

TELANGANA STATE INFORMATION COMMISSION

(Under Right to Information Act, 2005)

Samachara Hakku Bhavan, D.No.5-4-399, '4' Storied Commercial Complex,
Housing Board Building, Mojam Jahi Market, Hyderabad – 500 001.
Phone Nos: 040-24740638 (o); 040-24740592(Fax)

Appeal No. 15285/SIC-Dr.Mohd.Ameer/2021

Dated: 27-04-2022

Appellant : Sri C.Suryanarayana, R/o Hyderabad

Respondents : The Public Information Officer (U/RTI Act, 2005) /
The Joint Secretary, TS TRANSCO,
Vidyut Soudha, Somajiguda,
Hyderabad-500082.

The Appellate Authority (U/RTI Act, 2005) /
The Director, Transmission, TS TRANSCO,
Vidyut Soudha, Somajiguda,
Hyderabad-500082.

ORDER

Sri C.Suryanarayana, R/o Hyderabad filed 2nd appeal dated 24-11-2021 which was received by this Commission on 24-11-2021 for not getting the information sought by him from the PIO / The Joint Secretary, TS TRANSCO, Vidyut Soudha, Somajiguda, Hyderabad and 1st Appellate Authority / O/o The Director, Transmission, TS TRANSCO, Vidyut Soudha, Somajiguda, Hyderabad.

The brief facts of the case as per the appeal and other records received along with it are that the appellant herein filed an application dated 16-08-2021 under Sec.6(1) of the RTI Act, 2005, before the PIO seeking the following information:

I, C.Suryanarayana S/o Late Sri.Ramulu, age 81 years, worked as Additional Assistant Engineer at Nagar Kurnool Headquarters under the Cluster Sub-Division Wanaparthy under the control of Operation Division, Wanaparthy, A.P.S.B. Board, Mahabubnagar District. Further, I would like to submit that I have worked at Nagar Kurnool during the year 1978 to 09-04-1981 and have retired on 30.9.1988 on Superannuation at the age of 58 years as Assistant Divisional Engineer. Subsequently, the A.P.S.B. Board reorganized as A.P. Transmission Corporation i.e., (A.P. TRANSCO) and A.P. Genco and DISCOMS. Consequent on bifurcation my services were fallen under APTRANSCO and presently T.S. TRANSCO. While in service the disciplinary authority/ APSEB imposed two punishments to appellant (1) Memo No. DP/DM/SII/1027-L3/86-5 dt.27.9.1988 wherein imposed punishment of stoppage of one increment with cumulative effect besides treating unauthorized absence for the period from 24.4.1985 to 14.08.1986 as leave as per eligibility. (2) Memo No.DP/DM-V/4-P1/90-23 dt.2.8.1991 wherein imposed stoppage of two increments without cumulative effect for accepting substandard materials of RCC Poles and Anchor Plates at Nagar Kurnool manufacturing centre; from Private Contractor.

BRIEF FACTS OF THE CASE:

The Disciplinary case was initiated based on ACB Report-I, No.RC2/82/HR (on 7 Nos. officers) and ACB Report-II, No.38/RE/85 (on 12Nos) regarding the allegation of irregularities committed in the manufacture of R.C.C. Electric Poles at Nagar Kurnool, Wanaparthy, Kothakota, Gadwal, Achampet and Amarepalle R.C.C.Poles manufacturing centers within the jurisdiction of Wanaparthy Division.

Departmental Enquiry was ordered against the Officers duly appointing the Enquiry Officer and appointed Sri M.Radhakrishna Murthy, Chief Engineer/ Research and Development, as Enquiry Officer, who issued Charge Memo to me i.e. C.Suryanarayana vide Memo No. CE/HR/CE/R&D/E, Confid/D.No.26/88 dated 15.1.1988 and 6 others, (vide Report No.1) (missing 5th page, and ultimately served on 27.5.1989). The Disciplinary Authority (APSEB) issued Final Order vide Memo No.DP/DM-V/4-P1/90-23 dt.2.8.1991 (APSEB) in response to Charge Memo dated 15.1.1988 (APSEB) imposing the punishment of stoppage of two increments without cumulative effect. Subsequently above said Radhakrishna Murthy (First Enquiry Officer) retired from service the APSEB appointed Sri A.V.S. Rao, Chief Engineer-Transmission as Enquiry Officer (Second Enquiry Officer). He prepared Charge Memo to all involved in Report No.II No.38/RE/85 (12Nos.).

