

SPEED POST/ACK



सत्यमेव जयते
Government of India

Government of India
Ministry of Commerce & Industry
Office of the Development Commissioner
Admin Office Building, MEPZ - Special Economic Zone,
National Highway - 45, Tambaram, Chennai - 600 045
Fax: 044 2262 8218, Email Id: dc@mepz.gov.in

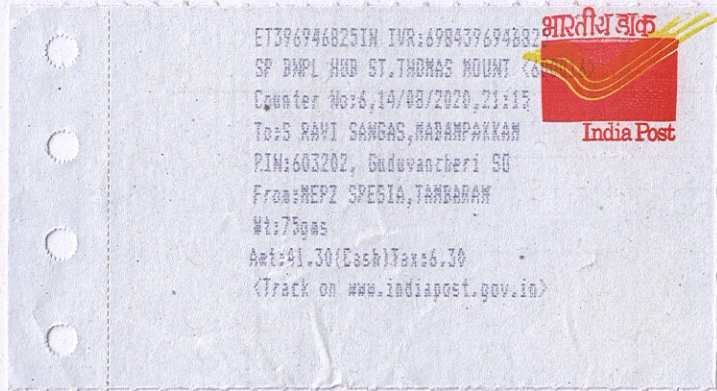
File No. RTI/457/2020-21

Dated: 14.08.2020

To

Shri. S.Ravi Sangar,
No.23, Sadasivan Nagar Extn-1,
Madambakkam,
Guduvancherry,
603202

Sir,



Sub: Information required under RTI Act, 2005 -Reg.

Ref: First Appellate Authority Order dated 30.07.2020

Please refer to the letter cited above. As per the decision taken in First Appellate Authority Order dated 30.07.2020, the following information of CPIO is enclosed herewith.

Yours sincerely,

V. Kayalvizhi
14/08/2020

(V.KAYALVIZHI)

CPIO/Specified Officer

Phone No. 04422628305

Email: kayalvizhi.1966@gmail.com

Copy to:-

AS 14-8-2020

Shri.D.Anandan, IAS,
First Appellate Authority / Joint Development Commissioner
MEPZ Special Economic Zone,
N.H. 45, Tambaram,
Chennai-600 045.

The CPIO Reply to FAA Order dated 30.07.2020

Reply to Point No.1 of FAA Order dated 30.07.2020

In the Appeal before the FAA, you had quoted a case (Trans World Garnet India Pvt Ltd) involving Shri N. Rajalingam, who was recently promoted as Assistant Development Commissioner. This is to inform you that in the said case before the Hon'ble Madras High Court (Madurai Bench), Shri N. Rajalingam, ADC was involved not in his personal capacity but in his official capacity as Assistant Development Commissioner. Moreover even before the DPC for his promotion as ADC was held, the case proceedings had been stayed by the higher bench of the Hon'ble High Court of Madras (Madurai Bench). Therefore, it has been ascertained that the said case was not placed before the DPC and had not been highlighted in the DPC proceedings. Further as per the records available in the office no other Court Proceedings were pending against any of the candidates at the time of DPCs to be highlighted in the DPC Proceedings. Therefore, in the reply dated 16.6.2020 furnished to you under RTI, it was informed that no Court proceedings having material effect on the promotion of the officials were available to be highlighted to the DPC.

The question as to whether the Court proceedings referred by you in your appeal should have been placed before the DPC or not and whether the rules permit in all aspects to consider for promotion to the next grade to the concerned candidates, would require the CPIO to interpret the rule, draw an inference and give an opinion which is beyond the scope of RTI Act 2005. The CPIO is required to furnish only such information as is available and existing in the records of the Public Authority.

This stand is supported by the following observations of the Hon'ble CIC in its Order dated 13.7.2006 in Appeal No. CIC/BS/A/2016/001038-BJ in Mr. Suraj Bhan Meena Vs CPIO and Under Secretary (ITA- II), Department of Revenue, CBDT:

"It was also observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. Similarly, redressal of grievance, reasons for non-compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act."

