Engineering and mining stream and Geology stream of GSI are clear examples where in Superintending Engineer with seventeen years regular service in GSI group A Engineering service out of which last one year of regular service should be in the PB-4 with grade pay of Rs. 8,350/-, whereas for Geology stream at least it is for Officers with thirteen year of regular service in group A post in the service and regular service of four years in the grade of Executive Engineer and equivalent including the service rendered in the non-functional select grade or officers with nine year of regular service in the grade of Executive Engineer and equivalent including regular service if any rendered in non-functional select grade for the Executive Engineer and equivalent in the pay band -3 is 15600-3-1900/- with GP of Rs. 7,500/-. 

Point 3: As long as the role of DOPT is nothing more than orders and OIA’s, DOPT issuing orders and OIA’s and going in sleep mode creates problems as mentioned para 1 and 2 above. MOM in its reply has stated that NPSG is being considered based on DOPT orders, therefore amendment in rules is not necessary. DOPT OM AB 145/1/65/2008 (1st RTI) dt. 14/04/2008 para 3 point no 4 states that appropriate
amendments in the service rules may also be carried out". The undersigned submitted the prayer in this regard which was duly forwarded by competent authority to the DG,GSI vide A-19011/549/92/WESt38:2 dt. 28.02.2014 for further necessary action. Copy of the letter was submitted by the undersigned to Secretary Mines and Secretary DOPT through speed post receipt ER29278289IN, PO,GSI,Jaipur dated 10/04/2017 and ER292782275IN from the same post office on the same date. (Annexure-4/2-4/3). Thereafter the matter was brought to the notice of DG,GSI by delegation of Group A officers of Geology stream during his Jaipur visit on 25/05/2014 (Annexure 5/1). The Director General after listening the arguments of the delegation requested to submit a self-contained note on anomalous RR's of Geology stream and need for amendment in these. DG,GSI later through notification and telephonic message informed that the matter has been referred to cadre management cell. Notification F.No. Cadre management cell /2014dt.05/06/2014 with copy to Secretary MOM and 14 others for needful ((Annexure 5/2-5/3). Since no action was taken the undersigned had to lodge grievance on Pensioners portal vide MMINE/E/2014/00132dt.92/07/2014 and 00216 dt.20/09/2014. The matter was closed stating that the grievance matter shall be taken up for modification of RR or inclusion of any new clause by the next cadre review to be undertaken in the year 2016 as per DOPT calendar, in consultation with MOM,UPSC&DOPT. No action was taken by the authorities to redress the issue even when the situation was so grim that officers of Geology stream were not given SAG even after putting more than 25 years of Group A service. How one can fulfill the biased eligibility criteria when organized Group A officer gets his first promotion after 19 years of regular Group A service. DOPT has failed in issuing appropriate office orders and MOM in implementation and execution of its orders. Now, the batch wise fitment and Pay parity and NFU are being denied stating requirement of eligibility criteria.

Point 4 and 5. Available information has not been provided. Pay parity as per 7th pay commission has been implemented in Survey of India, Department of statistics, C.P.W.D., etc. Does DOPT approves different bench marks in same department under MOM and different departments under different ministries. This is against fundamental right of equality before law.

Point 6. Reply on the point is unacceptable as DOPT is custodian of such information and representations were submitted to DOPT and all promotions and CAT cases DOPT was one of the parties where such matters were brought to its notice. NFU and promotion are two different things. NFU is not promotion. Pay parity is yet another concept given by 6th CPC duly approved by cabinet.

Point 7. Information has not been provided with intention of protecting guilty officers in DOPT,MOM and GSI who did not take any action on representations made. MOM even approached DOPT for amendment in RR'Sof Geology stream when officers were not eligible for SAG promotion and relaxation was given. Rules could have been amended to give benefit of SAG NFU to officers of organized group A Geology stream.

Point 8. GSI did not seek DOPT advice on the matter even when there were representations with copy endorsements to Secretary MOM and Secretary DOPT. DOPT has approved anomalous RR'S of Geology stream. Copy of representation and speed post receipts are enclosed (Annexure 4/1-4/3).

Point 9. It is stated that Service rules of Geologist stream group A service were notified on 16/01/2009 and benefits of organized service are prospective. This is false and misleading. One can verify from record that NFSG was granted to 30% SDP much before the notification date mentioned as 29/09/2010 in reply
Point 10. Answer has been evaded to defend no action by the concerned to my PG portal grievance DDME/E/2014/00132 dt.02/07/2014 and 00216 dt. 29/05/2014 and disposing the grievance matter by stating that appropriate action shall be taken in 2016. No action has been taken in spite of repeated reminders (Annexure 6 and 7).

Point 11. Amendment 1—rules is done to remove anomalies and cannot depend on functional requirement. The whole spirit of 6th CPC in recommending pay parity, was to give relief to officers of organized services, which could not get promotions as promotions are vacancy based. The NFU concept with eligibility criteria is mockery of the concept by bureaucracy.

Point 12. DOPT and MCM has evaded the answer. It is in the knowledge of DOPT that which departments under various ministries have been granted Pay parity? Pay parity has been implemented in survey of goods, C&U, Statistics, Jept etc. Information with DOPT about batch wise fitment, eligibility criteria if any must be available with DOPT. Answer to the query that pay parity in other central government departments has given adopting same criteria or there are different criteria in different organized group A services under various ministries. This would mean in equality. In fact there cannot be and should not be any eligibility criteria for grant of NFU and pay parity for organized group A services. It has to be batch wise fitment with two year junior IAS officers. The DOPT OM AB14017/64/2008-Estt(RR) dt. 29/04/09 vide AD No.17/01/2008-Estt(RR) Pts. 18 Jan 2011 needs to be quashed.

