

FTS 887137/18-16

APPEAL UNDER SECTION 19(1) OF THE R.T.I. ACT-2005.

From : Sudhakar Mishra
Flat No. B-71, Utkal Royal Residency
Gautamnagar, Bhubaneswar - 751 014

To : Sri B.V.R.C.Purushottam
Deputy Secretary (HQ) and Appellate Authority
Room No-48-A/1, Department of Revenue, Ministry of Finance
Central Secretariat, North Block, New Delhi-110001.

Ref : Letter No. F.No. R-20011/ 148/ 2018-Ad.I of the U.S. (Ad.I)/CPIO of
DoR,
MoF dated 3.7.2018 (copy enclosed)

Sir,

Aggrieved by the reply of the CPIO, Revenue Department, this appeal is being filed before you for appropriate orders. The RTI letter sent to the CPIO is enclosed for your ready reference. Kindly refer to Question No-2.

The reply of the CPIO to my Question No-2 appears vague and evasive. It does not give information regarding the procedure such as the name of the selection committee and its composition. Instead, it has been stated, 'as per the consistent practice, selection was made'. "The consistent practice", as averred and therefore borne out by the records, has not been spelt out. From the reply it appears that the "consistent practice" has all along been followed till today and obviously it was also followed during 1990-2006.

Since the reply is vague and evasive, the CPIO may please be directed to clarify his statement by informing categorically

- (a) The name of the Committee and prescribed details of complete composition of the Committee, which made the selection from among senior IRS and IC&CES officers for appointment to the posts of Chairman and /Members of the CBDT and CBEC.

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(b) Confirm that the "consistent practice" means that there is no change in the selection procedure between, say, 24th December 2008 and onwards and the practice which was followed during the period 1990-2006.

As it is not possible for me to appear for personal hearing of the appeal, I request that it may please be disposed of without my presence before you.

Yours faithfully,



Sudhakar Mishra
Appellant
Dtd: 28.7.2018

Encl. : 1) CPIO's letter
2) RTI application

F.No. R-20011/ 148 /2018-Ad.I
Government of India
Ministry of Finance
Department of Revenue

New Delhi, dated the 3rd July, 2018.

To

✓ Shri Sudhakar Mishra
Flat No. B-71, Utkal Royal Residency
Gautam Nagar, Bhubnaeswar-751014

Subject: Application for information under Right to Information Act, 2005-reg

Sir,

I am to refer to your RTI Application dated 11.06.2018 addressed to CPIO, Department of Revenue, Ministry of Finance, CPIO, DoP&T and CPIO, Cabinet Secretariat, Rashtrapati Bhawan and to convey the point wise information as follows:-

Sr.No.	Reply
1 & 2	Between 1990 and 2006, there were no Recruitment Rules for the posts of Chairman and Members of the CBDT and CBEC. As per the consistent practice, selection was made amongst the senior most IRS/IC&CES officers.
3.	The posts of Chairman and Members of the CBDT and CBEC were 'Selection' post.
4.	No.
5.	The post of Members and Chairmen of CBDT and CBEC were ex-cadre post.

2. In case you are not satisfied with the reply, you may submit your appeal before the Appellate Authority within 30 days. The name and address of the Appellate Authority is as under:

Shri B.V.R.C. Purushottam,
Deputy Secretary (Hqrs.)
Room No. 48-A/I
North Block, New Delhi - 1
Tel No: 2309 2103

Yours faithfully,

Rajinder Kumar
3/7/18
(Rajinder Kumar)
Under Secretary(Ad.I)/CPIO

Copy to:-

1. RTI Cell, Department of Revenue w.r.t. communication no 845564/2018-RTI Cell dated 19.06.2018
2. RTI Cell, DoP&T w.r.t. communication No, 2/2/2018-RTI/02742 dated 18.06.2018
3. RTI Cell, Cabinet Secretariat, Rashtrapati Bhawan w.r.t. communication No. 12015/194/2018-RTI dated 19.06.2018.

Encl: 2
p/copy
-19-

FORM OF APPLICATION FOR SEEKING INFORMATION

(UNDER THE RIGHT TO INFORMATION ACT 2005.)

To

Central Public Information Officer,
Department of Revenue, Ministry Of Finance,
Central Secretariat, North Block,
New Delhi-110001.

1. Name of the Applicant: Sudhakar Mishra.
2. Address for Communication:
Flat No-B-71. Utkal Royal Residency,
Gautam Nagar. Bhubaneswar-751014.

Sir,

Subject: Request for information under RTI Act, 2005

It is requested that the following information may please be supplied under RTI Act, 2005:

- 1(a) The Department of Revenue has notified Rules for Recruitment of Chairman and Members of the Central Board of Direct Taxes and the Central Board of Customs and Excise in the year 2006. Were there any such Rules during the period from the year 1990 till the year 2006 when the Rules were promulgated?
- (b) If there was, please furnish a copy of such Rule(s). If there was none, please furnish copies of the relevant administrative instructions/circulars/ guidelines/office memorandum etc. regarding the appointment of the Members of the Central Board of Direct Taxes and Central Board of Excise and Customs during the period from 1990 to 2006.
2. Please inform the procedure which was followed for selection and appointment of Members, Central Board of Direct Taxes and Members, Central Board of Excise and Customs during the period from 1990 to 2006?
3. What was the mode of appointment to the posts of Member, Central Board of Direct Taxes and Member, Central Board of Excise and Customs during the period from 1990 to 2006? Were these posts selection posts or promotional posts?
4. Have the posts of Member, Central Board of Direct Taxes and Member, Central Board of Excise and Customs ever been posts to which persons were selected by promotion and not selection.

Encl: 2 (contd.)

5. Are the Members and Chairman's post now or ever before were cadre posts of the Income tax Department/Central Customs and Excise department, or they were and continue to be ex cadre posts with ex officio secretarial designation?

6. I state that the information sought does not fall within the restrictions contained in section 8 and 9 of the Act and to the best of my knowledge pertains to your office.

7. This is to certify that I, Sri Sudhakar Mishra, son of Late Sri Dibakar Mishra, am a citizen of India.

8. A fee of Rs 30 (in words) Rupees Thirty has been attached herewith in the form of Indian Postal Order No 37F 486168, 486169 and 486170 dated 09/06/2018 drawn in favour of Pay and Accounts Officer, Department of Revenue, MoF, New Delhi.

Bhubaneswar.
11 June 2018


Signature of the Applicant
Mobile No 7381003918
E-mail: mailtosudhakarmishra@gmail.com