Therefore, the information furnished to you vide reply dated 16.6.2020 was not wrong. It was based on the records available in the office. As already stated above, the information with regard to whether the court proceedings referred by you in your appeal should have been placed before the DPC or not and whether the rules permit in all aspects to consider for promotion to the next grade to the concerned candidates are not available in the records of the Office and would

require the interpretation of the rule, drawing an inference and giving an opinion which is beyond the scope of CPIO under the RTI Act 2005.

Reply to Point No.2 of FAA Order dated 30.07.2020

Reply is attached herewith as Annexure 1

Reply to Point No.3 of FAA Order dated 30.07.2020

Not satisfied with the information furnished to you vide reply dated 16.6.2020, you had appealed before the FAA. The FAA in his Order dated 30.07.2020 has directed me to see whether the information sought by you is a matter of record or not.

As detailed by the FAA in his Order dated 30.07.2020, as per the previous judgements of the Hon'ble CIC, the definition of "Information" under Section 2(f) of the RTI Act, 2005 cannot include within its fold answers to the question "why" which would be the same thing as asking the reasons for a justification for a particular thing. Similarly, the PIO is not bound to create information that is not part of the record.

Nevertheless, as directed by the FAA, it was verified whether the reasons sought by you for not taking into consideration the said DOPT OM and the reasons for non-availability of CRs, are available in the records of this Office or not. However, it is seen that the reasons sought by you for not taking into consideration the said DOPT OM and the reasons for non-availability of CRs are not available in the records of this Office.

Reply to Point No.4 of FAA Order dated 30.07.2020

In your RTI Application, you had asked the CPIO to furnish copy of the CRs forwarding letter for the year 2013-14 & 2014-15 pertaining to you which was sent during June 2016 to Smt F.D. Initha, the then DDC for review of the same.

Not satisfied with the information furnished to you vide reply dated 16.6.2020, you had appealed before the FAA. The FAA in his Order dated 30.07.2020 has directed me to make one more attempt to see whether any such correspondence had indeed taken place as pointed out by you in your appeal.

Accordingly, once again the records of this Office were thoroughly searched. Despite the efforts taken by the Admin Section it is reported that the ACRs for the said periods could not be traced. However the correspondences vide F.No01/75/95/-Admin.I/2014-15 relating to the period 2014-15 has been found but the completed ACR of yours for the period 2014-25 is not available. From the record of forwarding the ACR for the period 2014-15 by the Admn. Section it is seen that of the 8 persons ACRs sent for the Reporting/ Reviewing, 7 persons ACRs were Reported/ Reviewed

and returned to this office except yours, by Smt F.D. Initha, the then DDC(reviewing officer in your case) on 09.03.2016. The Correspondence copies are enclosed.

Since there is no record available for the ACR for the period 2013-14 mail has been sent to the concerned officer as well as to the respective Reporting/ Reviewing officers (based on the Office orders prevailed during the period) for the status by the Admin section .Replies received from the concerned officer, Reporting officers are enclosed. Reply from the then DDC and JDC is awaited. On receipt, the same will be intimated to you.

ANNEXURE			
Name of the Post	Date of DPC	Name of the Officer	Years of CRs placed in the DPC
Assistant Development Commissioner	28.05.2007	Shri V. Rajaram Smt. S. Sumitra Devi Shri K. Balasubramanian Shri V.K. Viswanathan	In the Minutes, it is mentioned as prescribed period. APARs taken for the periods from 2001-02 to 2005-06
	30.10.2017@	Smt. Usha Ramesh Shri N. Rajalingam	2012-13 to 2016-17
	18.12.2019	Shri N. Rajalingam	2014-15 to 2018-19
Assistant	30.10.2007	Smt. K. Usha	Mentioned as 'upto date ACR are available". APARs taken for the periods from 2002-03 to 2006-07
	04.05.2010	Smt. N. Padma Shri N. Rajakumar	Mentioned as 'upto date ACR are available". APARs taken for the periods from 2004-05 to 2008-09.
	30.09.2011	Shri S. Ravi Sangar Shri R. Yagnashankar (both on ad-hoc basis)	Mentioned as 'upto date ACR are available in respect of eligible officials". APARs taken for the periods from 2005-06 to 2010-11.
	01.07.2016	Shri S. Ravi Sangar Shri R. Yagnashankar (both on ad-hoc basis)	APAR for the period from 2010-11 to 2014-15 were considered. However, in the case of Shri S. Ravi Sangar, APARs for the years 2013-14 & 2014-15 were not available, hence his APARs 2008-09 & 2009-10 were considered.
	30.10.2017@	Shri S. Ravi Sangar Shri R. Yagnashankar	APAR for the period from 2012-13 to 2016-17 were considered. However, in the case of Shri S. Ravi Sangar, APARs for the years 2013-14 & 2014-15 were not available, hence his APARs 2010-11 & 2011-12 were considered.
	18.12.2019 @@	Shri S. Ravi Sangar	APAR for the period from 2014-15 to 2018-19 were considered. However, in the case of Shri S. Ravi Sangar, APARs for the years 2014-15 & 2018-19 were not available.
UDC	23.04.2010	Shri M.P. Karunakaran Shri S. Siraj Khan	Mentioned as 'upto date ACR are available". APARs taken for the periods from 2004-05 to 2008-09.
	24.01.2011	Shri V. Srinivasan	Mentioned as 'upto date ACR are available". APARs taken for the periods from 2004-05 to 2008-09.
	30.09.2011	Smt. G. Satya Geeta (on ad-hoc basis)	Mentioned as 'upto date ACR are available". APARs taken for the periods from 2005-06 to 2010-11.