Points 13 and 14. MCM reply that DG GSI has been advised to issue a detailed speaking order stating that Honorable CAT order has been implemented again an attempt to mislead and misrepresentation of facts. Batch wise fitment and parity with two year junior IAS as envisaged in cabinet approved 7th CPC has not been done and is totally against the spirit of pay parity and NFU. NFU is non functional upgradation and not a promotion cannot be vacancy based and or eligibility based.

In view of the above submissions and explanations and incomplete or unsatisfactory information, evasion of information, or an attempt to mislead this appeal is made to get satisfactory reply to the queries.

Annexure 1—Reply received from DOPT

Annexure 2—Reply received from MCM on RTI letter forwarded by DOPT to MCM

Annexure 3—Online RTI DOPT-PDF

Annexure 4—Representation to DG GSI for grant of EAS/NFU with copy endorsement to Sec. DOPT and Sec. MCM and speed post receipt.

Annexure 5—Self contained note on anomalous REs of Geology stream, notification cadre management cell.

Annexure 6—Copy of letters from DYGPR&A disposing PG portal grievance GD/132 and GD/16.

M/9414752837

Yours sincerely,

[Signature]

[Stamp: VallaBhandari]
Shri Janki Vallabh Natani  
47, Printers Nagar –II, Tonk Road, Jaipur  

Rajasthan - 302011


Sir,

With reference to your request for information under RTI Act 2005, it is informed that Department of Personnel & Training issued various instructions relating to NFU.

Relevant O.M.s. in this regard are (i) O.M.No.AB-14017/64/2008-Estt. (RR) dated 25.09.2009. (ii) O.M. No. AB.14017/16/2010-Estt.(RR) dated 10.06.2010 and (iii) O.M. No. AB.14017/47/2011-Estt.(RR) dated 01.08.2012 (iv) No.AB-14017/47/2011-Estt. (RR) dated 01.08.2012. The O.M. are available on the website of DOPT on the following links: dopt.gov.in → notification → O.Ms. & Orders → 12. Establishment → Non Function Up-gradation. No further information is available with the undersigned CPIO. If you wish to have hard copies of the said O.Ms., a fee of Rs.26/- (@Rs.2/- per page) in terms of RTI Act provision under Section 7(1) & 7(5) is required to be deposited.

2. (i) It is informed that as per established procedure/practice, the proposals for framing/amendments to Service Rules/Recruitment Rules are processed in this branch of DOPT under Single File System wherein the file of the referring Ministry/Department is returned to that Ministry/Department with the views/decisions of the DOPT. Therefore, the desired information is not available with the undersigned.

(ii) Further under RTI Act, the applicant is seeking opinion/advice which is clarificatory in nature. In the RTI Act, a CPIO is required to furnish only the material information available in his custody. Clarification on hypothetical case is not covered under the scope of RTI Act.

3. A copy of RTI application has already been forwarded to CPIO/Under Secretary, Ministry of Mines by RTI Cell of DOP&T.

4. In case, you want to go for an appeal in connection with the information provided, you may appeal to the Appellate Authority indicated below within thirty days from the date of receipt of this letter.

Smt. G. Jayanthi, FAA & Joint Secretary (E.1), D/o Personnel & Training, North Block, New Delhi

Yours faithfully

(K. Prakasham)

CPIO & Under Secretary to the Govt. of India

Received on 25/08/2017
No.31/2/2016-M.II
Government of India
Ministry of Mines
New Delhi, Dated: 18.9.2017

To,

Shri Janaki Vallabh Natani,
47, Printers Nagar II,
Sitabdari, Tonk Road,
Jaipur-302011


Sir,

Please refer to your online RTI application No.MINES/R/2017/800 dated 27.08.2017 which was transferred by DOPT vide reference number DOPT/R/2017/53879 dated 27.08.2017. The point wise information are as under:

1. Relevant extract of approval sought from Cabinet is enclosed.

   It is informed that no gazettee notification or office order issued prior to 1.1.2006 by this Ministry declaring Geological Survey of India as Organised Group ‘A’ Service. Geology stream was conferred Group ‘A’ organized Service status from the date of notification of Service Rule of Central Geological Service i.e., from 29.9.2010. In this connection this is also informed that as per letter No.1/23/2008 dated 16.1.2009 that Organised Service status is a prospective one with the notification of Service Rule. It is also informed that DOPT vide OM No.1-11019/12/2008-CRD dated 20.11.2009 given certain attributes of Group A Organised Service and it was clarified at para 2 of the said notification that there is nothing to suggest that any service fulfilling these criteria would automatically conferred the status of Organised Group service. An Organised Service is one which is constituted consciously as such by Cadre Controlling Authoritaries only through an established procedures. Since Service rule of Central Geological Service was notified in 29.9.2010, accordingly the NFSG is being granted to the 30% of SDP posts to the eligible officers of Central Geological Service.

2. Non-functional upgradation is being granted to eligible officer of Central Geological Service since 1.1.2006 as per advice of DOPT ID note dated 23.11.2010 (copy enclosed) and DOPT OM No.14017/64/2008-Estt.(RR) dated 24.4.2009.
(3) DOPT issues guideline from time to time to grant NFU which is followed by the Ministry for granting NFU to eligible officer.

(4) No information
(5) No information
(6) No information
(7) No information
(8) No
(9) The Service Rule of Geology stream was notified on 29.09.2019 and accordingly NFU is being granted to officers of Geology stream.

(10) As stated at point 2 above

(11) Amendment in Recruitment Rules is based on the functional requirement of the organization or as per DOPT guidelines in the change circumstance. Presently cadre review proposal has been received from GSI which is under examination and if need arose the amendment in service rule will be undertaken in due course.

