

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. 2750/SIC-Dr.Mohd.Ameer/2020

Dated: 10-05-2022

Appellant : **Sri S. SRISAILAM, R/o Ananthapuramu District**

Respondents : **The Public Information Officer (U/RTI Act, 2005) /
O/o The Superintending Engineer, Operation, TSSPDCL, Gadwal,
Jogulamba Gadwal District**

**The Appellate Authority (U/RTI Act, 2005) /
O/o The Director, Commercial, TSSPDCL, 3rd Floor, 'B' Block,
Corporate Office,#6-1-50, Mint Compound, Hyderabad.**

ORDER

Sri S. SRISAILAM, R/o Ananthapuramu District filed 2nd appeal dated 18-02-2020 which was received by this Commission on 28-02-2020 for not getting the information sought by him from the PIO / O/o The Superintending Engineer, Operation, TSSPDCL, Gadwal, Jogulamba Gadwal District and 1st Appellate Authority / O/o The Director/Commercial, TSSPDCL, 3rd Floor, 'B' Block, Corporate Office,#6-1-50, Mint Compound, 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 17-08-2019 under Sec.6(1) of the RTI Act, 2005, before the PIO seeking the following information:

BACKGROUND:

- Ref:- 1) Memo.No.CGM(HRD)/GM(Adm)/AS(DC-II)/PO(DC-II)/56-C2/11-2, dt.17-06-2011.
2) Memo.No.CGM(HRD)/GM(IR,LandAdm)/AS(DC)/PO(DC-II)/56-C2/2011-29, dt.14-06-2016.
3) Memo.No.CGM(HRD)/GM(IR,LandAdm)/AS(DC)/PO(DC-II)/56-C2/2011-30, dt.14-06-2016.
4) Lr.No.DEE/OP/GDL/JAO/Adm-S.A./D.No. 376/16, dt: 22.06.2016.
5) Lr. No. SE/O/ATP/AO(Expr)/AAO(Expr)/JAO/PRS/S2/D.No.2765/2016, dt:20.07.2016
6) Lr.No.DEE/OP/GDL/JAO/Adm-S.A./D.No. 18/16, dt: 07.01.2017.
7) My Representation to SE/OP/APSPDCL/Anantapuramu, dt: 13.02.2017
8) Lr. No.SE/O/ATP/AO(Expr)/AAO(Expr)/JAO/PRS/S2/D.No.130/2017, dt: 16.02.2017.
9) My Representation to the Chief General Manager (HRD)/TSSPDCL/Mint compound/Hyderabad.
10) Lr.No.DEE/OP/GDL/JAO/Adm-S.A./GAS/GDL/D.No. 821/18, dt: 30.10.2018.
11) Lr.No.DEE/OP/GDL/JAO/Adm-S.A./D.No. 918/18, dt: 15.12.2018.
12) My Representation to DE/OP/TSSPDCL/Gadwal, dt: 04.06.2019
13) My Representation to DE/OP/TSSPDCL/Gadwal, dt: 17.07.2019
14) My Representation to DE/OP/TSSPDCL/Gadwal, dt: 23.07.2019
15) My Representation to DE/OP/TSSPDCL/Gadwal, dt: 30.07.2019
16) Lr. No.SE/O/ATP/SAO/AO(Expr)/AAO(Expr)/JAO/PRS/S2/D.No.198/2019, dt: 18.07.2019.
17) My Representation to SE/OP/TSSPDCL/Gadwal, dt: 01.08.2019
18) Judgment copy of Honorable district court of the 1-Additional sessions judge at Mahabubnagar

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I submit that, I am working as Asst. Engineer/Technical/ Construction division/ Anantapuramu on deputation (Ex- Asst. Engineer/Opn./Dharoor, Gadwal circle, TSSPDCL, Telangana) submitting few lines for favour of your consideration and to issue favourable orders please.

In the reference (1) cited I was kept under suspension on charge of gross negligence and dereliction of duties against me.

In the reference (2) cited final orders issued after completion of enquiry by the Chief General Manager (HRD)/TSSPDCL/Mint compound/Hyderabad, has decided and ordered that an amount of Rs.19.03 Lakhs to be recovered from my monthly salary (Max limit of 33%of Gross pay salary).