@ The DPC recommendations were not considered by DoC, New Delhi.

Fwd: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 08.07.2014 to 31.03.2015 - reg.

From : Asst.DevelopmentCommissioner MEPZ <adc7@mepz.gov.in>

Tue, Aug 04, 2020 04:31 PM

Subject : Fwd: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 08.07.2014 to 31.03.2015 - reg.

To : Balasubramaniyam S <adc12-2020@mepz.gov.in>

Sir,

Pl. refer your mail dated 01.08.2020. In this regard it is submitted that the exact date of submission was not known to me since the matter was older than 5 years. However it is confirmed that I have submitted the ACR after making remarks as reporting officer for further necessary action.

Usha Ramesh
MEPZ-SEZ

From: "Balasubramaniyam S" <adc12-2020@mepz.gov.in>

To: "Asst.DevelopmentCommissioner MEPZ" <adc7@mepz.gov.in>

Sent: Saturday, August 1, 2020 11:29:40 AM

Subject: Re: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 08.07.2014 to 31.03.2015 - reg.

Madam,

This is with reference to your email, kindly clarify with details of who was the then DDC, the period of ACR recorded in the capacity of "Reporting Officer" and also the date of submission.

Balasubramaniyam. S
ADC

From: "Asst.DevelopmentCommissioner MEPZ" <adc7@mepz.gov.in>

To: "Balasubramaniyam S" <adc12-2020@mepz.gov.in>

Sent: Friday, July 31, 2020 12:16:35 PM

Subject: Re: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 01.01.2014 to 07.07.2014 - reg.

Sir

I have handed over to the then DDC. I am not having any ACR.

Usha Ramesh.

----- Original Message -----

From: Balasubramaniyam S <adc12-2020@mepz.gov.in>

To: Asst.DevelopmentCommissioner MEPZ <adc7@mepz.gov.in>

Cc: DeputyDevelopmentCommissioner MEPZ <ddc1@mepz.gov.in>

Sent: Thu, 30 Jul 2020 17:58:10 +0530 (IST)

Subject: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 08.07.2014 to 31.03.2015 - reg.

Madam,

It is reported that Shri. S. Ravi Sangar, Assistant (Ad Hoc) had submitted his ACR for the period 08.07.2014 to 31.03.2015 to you for the purpose of recording your remarks in the capacity of "Reporting Officer". However the same has not been received so far by this Section.

This Office would like to know whether you had given your remarks as Reporting Officer and forwarded his ACR to Smt. D. Initha, then DDC, as Reviewing Officer or not.

Please send your reply by return email by 11 am on 31.07.2020 since this is very urgent.

ADC/Admin -

Re: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 01.06.2013 to 31.12.2013 - reg.

From : rajaramvel@live.in

Sun, Aug 02, 2020 08:48 AM

Subject : Re: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 01.06.2013 to 31.12.2013 - reg.