(12) Recruitment Rule/Service Rule is framed as per guidelines issued by DOPT.

(13) No opinion of DOPT was sought in the matter. However a copy of the opinion of Ministry of Mines given to GSI is enclosed.

(14) Non-functional upgradation is being granted as per guidelines issued by DOPT from time to time.

In this context it is informed that as per DOPT OM No.1/7/2009-IR dated 1.6.2009 "the definition of information can not include answers to the questions like 'why'. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information. As per section 2(f) of the Act 'Information' means any material in any form but it does not mean CPIO shall reshape the information or create information or to take action on a representation.

Yours faithfully,

(Ram Rashik Mandal)
Section Officer
Tele: 23382818

Copy for Information to:-
No. 4817/JVN/GSI/RTI

From

J. V. Natani

47, Printers’ Nagar II,
Sitabadi, Tonk Road,
Jaipur-302011

Sub.: Information under RTI act 2005

Sir,

Kindly arrange to provide the following information under RTI act 2005. The information may please be provided to me as I was working in GSI and Superannuated in 2014 on the post of Director (SG) and therefore have vested interest.

1. Geology stream in GSI was an organised service since fourth pay commission, RTI reply says it is organised since 1982. If, that was so, then what was need for reaffirmation of organised status of GSI Geology stream in 2010.

2. Did GSI approached DOPT for amendment in rules to allow pay parity to GSI Geology stream or any other discipline officers with two year junior IAS officers as per 7th pay commission report? Did GSI submit any list for approval of DOPT for batch wise fitment to allow pay parity with two year junior IAS officers posted at centre as proposed in cabinet approved VI CPC report.

3. What action has been taken by DOPT to ensure that Organised Group A service benefits are given to group A officers of Geology stream.

4. The list of Central Government Departments and services under various ministries of Government of India where pay parity as recommended and approved by cabinet has been implemented with date of implementation. Has DOPT checked that these Departments are following bench marks in deviation to bench marks followed by GSI?

5. Can there be different bench marks in different departments for according pay parity. If, so is it not violation of fundamental right of equality and equal opportunity.

6. Officers of Geological Survey of India belonging to organised Group A service were not given a single promotion till 19 years and six months, nor were given NFU- Officers belonging to UPSC 1980 got their first promotion (JTS to STS) in 1999. The Department, MOM and DOPT forgot that these officers belonged to organised group A service, were neither given benefit of ACP nor pay parity with two year junior officers. Then Department cites DOPT OM dated 24 April 2009 and its annexure-1 stating requirement of bench mark criteria as essential for granting pay parity. Is it correct? Was it not desirable on part of GSI and MOM that they could have and should request for suitable amendment in RR’s so that all such officers get the benefit of pay parity. Does DOPT has any objection to it? Reason for DOPT not speaking/advising MOM and GSI even though affected officers have given copy endorsement of their representation to Secretary MOM to Secretary DOPT for needful in the matter. Reason for DOPT’s silence may please be stated. DOPT’s intervention in the matter and correct advice as per rules is required. Please reply in yes
or no especially when the matter has been brought to the notice of DOPT by affected persons and CAT cases.

7. Justification for eligibility criteria for DYDG(Geology)NFU as "Director (Geology) with eight years combined regular service as Director (Geology) and Superintending Geologist; or officers with at least 4 years regular service in the grade of Superintending Geologist(including service rendered in the non-functional that is Director (Geology) of junior administrative grade" as introduced in modified RR's of Geology stream as against the RR's of drilling and Engineering stream which states eligibility for chief Engineer as Superintending Engineer with 17 years regular service in GSI group A Engineering service out of which at least one year regular service in PB-4 with grade pay of Rs.8700/- is it not done with ulterior motive and discriminatory- Yes or No and if no, reasons thereof.


9. DOPT OM dated 24th April'2009 and earlier OM's in this regard mentions that appropriate amendment in the service rules may also be carried out from time to time. Pay parity and NFU benefits could not be given to Geologists' cadre Organised Group A service officers simply because the Department and MOM did not take appropriate timely steps for amendment in service rules of Geology stream is an act of negligence and omission on part of GSI,MOM and DOPT –True or false, If not admitted then for what reasons?

10. Did GSI made any efforts to make changes in RR's of Geologist cadre to give them the benefit of organised Group A. If, yes, then details of all such letters, office memos, note sheets may be provided along with the reply of DOPT. This specific question is being asked as GSI has replied to PG portal grievance No. M/MINE/E/2014/00132 that matter of modification of RR or inclusion of any new clause has to be attended by the next cadre review to be undertaken in the year 2016 as per DOPT calendar, in consultation with MOM,UPSC and DOPT after approval of the competent authority in GSI and the matter was disposed of. Specific answer may please be provided to the query.

11. Did Department and MOM wrote any letter to DOPT for amendment in the anomalous rules as promised to the undersigned vide letter 544/A/A-22012/Grievance/DDG(G)/2013/19A dt. 02/09/2014 and 983/8P-II/F12011/JMN/WRO/2014-GC dt. 04/09/2014. If yes then copy of DOPT response / reply may be provided.

12. DOPT rules are same for all central Government organised services or different norms have been set for Geologist cadre in GSI organised Group A service. Are these in line with other organised Group A services under other ministries of government of India?

13. The Ernakulam CAT has admitted OA283 of 2013 filed by Geological Survey of India, Scientific Officers Association and others. Has GSI/MOM sought opinion of DOPT in this matter. If, so what was the considered opinion? If, the matter was put through note sheets or any letter was written to GSI or MOM copies of note sheets and letters may please be provided.