In the reference (3) cited, certain instructions were issued by the Chief General Manager (HRD)/TSSPDCL/Mint compound/Hyderabad and has decided that the amount totaling to amount(19.03+6.69+3.21) of Rs.28.93 Lakhs to be recovered from my monthly salary (Max limit of 33%of Gross pay salary).

In the reference (4) cited, the Divisional Engineer/Operation/TSSPDCL/Gadwal has transmitted my Service register and LPC to the Superintending Engineer/ Operation/ APSPDCL/Anantapuramu and requested to arrange to recover an amount (19.03+6.69+3.21) of Rs.28.93 Lakhs from my monthly salary (Max limit of 33%of Gross pay salary) as per the instructions in reference (3) cited.

In the reference (5) cited, the Superintending Engineer/Operation/ APSPDCL/ Anantapuramu has requested the Divisional Engineer/Operation/TSSPDCL/ Gadwal to attend the certain remarks regarding my SR and LPC.

In the reference (6) cited, the Divisional Engineer/Operation/TSSPDCL/Gadwal has transmitted the SR and LPC to the Superintending Engineer/Operation/ APSPDCL/ Anantapuramu after attending to the remarks.

In the reference (7) cited, representation given to the Superintending Engineer/ Operation/APSPDCL/Anantapuramu, requesting to release annual grade increments from 2009 and do pay fixation in RPS 2010 and 2014 and requested to

arrange payment of arrears at an early date.

In the reference (8) cited, the Superintending Engineer/Operation/ APSPDCL/ Anantapuramu has requested the Divisional Engineer/Operation/TSSPDCL/ Gadwal to sanction annual Grade increments due, if any, up to 01.04.2010 and pay fixation may be done in revision of pay scales 2010 and subsequent increments may be released as per eligibility up to 29.10.2013 and arrange payment of arrears, if any, up to 29.10.2013 duly making necessary entries in the Service Register and revised Last Pay Certificate may be transmitted to Anantapuramu circle.

In the reference (9) cited, representation given to the Chief General Manager (HRD)/TSSPDCL/Mint compound/Hyderabad, requested to re-enquire the work orders issued on my name with SAP entries and expedite in transmitting of my Service Register from office of the Divisional Engineer/Operation/TSSPDCL/ Gadwal to the Superintending Engineer/Operation/ APSPDCL/ Anantapuramu. After that the DE/Enquiries was directed to review the details of work orders in my tenure duly verifying and comparing the facts regarding the work orders of team of officers with SAP entries in the month of 02/2017 and enquiry is still pending and not finalized yet.

In the reference (10) cited, the Divisional Engineer/Operation/TSSPDCL/Gadwal requested clarification from the Superintending Engineer/Operation/TSSPDCL/ Gadwal circle regarding 33 No's work orders still pending for the financial year 2010, 2011-12 and 2012-13 after conducting enquiry and getting the final orders from the Chief General Manager (HRD)/TSSPDCL/Mint compound/Hyderabad stating my working period as AAE/OP/Dharoor and additional charge of Gattu sections from 13.07.2010 to 05.03.2011 and 27.09.2010 to 14.12.2010 respectively and total number of work orders 66 No's including 21 No's work orders which were handed over by previous section officer.

In the reference (11) cited, the Divisional Engineer/Operation/TSSPDCL/Gadwal has transmitted my Service register and LPC to the Superintending Engineer/ Operation/ APSPDCL/Anantapuramu on 16.12.2018 indicating Rs.71.74 Lakhs to be recovered from my monthly salary (Max limit of 33%of Gross pay salary). But copy not communicated to me till date.

In the reference (12), (13) (14) and (15) cited, requested the Divisional Engineer/ Operation/ TSSPDCL/Gadwal to furnish the list of work orders that I have taken during my tenure with Xerox copies of work order applications in Gadwal division, TSSPDCL, Telangana.

In the reference (4) and (11) cited, the same reports submitted by the Divisional Engineer /Operation/TSSPDCL/Gadwal, Telangana is different and lot of difference is there.

In the reference (16) cited, the Superintending engineer/Operation/APSPDCL/ Anantapuramu has submitted some information and requested certain clarifications from the Chief General Manager (HRD), APSPDCL, D.No.19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati- 517503.