To : Balasubramaniyam S <adc12-2020@mepz.gov.in>

Sir,

Shri Ravi Sankar, Asst. during that year he has worked under two officers with me six months and Shri Rajalingam, ADC six months. As a procedure (practice) ACR has to be written to the dealing hands by an officer under whom he has worked more than 4 months. In this issue he has worked 6 months equally under the both the officers. Therefore, Admin. has informed that any one of the Officer can write ACR Report for him for the year. Therefore, myself and Rajalingam has stand Shri Rajalingam, ADC can write ACR report to him for the whole Year. I hope Shri Rajalingam, ADC has written report for him and given to then DDC. However, if Admin. desires ACR for the period he worked under me is required I will write and hand it over to MEPZ Admin. when I come to Indian Bank(MEPZ Br.) next week.

Note: I was on Medical Leave for the period 1-11-2013 to 31-03-2014.

Thanking You

YF

V.RAJARAM

Cell No.9444963356

From: Balasubramaniyam S <adc12-2020@mepz.gov.in>

Sent: Friday, July 31, 2020 3:02 PM

To: rajaramvel@live.in <rajaramvel@live.in>

Subject: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 01.06.2013 to 31.12.2013 - reg.

Sir,

It is reported that Shri. S. Ravi Sangar, Assistant (Ad Hoc) had submitted his ACR for the period 01.06.2013 to 31.12.2013 to you for the purpose of recording your remarks in the capacity of "Reporting Officer". However the same has not been received so far by this Section.

This Office would like to know whether you had given your remarks as Reporting Officer and forwarded his ACR to Smt. F. D. Initha, then DDC, as Reviewing Officer or not.

Please send your reply by return email by 11 am on 31.07.2020 since this is very urgent.

ADC/Admin

Re: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 01.01.2014 to 07.07.2014 - reg.

From : kmg babu <kmg_babu@yahoo.com>

Fri, Jul 31, 2020 01:41 PM

Subject : Re: Recording ACR of Shri. S. Ravi Sangar, Assistant (Ad hoc) for the period 01.01.2014 to 07.07.2014 - reg.

To : Balasubramaniyam S <adc12-2020@mepz.gov.in>

Sir,

As regards the ACR of Shri. S. Ravi Sangar is concerned it is submitted that the period 01.01.2014 to 07.07.2014 involves, two financial years, 2013-14 and 2014-15.

Normally, ACR is being submitted by an official, for whole financial year only to the reporting officer with whom he/she served for maximum period, though he/she served with more than one reporting officer, unless the official served in two different offices.

Since Shri. Ravi Sangar posted in the Accounts Section for three months in the financial year 2013-14, I didn't remember that he had submitted separate ACR for broken period 01.01.2014 to 31.03.2014 to me.

Similarly, for the financial year 2014-15, since he was in Accounts Section from 01.04.2014 to 07.07.2014 only, I didn't remember that the ACR for this broken period was also submitted to me.

Further, I didn't maintained any record for receipt and submission of ACRs, since I had promptly submitted, after duly completing Reporting Officer part of ACRs of all other officials of Accounts Section to JDC, to whom I was reporting, through the PA to JDC.

If I had received any ACR for these broken periods from Shri. S. Ravi Sangar, I would have submitted the same after completing it with Reporting Officer part, to the then JDC only, since no ACR is lying pending with me.

Kindly see for further necessary action.

Thanks,

K.M. GANESH BABU, SrAO.

On Thursday, 30 July, 2020, 06:00:20 pm IST, Balasubramaniyam S <adc12-2020@mepz.gov.in> wrote:

Sir,

It is reported that Shri. S. Ravi Sangar, Assistant (Ad Hoc) had submitted his ACR for the period 01.01.2014 to 07.07.2014 to you for the purpose of recording your remarks in the capacity of "Reporting Officer". However the same has not been received so far by this Section.

This Office would like to know whether you had given your remarks as Reporting Officer and forwarded his ACR to Dr.Swarna, then JDC, as Reviewing Officer or not.

Please send your reply by return email by 11 am on 31.07.2020 since this is very urgent.

ADC/Admin

Requesting for the details of Reporting Officer i.r.o ACRs for the periods 2013-14 & 2014-15 and copy of letter bearing File No. 1/75/95/Admn-1/2014-15 sent on 04.11.2015 and 29.06.2016- reg.