14. Is there any proposal to guide/direct GSI and MOM to take appropriate steps for grant of pay parity to Geology stream officers of GSI with two year junior IAS as stated above without the
GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
WESTERN REGION

Jaipur, the 26.02.2014

No-A-19011/549/92/WR-Estt 3812
28.02.14

To,
The Director General,
Geological Survey of India,
Central Headquarters,
Kolkata - 16
(Kind Attention :- The Dy. Director (P&A) : CHQ )

Sub:- Forwarding of Representation for grant of NFU to the grade of Dy.D.G
(Geology) in respect of Sh. J.V. Natani, Director (G), GSI, WR.

Sir,

In continuation to this office letter of even no dated 18.02.2014, please find
enclosed herewith, an application submitted by Sh. J. V. Natani, Director (G), GSI,
WR, for grant of NFU to the grade of Dy.D.G (Geology).
This is for your kind information and further necessary action.

Yours faithfully,

[Signature]
(B.S. Jodha)
Supdtg. Geologist & HOO,
for Addl. Director General & HOD.

Encls :- As above.

No-A-19011/549/92/WR-Estt

Copy forwarded for information to :-

01. Sh. J.V. Natani, Director, RS & Finance, GSI, WR, Jaipur.

[Signature]
(B.S. Jodha)
Supdtg. Geologist & HOO,
for Addl. Director General & HOD.

Jaipur, the 26.02.2014
Order on Appeal under Section 19 of the RTI Act, 2005

<table>
<thead>
<tr>
<th>First Appeal Case No.</th>
<th>31/2/2016-M.II</th>
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<tr>
<td>Appellant</td>
<td>Shri Janki Vallabh Natani</td>
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<tr>
<td>CPIO</td>
<td>Shri Ram Rashik Mandal</td>
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<tr>
<td>Grounds for appeal</td>
<td>Not satisfied with information of CPIO</td>
</tr>
<tr>
<td>Date of receipt of Appeal</td>
<td>26.09.2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>05.12.2017</td>
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</tbody>
</table>

Shri Janaki Vallabh Natani, 47 Printers Nagar II, Sitabdari, Tonk Road, Jaipur-302011 filed the above mentioned appeal alleging the reply furnished by the CPIO is unsatisfactory and incomplete. On going through the case record, it is observed that original RTI application was preferred to DOPT on 25.08.2017 and DOPT transferred the said RTI application to Ministry of Mines on 27.8.2017. CPIO of Ministry of Mines furnished the reply to the applicant vide letter dated 18.09.2017. Thereafter the applicant vide letter dated 26.9.2017 preferred an appeal to DOPT and DOPT vide order dated 12.10.2017 has transferred the appeal to Ministry of Mines.

2. In this context it is informed that DOPT in its OM No.1/7/2009-IR dated 1.6.2009 clarified that “the definition of information can not include answers to the questions like ‘why’. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information. As per section 2(f) of the Act ‘Information” means any material in any form but it does not mean CPIO shall reshape the information or create information or to take action on a representation.

In reference to appeal of the applicant the following is observed:

1. The applicant has stated that the reply of Ministry of Mines that service rule of Central Geological Service notified in 29.9.2010 and accordingly NFSG granted 30% is totally unacceptable, false and misleading in view of RTI reply to Mr. G.S. Jaggi. The information provided by the CPIO is correct as prior to 2010 the recruitment rule of Geology stream was not on the pattern of Group A Organised Service. It is informed that as per DOPT OM F-11019/12/2008-CRD dated 20.09.2009(copies enclosed) there
are certain attributes of organized Group A Service. Moreover
Ministry of Mines vide letter dated 16.1.2009 (copy enclosed)
categorically stated that the increase in the percentage of
officials to be granted NFSG upto 30% etc benefits will be
applicable only with prospective effect.
(2) Pay commission has recommended pay parity with 2 year junior
IAS. There cannot be parity if batch wise fitment is not done and
unjustified and biased eligibility criteria are imposed. It is
informed that NFU is a fallback option and is regulated as per
(3) Applicant has stated that role of DOPT is not just issuing order
and OM. No action was taken by authorities to redress the issue
of modification of RR. It is informed that the definition of
‘information’ has been stated at para 2 above and the questions
like ‘why’. Justifications are matter within the domain of
adjudicating authorities and cannot properly be classified as
information
(4) Does not pertain to CPIO
(5) Does not pertain to CPIO
(6) Does not pertain to CPIO
(7) Information has not been provided with intention of protecting
guilty officers in DOPT, MOM and GSI who did not take any
action on representation made. The reference made by the
applicant is beyond the purview of RTI act as stated above.
(8 To11) As stated above.

4. With above order, the Appeal stands disposed off.

(Farida M. Nalik)
Appellate Authority & Director,
Room No. 303-D Wing, Ministry of Mines
Shastri Bhawan, New Delhi
Phone No.23384593

1. Shri Janaki Vallabh Natani, 47,Printers Nagar II, Sitabdari, Tonk
Road, Jaipur-302011.
2. P.I Cell w.r.t. to U.O.No.2/163/2017-PI dated 9.11.2017
No.31/43/2015-M.III
Government of India
Ministry of Mines

To

CPIO-C0-ord (Hqrs.)
(Shri A.D. Selokar)
Dy. Mineral Economist
Indirn Bureau of Mines
Nagpur.

New Delhi, Dated, November. 2017

Sub: Information asked under RTI Act, 2005

Ref: U.O. No.2/163/2017-PI dated 10.11.2017

Sir,

Please find enclosed herewith a copy of the above mentioned RTI application received from Shri Prem Raj Sharma, Jaipur. The information sought by the applicant relates to IBM. Therefore, the application is being transferred to IBM under sub-section (3) of Section 6 of RTI Act, 2005 for further necessary action in respect of the information pertaining to IBM. The applicant may also be informed accordingly.

