



Office Order No. 292/RTI-FAA-535

Dated: 29.11.2016

Subject: **First appeal case of Sh. R.K. Lohchab, Asstt. (Retd.) Vs SPIO-cum-AE/RTI, HVPNL, Panchkula – Date of Hearing fixed on 29.11.2016.**

Proceedings before the First Appellate Authority-cum-Chief Engineer/Admn., HVPNL, Panchkula in the first appeal dated 28.10.2016 (received on 03.11.2016) of Sh. R.K. Lohchab, Asstt. (Retd.) Vs SPIO-cum-AE/RTI, HVPNL, Panchkula, held on 29.11.2016 at 3:20 PM.

Following were present:-

1. Sh. Chander Bhushan, SPIO-cum-AE/RTI, HVPNL, Panchkula.
2. Sh. Pradeep Gulati, Sr. A.O./Pension on behalf of Deemed SPIO-cum-Chief Accounts Officer, HVPNL, Panchkula.
3. None on behalf of appellant.

The appellant sought information on single point regarding quantum of recovery to be effected on pension & commuted pension upon punishment to pensioner awarded of 50% recovery of pension from SPIO-cum-AE/RTI, HVPNL, Panchkula vide his RTI application dated 02.09.2016 which was received in SPIO-cum-AE/RTI, HVPNL, Panchkula office on 05.09.2016.

Appellant filed first appeal dated 28.10.2016 (received on 03.11.2016) before undersigned with the plea that information has not been supplied to him. He further requested to provide him a private vehicle along with helping assistant for inspection of record under RTI Act., 2005.

In the instant case, the hearing was fixed on 29.11.2016 and appellant was informed vide this office memo no. Ch-2/RTI-FAA-535 dated 09.11.2016 under intimation to the SPIO-cum-AE/RTI, HVPNL, Panchkula and deemed SPIO i.e. Chief Accounts Officer, HVPNL, Panchkula. In addition to this, appellant's attention was also invited towards instructions issued & circulated vide Managing Director, HVPNL office memo No. Ch-14/REG.-267/Vol.-II dated 09.11.2016 which provides that there is no provision under the RTI Act., 2005 to provide Govt./Private Vehicle to the RTI applicant/appellant for the purpose of inspection of record/collection of the information and to attend the hearing.

In response, SPIO-cum-AE/RTI, HVPNL, Panchkula submitted his office comments vide memo no. Ch-11/RTI-3821 dated 17.11.2016 which are as under:-

1. *The appellant's RTI application dt. 02.09.2016 was received in his office on 05.09.2016 wherein the appellant sought information on single points regarding if punishment to pensioner awarded of 50% recovery of pension then what recovery will be effected on pension, commuted pension and amount has been given by appellant in his RTI application.*
2. *Assistance u/s 5(4&5) was sought from deemed SPIO-cum-CAO, HVPNL, Panchkula vide his office memo dated 05.09.2016.*
3. *In response, Deemed SPIO-cum-CAO, HVPNL, Panchkula vide his office memo No. 1130/CAO/Estt./RTI-415 dated 18.10.2016 intimated as under:
"The question as asked for by the applicant does not covered under RTI Act., 2005.
No instructions having formula of recovery in such manner has been prescribed by the Government."*
4. *The above referred information/ communication, as received from Deemed SPIO, was supplied to appellant vide his office memo No. Ch-8/RTI-3821 dated 19.10.2016 along with offering an opportunity to the appellant for inspection of relevant record pertaining to his RTI application.*
5. *Now, the appellant filed first appeal dated 28.10.2016 with the remarks that required information has not been supplied.*
6. *The above referred appeal has been forwarded to the deemed SPIO cum-CAO, HVPNL, Panchkula vide his office memo dated 10.11.2016.*

On 29.11.2016, during the hearing, appellant neither appeared nor any message was received. However, the matter regarding recovery of pension was discussed in presence of SPIO-cum-AE/RTI, HVPNL, Panchkula and representatives of Chief Accounts Officer, HVPNL, Panchkula.

Sh. Pradeep Gulati, Sr. A.O./Pension on behalf of deemed SPIO-cum-Chief Accounts, HVPNL, Panchkula stated that question as asked by the appellant does not covered under RTI Act., 2005. However, no instructions having formula of recovery of pension in such manner has been prescribed by the Govt. of Haryana & adopted by HVPNL.


After hearing the views, Deemed SPIO-cum-Chief Accounts, HVPNL, Panchkula is hereby directed to certify that instructions having formula of recovery of pension/ commuted pension does not exist in his office record within 15 days to SPIO-cum-AE/RTI, HVPNL, Panchkula who will forward the same to the appellant free of cost & compliance report be sent to this office.

The appellant is hereby offered an opportunity that he may inspect the relevant record, pertaining to his instant RTI application in the office of concerned SPIO/Deemed SPIO within 15 days on any working day, after giving prior intimation to the concerned SPIO/ Deemed SPIO.

Appellant, if not satisfied with the decision of undersigned or if orders are not complied with by the SPIO/deemed SPIO, then he may prefer Second Appeal before Hon'ble State Information Commission, Haryana within 90 days from this order. The address of State Information Commission, Haryana is given below:-

The State Information Commission, Haryana,
SCO No. 70-71 and 114-115, Sector 8-C,
Madhya Marg, Chandigarh.
e-mail: ussichry@yahoo.co.in

Accordingly, the appeal is disposed off


First Appellate Authority-cum-
Chief Engineer/Admn.,
HVPNL, Panchkula.

Endst. No. Ch- 5 /RTI-FAA-535

Dated: 29.11.2016

Copy of the above is forwarded to the followings for taking necessary action:-

1. The State Public Information Officer-cum-Assistant Engineer/RTI, HVPNL, Panchkula.
2. The Chief Accounts Officer, HVPNL, Panchkula.
3. Sh. R.K. Lohchab, Asstt. (Retd.) VPO: Bupania, Tehsil Bahadurgarh, Distt. Jhajjar, Haryana.

Regd.


First Appellate Authority-cum-
Chief Engineer/Admn,
HVPNL, Panchkula.