From : Balasubramaniyam S <adc12-2020@mepz.gov.in>

Wed, Aug 05, 2020 06:08 PM

Subject : Requesting for the details of Reporting Officer i.r.o ACRs for the periods 2013-14 & 2014-15 and copy of letter bearing File No. 1/75/95/Admn-1/2014-15 sent on 04.11.2015 and 29.06.2016- reg.

To : ravisangar1964 <ravisangar1964@gmail.com>

Cc : DeputyDevelopmentCommissioner MEPZ <ddc1@mepz.gov.in>

To,

Shri. S. Ravi Sangar,
UDC, MEPZ SEZ,
Chennai.

As per the procedure followed in this office, blank APAR forms are handed over to the concerned Officials by the Admin Section after filling the Personal Details. After filling up the Self-appraisal by the concerned official, they are submitting their APAR to their respective Reporting Officer. After recording the Assessment Part in the APAR by the "Reporting Officer", it is submitted to the Reviewing Officer for recording the "Remarks of the Reviewing Officer". After recording the "Remarks by the Reviewing Officer" it is submitted back to Admin/Vigilance Section.

2. In your case, the Admin section of this Office must have handed over to you the blank ACR forms for the years 2013-14 and 2014-15. You are requested to confirm whether, after completing your self-appraisal part had you submitted the ACR to your Reporting Officer for recording the Assessment Part by the Reporting Officer. If so, kindly furnish the details of Name and Designation of the Reporting Officer to whom you had submitted the ACRs for the above said years.

This will enable us to follow-up with the concerned Reporting Officer, and find out whether they had submitted your ACR to the Reviewing Officer after completing their part.

3. In your email dated 26.07.2020 sent to the Development Commissioner, MEPZ SEZ, you had stated that the ACRs for the period 2013-14 & 2014-15 were sent to Smt. F. D. Initha, the then Deputy Development Commissioner, through a letter bearing File No. 1/75/95/Admn-1/2014-15 sent on 04.11.2015 and 29.06.2016.

Despite our best efforts, this Office could not trace this letter. Therefore, if you have a copy of the letter No. 1/75/95/Admn-1/2014-15 dated 04.11.2015 and 29.06.2016, the same may be furnished to us so that we may further inquire with Smt. F. D. Initha, the then Deputy Development Commissioner as to whether she had completed your ACRs for the years 2013-14 and 2014-15 and sent them back to this Office or not.

It is requested to send your reply and furnish the copy of letter No.1/75/95/Admn-1/2014-15 dated 04.11.2015 and 29.06.2016 by return email before 03.00 p.m. on 07.08.2020, since this is urgent.

This is issued with the approval of the Development Commissioner MEPZ-SEZ.

ADC/Admin

Email

adc12-2020@mepz.gov.in

9.8 Sh. Ravi Sangar Reply on 8.8.2020 - Confidential report for the year 2013--14 and 14-15 - clarification submitted - Reg

From: ravisangar1964@gmail.com

To: "Development Commissioner MEPZ" <dc@mepz.gov.in>, "AS office" <asoffice-doc@gov.in>, "Darshan Kumar Solanki" <dk.solanki@nic.in>

Sent: Friday, August 7, 2020 12:52:30 PM

Subject: Confidential report for the year 2013--14 and 14-15 - clarification submitted - Reg

To
The Development Commissioner,
MEPZ- SEZ, Chennai.

07.08.2020

Sir,

In response your e.mail dated.05.08.2020, the para wise information are given below :-

1. Yes I agreed. After filling up the self appraisal by the individual and while submitting CR to the reporting officer or to Admn secretion, they have never acknowledged that.
2. I do not having the office orders that who I worked for those years Such office orders are available in the concerned file file maintaining by Admn. Sectio. I confirmed that I hander over my CRs for the year 2013-14 & 2014-15 and you had also received reply from the concerned reporting officer that my CR has been reported by the officer and handed over accordingly.
3. I have not sent my CRs directly to the reviewing officer and all the CR s have been forwarded to the reviewing officer thro Admn. Section only. I am sure that my CRs were forwarded to the reviewing officer thro the file no1/75/95/Admn-1 sent on 04.11.2015 and 29.06.2016.