Sri A.V.S.Rao, (Second Enquiry Officer) sent Notices to all including those involved in Report No.1 No.RC2/82/HR (on 7 Nos. officers) and ACB Report-II, No.38/RE/85 (on 12 Nos.) to attend the Oral Enquiry on 23.5.1989 on irregularities committed by Sri P.Narayana Rao and others, before Enquiry Officer, at Vidyuth Soudha, Hyderabad.

The following are the names of 12 employees, to whom Charge-memos were issued by the Enquiry Officers, while P. Narayana Rao, was allowed to retire.

(1)K.M.Krishna Reddy, ADE, (2) T.Srinivasa Murthy, AAE, (3) K.Tirupataiah, AAE, (4)R.Balreddy, AAE (5) G.S.V.R.Panthulu, ADE (6) Mohd. Muntaz Ali, AAE, (7) Y.Ragavender Rao, AAE, (8) Md.Anwaruddin, AAE, (9) K.Raghavender Rao, ADE, (10) L.Rajagopala Chetty, ADE, (11) K.Ram Reddy, AAE and (12) C.Suryanarayana. (Appellant)

The applicant has not received enquiry notice within the date hence he could not attend for enquiry on 23.05.89 and the enquiry officer continued proceeded with other 12 people attended and recorded their statements. For the appellant the H.O. remarked as "Not attended", which was obtained by the appellant under Sec.6(1) of RTI Act, 2021.

Subsequent to the Enquiry, individual punishments were imposed by the department on all the 13 people including the appellant. Then the department acquitted 12 others leaving the appellant as Non-acquittal as mentioned in appeal No.6989/SIC-Dr.MA/2020 dated 7.4.2021 as the punishments-stoppage of two increments without cumulative effect vide Final order dated 2.8.91 are kept in force on the appellant.

In addition to the above, in principle, the department also imposed punishment of stoppage of pension by bringing the effect of unauthorized absence from 24.4.1985 to 14.08.1986 by the

appellant, vide Memo dated 27.9.1988 such information is more specifically sought in respect of "in principle", as the punishments-stoppage of two increments without cumulative effect vide Final order dated 2.8.1991 are kept in force on the appellant in the form of opinions/advices/reports that exists and held with the public authority(i.e. APSEB).

The Public Information Officer through letter No. SPIO&JS/DS(Per.II)/AS(L,R&C)/PO(L,R&b)/JPO(L&R)/F.No.69/21 dated 18-09-2021 furnished reply to the appellant.

Stating that the information furnished by the Public Information Officer is incomplete / incorrect, the appellant filed 1st appeal dated 07-10-2021 before the 1st Appellate Authority requesting him to furnish the information sought.

As per the records enclosed it is noticed that the 1st Appellate Authority had failed to hear the case and pass appropriate orders on the 1st appeal filed before him.

As the appellant did not get information from the Public Information Officer, he preferred this 2nd appeal before this Commission requesting to arrange to furnish the information sought by him.

The 2nd Appeal was taken on file and notices were issued to the parties concerned for hearing on 27-04-2022.

On 27-04-2022 the case is called. The Appellant is present. The Public Information Officer / Divisional Engineer, O/o the Director, Transmissions, TS TRANSCO, Hyderabad is present. The 1st Appellate Authority is present.

The Appellant submitted that he did not receive the sought information from the Public Information Officer.

The Public Information Officer submitted that the factual information was furnished to the appellant on 18-09-2021.

Heard both the parties and perused the records.

As per submission of the Public Information Officer the case of the appellant is that a disciplinary case was initiated based on ACB report on (19) persons and as per ACB recommendations departmental enquiry was conducted and punishment was awarded to (15) individuals including the appellant. The appellant sought whether the punishment awarded on 27-09-1988 is linked up with final order dated 2-8-1991. Thus, the appellant is seeking clarification and not for information. Hence, the applicant was informed that the sought information does not fall u/s 2(f) of RTI Act 2005.

The Commission upholds the decision of the Public Information Officer and accordingly the Appeal is closed.

Dr. Mohd. Ameer
State Information Commissioner

Authenticated by:

Assistant Registrar
Copy to: IT Section/SF