In view of the above it is confirm that there is no clarification in enhancing recovery amount except harassment on me. I didn't get any letter or correspondence in this regard till today. With inappropriate details impose punishment is not correct and proceed to deduct 33% amount from my salary every month is unfairness. According to law this is not correct. Let me know the entire details first. I have that much of right to give defense statement in this regard. Provide me an opportunity to give my statement. Because since ten years the division officials of Gadwal division stopped my service register and last pay certificate resulting I am not getting salary since 10 years.

The Divisional Engineer / Operation / TSSPDCL / Gadwal had harassed me a lot in sending SR and LPC from Gadwal to Anantapuramu. Presently I am working here at Anantapuramu. Go on asking clarifications again and again I will have to wait for my salary until get the clarifications either from Divisional Engineer / Operation / TSSPDCL / Gadwal or the Chief General Manager (HRD) /APSPDCL/ Tirupati. Since 10 years I am not getting the salary. Again same situation means my life becomes worse. I am loosing hopes on my life.

Sir, think once again. Don't punish me without my mistake. I beg you. Don't try to deduct my salary 33% by showing unreasonable causes.

Reason for my suspension mainly is on allegation of "Misappropriated the departmental materials" and shown me as guilty in department enquiry. Imposed criminal case on me in the year 2013, according to U/s 409 of I.P.C, Sec 135 (1) (a)

and 150 (2) of electricity act

In this regard i.e. misappropriation of department material, the officials of TSSPDCL decided to give punishment towards to recover the cost of misappropriated department materials if any from my salary at the rate of 33% of gross salary.

But the Superintending Engineer/Operation/APSPDCL/Anantapuramu has started the deduction of 33% amount from my salary before not finalization of the case. Why? This is not fair.

Meanwhile, after enquiring all evidences submitted by the Divisional Engineer/ Operation/TSSPDCL/Gadwal and Vigilance/APTS/ Mahabubnagar, the Honorable district court of the 1-Additional sessions Judge at Mahabubnagar passed orders to the Electricity Department that I found not guilty in the case misappropriation of department material and cancelled all allegations imposed on me by the Electricity Department (TSSPDCL). I am submitting the Judgment copy of Honorable district court of the 1-Additional sessions Judge at Mahabubnagar here with vide reference (18) cited.

As I found not guilty in the case misappropriation of department material, there is no reason and no right for you to deduction of amount from my salary.

Hence, I request you to give necessary instructions to the Superintending Engineer/Operation/APSPDCL/Anantapuramu to

Please provide the following information u/s 2(f), (i), (j) and 6(1) of the RTI Act 2005:

- 1) Please provide the tentative date by which the salary will be issued.
- 2) Please provide recorded reasons for deduction of 33% amount from the salary.
- 3) Please provide a copy of detailed enquiry and procedure for recovery of the amount.

4) Please provide a tentative date by which deducted 33% amount from the salary will be paid.

5) Please provide copies of list of work orders that I have taken during my tenure with work order applications as well as year wise work orders list as mentioned in the reference (10) cited in Gadwal division, TSSPDCL, Telangana.

6) Reason for not obeying the orders of court.

The Public Information Officer through letter No. 722/19 dated 27-08-2019 transferred the 6(1) to the DE(Operation), TSSPDCL, Gadwal. The Public Information Officer DE, Gadwal informed the appellant on 15-10-2019 vide ref No.766/19 that the sought information relates to the Divisional Engineer, Gadwal, hence requested to approach them.

Since the appellant did not receive the information from the Public Information Officer, he filed 1st appeal dated **24-10-2019** 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 **10-05-2022**.

On **10-05-2022** the case is called. The Appellant is absent. The Public Information Officer / Superintending Engineer, Electrical, Operation, TSSPDCL, Gadwal is absent. The 1st Appellate Authority is present.

The 1st Appellate Authority submitted that the sought information in detailed running into (15) pages was furnished by the Public Information Officer to the appellant on 7-1-2020.

The appellant did not choose to attend the hearing nor filed affidavit offering his version.

Since factual information is furnished, **the Appeal is closed.**

Dr. Mohd. Ameer
State Information Commissioner

Authenticated by:

Assistant Registrar
Copy to: IT Section/SF