When I contacted Mr.Krishna Kumar, Executive Assistant in connection with the DPC held on 18.12.2020, he informed that the my CRs for the years 2013-14 & 14-15 were not received from Smt.F.D.Initha DDC (then) and my case for promotion could not be considered. Therefore, I requested Smt.Uma Raghunathan ADC (she was working during the period in Admn.Section) to give a copy of the CR forwarding letter sent to the reviewing officer the ADC has informed that the my CR has been forwarded to the reviewing officer on 29.06.2016 and I confirmed the same.

F.No.01/75/95-Admn.I/2014-15/3995
4-11-2015

To

Smt.F.D. Initha,
Jt.Director General of Foreign Trade,
O/o.Additional Director General of Foreign Trade,
No.26, Shastri Bhavan 4th and 5th floor,
Haddows Road,
Chennai.600 006.

Madam,

Sub:- MEPZ-SEZ-ADMN.-Forwarding of APAR of the MEPZ official-reg.

The Annual Performance Appraising Report in respect of the following Officers are sent herewith with a request to return the same with the remarks of reporting and reviewing officer.

Sl.No.	Name and Designation of the Officer	Reporting period	Reporting/reviewing
1.	Shri.V.Rajaram, ADC ✓	2011-12,2012-13, 2013-14, and 2014-15	Reporting
2.	Smt.Uma Raghunathan,ADC ✓	2014-15	Reporting
3.	Smt.Usha Ramesh, ADC ✓	2014-15	Reporting
4.	Smt.Anit Hemalatha, Steno.Gr.III ✓	2014-15	Reviewing
5.	Shri.S.Ravisangar,UDC	2014-15	Reviewing

RECEIVED

2015

ET141362585

Encl:- As above.

Yours faithfully,

K. Balasubramanian
(K.BALASUBRAMANIAN)

ASST.DEVELOPMENT COMMISSIONER
FOR DEVELOPMENT COMMISSIONER

F.No.01/75/95-Admn.I/2014-15
08-03-2016

To

Smt.F.D. Initha,
Jt.Director General of Foreign Trade,
O/o.Additional Director General of Foreign Trade,
No.26, Shastri Bhavan 4th and 5th floor,
Haddows Road,
Chennai.600 006.

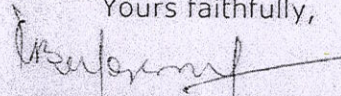
Madam,

Sub:- MEPZ-SEZ-ADMN.-Forwarding of APAR of the MEPZ official-reg.

The Annual Performance Appraising Report in respect of the following Officers are sent herewith with a request to return the same with the remarks of reviewing officer.

Sl.No.	Name and Designation of the Officer	Reporting period	Reporting/reviewing
1.	Shri.M.P.Karunakaran, UDC	2010-11,2011-12,2012-13,2013-14,and 2014-15	Reviewing
2.	Smt.K.Gnaramma, SG	2014-15	Reviewing
3.	Shri.M.Rajendran, SG	2014-15	Reviewing

Yours faithfully,



(K.BALASUBRAMANIAN)
ASST.DEVELOPMENT COMMISSIONER
FOR DEVELOPMENT COMMISSIONER

Encl:- As above.

9/3/16

NAOEN, -
deputation/loan basis to this office.

To,
The Development Commissioner,
MEPZ-Special Economic Zone,
Tambaram,
Chennai – 600 045.

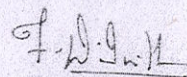
Kind Attention : Shri.Balasubramaniam, ADC – Admin.

.....

Sir,

The APARS' of 1.Shri.M.P.Karunakaran, UDC for the period 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15, 2.Shri.M.Rajendran, Security Guard, for the period 2014-15, 3.Smt.Gnanamma, Women Security Guard for the period 2014-15, 4. Shri.V.Rajaram , ADC, for the period 2011-12, 2012-13, 2013-14, 2014-15, 5.Smt. Uma Raghunathan, ADC, for the period 2014-15, 6.Smt. Usha Ramesh ADC,for the period 2014-15, Smt. Anit Hemalatha steno (2014-15) are returned herewith after reporting , reviewing, as the case may be.

Yours sincerely



(F.D.INITHA)

Jt. Director General of Foreign Trade

O/o. The Addl. DGFT.

Shastry Bhavan, Chennai-6.

9/3/14