Encl: As above

Yours faithfully

(A.K. Mallik)
CPIO & Under Secretary to the Govt. of India
Ph.23384743
E-mail: ak.mallik@nic.in

Copy to:

1. Shri Prem Raj Sharma, H-64, Meera Marg, Bani Park, Jaipur (Raj.) 302016.

2: CPIO, PI Cell w.r.to their U.O. No.2/163/2017-PI dated 10.11.2017
31/2/2016-M.II
Government of India
Ministry of Mines

New Delhi, the 1 November, 2017

To
Shri S.C. Bose,
Admin. Officer & Nodal Officer RTI
Geological Survey of India,
Central Headquarters (CHQ),
27-J.L. Nehru marg,
Kolkata-700016


Sir,

Please find enclosed a copy of RTI application dated 07.11.2017 received in this section through P.I. cell vide U.O. No. 2/163/2017-PI dated 10.11.2017.

2. As the information sought by the applicant pertains to GSI being an attached office of this Ministry. Therefore, a copy of RTI application is hereby transferred to you under Section 6(3) of RTI Act, 2005 for furnishing the reply within stipulated period under RTI Act 2005 to the applicant directly under intimation to this Ministry.

Enc: As stated

Yours faithfully,

(Ram Rashik Mandal)
Section Officer/CPIO
Email: ram.rashik@nic.in
Tele: 23382818

Copy to:

1. Sh. Prem Raj Sharma, H-64, Meera Marg, Bani Park, Jaipur 302016, Rajasthan for information. A copy of your application has been forwarded as stated above. For any further query, concerned PIO of the GSI may be contacted directly. If you are not satisfied with the information furnished by PIO of the GSI, you may appeal to the Appellate Authority in GSI under the provision of RTI Act, 2005.

2. P.I. Cell.
ORDER

Subject: Appeal dated Nil under Right to Information Act, 2005.

Appellant: Shri Sanjay Basista, New Delhi
Appeal against reply of CPIO and US (PG/PI Cell) dated 20.11.2017

I, as the Appellate Authority, have duly considered the original Application dated 09.11.2017 made by appellant and reply furnished by the CPIO vide letter No. 2/168/2017-PI dated 20.11.2017. The reply furnished by the CPIO is in order as the information sought in the aforesaid RTI application dated 09.11.2017 and vide the above appeal does not pertain to the Ministry of Mines.

2. However, copies of the said RTI Application dated 09.11.2017 may be sent by the CPIO to the concerned CPIOs of the Ministries of Urban Development and Home Affairs under intimation to the Appellant for furnishing the information to him, if available with them.

3. Now, therefore, in exercise of the powers conferred under Section 19(6) of the RTI Act, 2005, the appeal made by the applicant stands disposed of with the above observations.

4. An appeal against the aforesaid decision of the appellate authority shall lie with the Central Information Commission within 90 days as provided under sub-section (3) of Section 19 of the RTI Act, 2005

Rakesh Moza
Deputy Secretary and Appellate Authority
Email: rakesh.moza@nic.in
011-23383096

Copy to:
(i) Shri Sanjay Basista, 32, Sarai Kale Khan, New Delhi-110013.
OFFICE MEMORANDUM

Subject: Application No. 2/168/2017-PI received under RTI Act, 2005 from Shri Sanjay Basista, New Delhi dated 09.11.2017, action on his appeal No. 2/176/2017-PI regarding.

Reference:
(i) The RTI application No. 2/168/2017-PI dated 09.11.2017
(ii) RTI application’s reply from Ministry dated 20.11.2017
(iii) RTI appeal No. 2/176/2017-PI dated Nil
(iv) Appellate Authority’s order dated 01.12.2017

An RTI application dated 09.11.2017 of Shri Sanjay Basista, New Delhi, received in this Ministry on 13.11.2017. On issue a reply from Ministry of Mines, he has made an appeal dated Nil. Based on the Appellate Authority’s Order dated 01.12.2017, the application is being transferred under Section 6(3) of RTI Act, 2005 for providing requisite information directly to the applicant.

Encl: As above

Your faithfully,

(V. Jayanthi)
Under Secretary & CPIO to the Govt. of India
Email: jayanthi.v@nic.in
011-23383946

The CPIO (RTI Cell)
Ministry of Home Affairs
North Block
New Delhi – 110001

The CPIO (RTI Cell)
Ministry of Housing and Urban Affairs
Maulana Azad Road
Nirman Bhawan
New Delhi - 110 011

Copy for information to:
1. Shri Sanjay Basista, 32, Sarai Kale Khan, New Delhi-110013
Appeal under Section 19 of the Right to Information Act, 2005

To
First Appellate Authority
Shri Rakesh Moza, Deputy Secretary, Room No. 313-D,
Ministry of Mines, Shastri Bhawan, New Delhi

A. Contact details:

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1. Name of the Applicant</td>
<td><strong>Sanjay Basista, +91 98188 41448</strong></td>
</tr>
<tr>
<td>2. Address</td>
<td><strong>32, Sarai Kale Kha, New Delhi - 110013</strong></td>
</tr>
</tbody>
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B. Details about RTI request:

<p>| | |</p>
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</table>
| 1. Particulars of the CPIO against whose order appeal is preferred | **(a) Name** V. Jayanthi, CPIO  
**(b) Address** Under Secy to the Govt. of INDIA, Ministry of Mines, New Delhi |
| 2. Date of submission of application (Please attach a copy) | **COPY ATTACHED** |
| 3. Brief facts leading to appeal | **(a) No response received within 30 days of submission of Form I**  
**(b) Aggrieved by the response received within the prescribed period (a copy of the order received be attached)**  
**Grounds for appeal NOT SATISFIED WITH ANSWER GIVEN AS A REPLY TO THE RTI ATTACHED** |
| 4. Prayer or relief sought | **Please reply as per the RTI** |
| 5. Last date for filing the appeal | **NA** |
| 6. If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time | **NA** |
| 7. Copies of documents relied upon by the applicant | **4 page other then this letter.** |

Signature of the Applicant: [Signature]

105852
No. 2/168/2017-PI  
Government of India  
Ministry of Mines  
*****

To

Shri Sanjay Basista  
32, Sarai Kale Kha  
New Delhi-110013

Subject: Application under RTI Act 2005

I am directed to refer to your RTI application dated 09/11/2017 received in this Ministry on 13.11.2017 that the subject matter on the information sought by you does not come under the purview of this Ministry. Therefore, the same is being returned to you with IPO.

2. In case you are not satisfied, you may prefer an appeal before appellate authority Shri Rakesh Moza, Deputy Secretary, Room No. 313-D, Ministry of Mines, Shastri Bhawan, New Delhi in 30 days from the date of the receipt of this letter.

Yours faithfully,

(V. Jayanthi)
CPIO & Under Secretary to the Govt. of India  
Email: jayanthi.v@nic.in  
011-23383946
To,

The PIO / CPIO
Minister of Mines
Shastri Bhawan
New Delhi

09th November 2017

Subject: Application under Right to Information Act, 2005

Dear Sir,

Please provide the following information under Right to Information (RTI) Act in respect of Greater Kailash-1, New Delhi - 110048.

1. Please Share that as Greater Kailash-1, New Delhi is based on Mountain picture attached in which it’s clearly shown the mountain and that is being digging by the builder. Is it allowed?

2. Please share that the greater Kailash-1 is comes under the “Ridge area / Morphological area of Delhi” as you can see in the attachment the mountain and stones.

3. Please suggest the cost if required to recheck / retest to check the area is based on mountain / aravali mountain, please suggest the cost so that we can submit if required to be checked.

If any of the information sought any charges then please suggest me with that so I can pay the amount also to get the information.

If any of the information sought above does not pertain to you, kindly forward it, under intimation to me, to the respective department under section 6(3) of RTI Act 2005.

I am enclosing a Postal Order Number 38F 234078 dated 3.11.2017 for Rs. 10/- as a statutory charge towards information. I am leaving the postal order blank. Kindly fill up the appropriate name.

Thanking you,

Sanjay Basista

32, Sarai Kale Kha, New Delhi – 110 013
+91 98188 41448
No. 2/168/2017-PI  
Government of India  
Ministry of Mines  
*****

To

Shri Sanjay Basista  
32, Sarai Kale Kha  
New Delhi-110013

Subject: Application under RTI Act 2005

I am directed to refer to your RTI application dated 09/11/2017 received in this Ministry on 13.11.2017 that the subject matter on the information sought by you does not come under the purview of this Ministry. Therefore, the same is being returned to you with IPO.

2. In case you are not satisfied, you may prefer an appeal before appellate authority Shri Rakesh Moza, Deputy Secretary, Room No. 313-D, Ministry of Mines, Shastri Bhawan, New Delhi in 30 days from the date of the receipt of this letter.

Yours faithfully,

(V. Jayanthi)
CPIO & Under Secretary to the Govt. of India  
Email: jayanthi.v@nic.in  
011-23383946
To,

The PIO / CPIO  
Minister of Mines  
Shastri Bhawan  
New Delhi

09th November 2017

Subject: Application under Right to information Act, 2005

Dear Sir, 

Please provide the following information under Right to Information (RTI) Act in respect of Greater Kailash-1, New Delhi - 110048.

1. Please Share that as Greater Kailash-1, New Delhi is based on Mountain picture attached in which it's clearly shown the mountain and that is being digging by the builder. Is it allowed?

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3. Please suggest the cost if required to recheck / retest to check the area is based on mountain / aravali mountain, please suggest the cost so that we can submit if required t be checked.

If any of the information sought any charges then please suggest me with that so I can pay the amount also to get the information.

If any of the information sought above does not pertain to you, kindly forward it, under intimation to me, to the respective department under section 8(3) of RTI Act 2005.

I am enclosing a Postal Order Number 38F 234078 dated 3.11.2017 for Rs. 10/- as a statutory charge towards information. I am leaving the postal order blank. Kindly fill up the appropriate name.

Thanking you,

Sanjay Basista

12, Sarai Kale Kha, New Delhi – 110 013
+91 98188 41448
Government of India  
Ministry of Mines  
*****

Subject: Appeal under RTI Act 2005 (No. 2/184/2017-PI)

RTI appeal dated 19/12/2017 received from Shri Rahul Aggarwal, New Delhi, hereby forwarded to Mines-IV Section under Section 6(2) of RTI Act, 2005 for appropriate action.

(V. Jayanthi)  
CPIO  
Email: jayanthi.v@nic.in

Shri Prithul Kumar, Director (M-IV)/Appellate Authority  

Copy to: Shri Rahul Aggarwal, Director, M/s. Indocil Silicons Pvt. Ltd., A-56, Industrial Area, Phase-I, Naraina, New Delhi-110028

O/C
APPEAL U/S 19 OF THE RIGHT TO INFORMATION ACT, 2005
BEFORE THE APPELLATE AUTHORITY

APPELLATE AUTHORITY: Shri Prithul Kumar,
Director and Appelate Authority,
Room No. 315 D-Wing
Ministry of Mines,
New Delhi

The present appeal is being preferred u/s 19(1) of The Right to Information Act, 2005 against the reply/order dated 22.11.2017 by the CPIO Shri Adhir Kumar Malik wherein he has not only provided false and incorrect information to point (a) of the RTI application made by the applicant but has also failed to provide the requested information sought in the application under point (b) of the RTI application made by the applicant on 27.10.2017. Copies of the application dated 27.10.2017 made by the appellant and reply/order dated 22.11.2017 are being enclosed herewith as Annexure A and Annexure B respectively for ready reference and records.

The above reply/order passed by CPIO, Ministry of Mines is challenged by the undersigned on the followings grounds:-

1. With regards to the reply to Point (a) of the RTI application made by the applicant on 27.10.2017, the CPIO has stated that our representation dated 30.08.2017 is presently under scrutiny in the Ministry. However, the said information is false and incorrect, since there is no mention of the said representation dated 30.08.2017 or the action taken therein in the order sheets and notesheets pertaining to the proposal No. CI 133 MMM 2009 for grant of mining lease for iron ore and quartz in favour of M/s. Indocil Silicon Pvt. Ltd., forwarded on 21.07.2017 by Government of Karnataka. (Copies of the order sheets and notesheets were provided in the reply dated 22.11.2017 under Point (d) of the RTI application dated 27.10.2017 and are annexed herewith as Annexure C)

Since the said representation dated 30.08.2017 was submitted to Secretary, Mines and Joint Secretary, Mines in respect to the said proposal dated 21.07.2017, any action taken on the said representation ought to have been recorded in the same file.
2. With regards to the reply to Point (b) of the RTI application made by the applicant on 27.10.2017, Point (b) of the RTI application is reproduced herein below:

   b. “What action has been taken on our representation dated 30.08.2017 and copies of order sheets/note sheets pertaining to it.”

However, in reply to the aforesaid query, the CPIO has only stated that the said representation dated 30.08.2017 is under scrutiny in the Ministry. The said reply is both evasive and refrains from providing the requested information since the CPIO neither divulges “the action” taken by the Secretary, Mines or the Joint Secretary, Mines to the representation dated 30.08.2017 nor does it provide copies of any ordersheets/notesheets pertaining to the said representation dated 30.08.2017.

3. Finally, since the said representation dated 30.08.2017 pertains to grievances against your goodself, it is kindly requested that in the interest of justice, you may kindly relieve/recuse yourself from attending the present appeal and let any other Appellate Authority in the Ministry of Mines deal with it.

4. Therefore, under the aforesaid circumstances, the applicant by preferring the present appeal, request the Appellate Authority to issue necessary directions to the CPIO to provide correct and relevant information as requested in the aforesaid application to the applicant immediately.

   Rahul Aggarwal  
   (Appellant)  
   Director,  
   M/s. Indocil Silicons Pvt. Ltd.  
   A-56, Industrial Area, Phase-1,  
   Naraina, New Delhi-110028

Encl: As above.  
Place: New Delhi  
Date: 07.12.2017

Copy to:  
✓ Shri Niranjan Kumar Singh  
CVO & Joint Secretary,  
Room No 325, A Wing  
Ministry of Mines  
Shastri Bhawan, New Delhi
Form A (Section 6(1) and 7(1) of the RTI Act, 2005)

1. Full Name of the Applicant : Rahul Aggarwal, Director M/s. Indocil Silicons Pvt. Ltd.

2. Address : A-58 Naraina Industrial Area Phase-1 New Delhi -110028

3. Following information/documents required:

Proposal No. CI 133 MMM 2009 for grant of mining lease for iron ore and quartz in favour of M/s. Indocil Silicon Pvt. Ltd. being a case of seamless transfer u/s 10A2(b) of MMDR Act, 2015 was forwarded on 21.07.2017 by Government of Karnataka. Thereafter, a representation was handed over personally by us to Shri Arun Kumar ji, Secretary, Mines in his office and also a copy was submitted in the office of Shri Subhash Chandra ji, Joint Secretary, Mines requesting reconsideration of queries being raised in respect of the said proposal dated 21.07.2017.

Following documents/information are requested:

a) Status of our representation dated 30.08.2017 submitted to Secretary, Mines and Joint Secretary, Mines.

b) What action has been taken on our representation dated 30.08.2017 and copies of order sheets/note sheets pertaining to it.


d) Copies of order sheets/note sheets of the relevant file of Ministry of Mines dealing with above reference.

4. Year to which the above pertains: From the beginning till date. Sh.Ajay Kr. Kadian Designation and address of the Secretary & CPIO Public Information Officer from Ministry of Mines, whom the Information is required: Shastrl Bhavan, New Delhi-110001

Enclosed:

Pay order No. 37 F 77730 dated for Rs. 10/- is enclosed.

Place: New Delhi Date: 24.10.2017

(Rahul Aggarwal)
GOVERNMENT OF INDIA  
MINISTRY OF MINES  

No.9/1/2017-M.IV  

New Delhi, Date: 22nd November, 2017  

To,  
Shri Rahul Aggarwal,  
A-56, Naraññà Industrial Area;  
Phase-I, New Delhi-110028  


Sir,  

I am directed to refer your RTI application, PI Cell, U.O. No 2/152/2017-PI dated 27.10.2017 and say that:  

i) With respect to point number a) and b) of the RTI application it is stated that your representation dated 30.08.2017 is under scrutiny in the Ministry.  

ii) With respect to point number c) of the RTI application it is stated that the Ministry of Mines has sought some clarifications from the State Government of Karnataka in the matter. The decision on the reference dated 21.07.2017 will be taken after clarifications are received by the Ministry.  

iii) The information pertaining to point no d) of the RTI application is enclosed.  

(2) If you are not satisfied with reply / information, you may prefer an appeal to Shri Prithul Kumar, Director and Appellate Authority, Ministry of Mines, Room No. 315 'D' Wing, Shastri Bhawan, New Delhi within 30 days of receipt of information.  

Encl: As above  

Yours faithfully,  

(A K Mallik)  
CPIO/Under Secretary to the Govt. of India  
Telephone No. 011-23384743  
E-mail address: ak.mallik@nic.in  

Subject: Grant of Mining Lease for Iron ore and Quartz over an area of 968 Hect. in sandur Taluk, Bellary Dist. Karnataka in favour of M/s INDOcil for a period of 50 years.


State Government of Karnataka has recommended a proposal for Grant of Mining Lease for Iron ore and Quartz over an area of 968 Hect. in sandur Taluk, Bellary Dist. Karnataka in favour of M/s INDOcil for a period of 50 years. The instant proposal has been saved under amended Section 10A (2) (b) of the MMDR Act.

2. Instant proposal is not recorded on MCAS in absence of required information as per the format.

3. With respect to the above proposal, primarily following deficiencies have been observed, that need to be fulfilled by the State Government:

   (i) Checklist for submission of mineral concession proposals may be provided strictly following the guidelines dated 30.10.2014.

   (ii) The map supplied does not have the boundary coordinates, ground control points etc. it needs to be furnished as per the guidelines dated 30.10.2014.

   (iii) Scheme of prospecting: submission date, copy of scheme of prospecting submitted to CG & RCOM (as verified from receipt by IBM).

   (iv) Specific compliances on each of the conditions under Rule 14 of MCR 1960.

4. Submitted for approval of above para 2 please.
Draft letter for approval please.

[Signature]
16.8.2014

Please specify the exact requirements from the states and secteur in regard to the provision of checklists and also section 2020 of NPO Act and the extent rules.

[Signature]
21.8.17

US (Acting)
Reference remarks Dir (Pl):

The following information may be required to proceed instant proposal for grant of prior approval under Section 10A(2)(b) of the Act.

(i) The Checklist submitted by Govt. of Karnataka are different that of Government of India. Therefore, missing information may be obtained as per check list modified for the instant proposal (Page 26/Corr.).

(ii) The map supplied does not have the boundary coordinates, ground control points etc. it needs to be furnished as per the guidelines dated 30.10.2014.

(iii) Scheme of prospecting- copy of scheme of Prospecting submitted to CG & RCOM (as verified from receipt by IBM).

(iv) In case of any modification in the Scheme of prospecting copy of scheme of Prospecting submitted to CG & RCOM (as verified from receipt by IBM) may be obtained.

(v) A copy of form-A as required under rule 7 of MCDR, 1988 may be required.

(vi) Whether the conditions stipulated under rule 14 of the MCR 1960 are not applicable on the instant proposal, if applicable, please provide specific compliances on the conditions (as per applicability) under Rule 14 of MCR 1960.

(vii) Reports submitted under rule 8 of MCDR, 1988 may be sought as per the prescribed form. Moreover, State Government may be asked whether the said reports was received under the stipulated timelines.

(viii) Whether, State Level Committee have adequate justification (along with supporting documents) through which it can be ascertained that the conditions of Section 10A(2)(b) (i) & (ii) of the Amended MMDR Act read with Rule 14 of MCR 1960 and rule 4 to 8 of MCDR, 1988, have been complied with.

Submitted for approval please. DFA

The checklist and other documents of the proposal have been analyzed by the section alone for the deficiency of information/documents. On the basis of these deficiencies the DFA has been prepared by the section, which is submitted please.
It is proposed that for the sake of uniformity, instead of an unmodified checklist, the whole checklist as per the guidelines of 2010-2014 may be sought from the State Court, along with the comments on other issues. Submitted please.

May kindly see notes from page 1/n onwards. We may request Govt. of Karnataka to send complete proposal as per the information required in the checklist.

In addition, I ask for certified copy of full record of GoK. Also our old file may be linked.

JS (sc)
DIA CHQ (on env)
USL (sc)

Secretary/Miner

Secretary

ARUN KUMAR
Secretary

Date 16/10/17

31/08/2017

SetA/MW
From the town

As approved by the Board, don't amend
and put up the signs at once please.

[Signature]
12/10/13

[Signature]
17/10/13

[Signature]
12/10/13
Most Immediate/RTI Matter

No.9/2/2017-M.IV
GOVERNMENT OF INDIA
MINISTRY OF MINES
****

New Delhi, Dated: 22nd January, 2018

ORDER

Appellant: Shri Rahul Aggarwal.

I as the Appellate Authority, have duly considered the original Application dated 27.10.2017 made by Appellant and reply furnished by the CPIO vide letter No 9/1/2017-M.IV dated 22.11.2017. The reply furnished by the CPIO is in order.

2. With respect to point (a) and (b) of the RTI application it is reiterated that the matter is under scrutiny in the Ministry. The information cannot be disclosed under Section 8(h) of the RTI Act, 2005, till the completion of scrutiny.

3. Now, therefore, in exercise of the powers conferred under Section 19(6) of the Right to information Act, 2005, the appeal made by the applicant stands disposed of with the above observations.

4. An appeal against the aforesaid decision of the appellate authority shall lie with the Central Information Commission within 90 days as provided under sub-section (3) of Section 19 of the Right to Information Act, 2005.

Encl: As above

(Prithul Kumar)
Director (Mines IV Section)/ Appellate Authority
Phone-011-23070260
Email- prithul.kumar@nic.in

Copy to: i) Shri Rahul Aggarwal, A-56, Naraina Industrial Area, Phase-I, New Delhi-110028
ii) PI Cell, RTI Appeal No 2/184/2017-PI dated 21.12.2017