

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01868/2018

DATED THIS THE 14TH DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Shri S.R. Crasta,
Son of late Thomas Crasta
Aged about 58 years,
Assistant Director Grade II,
Micro, Small & Medium Enterprises
Development Institute, Gokul Road,
Hubballi 580 030 and
Residing at # 3, Rajendraprasad
Housing Society Layout,
Ambhikanagar, Hubballi – 580 023

..... Applicant

(By Party-in-person)

Vs.

1. Union of India,
Service through the Secretary
To Government of India,
Ministry of Micro, Small &
Medium Enterprises,
Udyog Bhavan, Maulana Azad Road,
New Delhi 110 108

2. The Development Commissioner,
Micro, Small & Medium Enterprises
Development Organization,
7th Floor, Nirman Bhavan, Maulana Azad Road,
New Delhi 110 108

3. Central Vigilance Commission,
Represented by its Secretary,
Satarkata Bhavan,
A-Block, GPO Complex,
INA, New Delhi 110 023

4. The Chief Controller of Accounts,
Principal Accounts Office,
Ministry of Industry, Udyog Bhavan,
Maulana Azad Road,
New Delhi 110 011

5. The Director (T),
Electronics Corporation of India Limited,
P.O. ECIL, Hyderabad 500 062

6. Shri Amerendra Sinha,
Former Special Secretary &
Development Commissioner
MSME – DO, C-28A, Sector-26,
Noida, Gautham Budhnagar,
Uttar Pradesh 201 301

7. Shri S.N. Rangaprasad,
Former Director, MSME-DI,
Bengaluru, No. 113/14/1,
4th Block, Jayanagar,
Bangalore 560 011

8. Shri Velayudhan, Director,
MSME Development Institute,
Ministry of Micro Small and
Medium Enterprises,
Kanjany Road, Ayyanthole,
P.O. Thrissur 680 003,
Kerala, India

9. Shri O.P. Mehta,
Inquiry Officer & Director,
O/o the Development Commissioner,
Micro, Small & Medium Enterprises
Development Organisation,
7th Floor, Nirman Bhavan,
Maulana Azad Road,
New Delhi 110 108

10. Director (I/c)
MSME-DI, Gokul Road,
Hubballi, Karnataka 580 030

....Respondents

(By Shri K. Dilip Kumar, Counsel for the Respondent No. 1 to 4)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J))

We heard all the parties even though the ECIL and the government have not filed their reply. Smt. B. Madhavi, the representative of ECIL, is before us. She produces a copy of the reply they intend to file from which we quote:

"COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO
- 5

I, K MOHAN REDDY., S/o K BUTCHI REDDY, aged about 54 years, working in M/s Electronics Corporation of India Limited, Hyderabad, do hereby solemnly affirm and state as follows:

1 I am working as Deputy General Manager in the Respondent Company and as such I am well acquainted with the facts of the case from records. I am authorized to file this counter affidavit on behalf of Respondent herein.

2. It is submitted that the Applicant herein had filed an Application dt 8-8-2013 under the Right to Information Act, 2005 (RTI) seeking certain information as mentioned in the RTI Application pertaining to MSME-DI, Hubli.

3. It is submitted that the Central Public Information Officer & Senior Deputy General Manager (EM) (CPIO) of the Respondent Company ECIL had provided reply dt 15-10-2013 to the said RTI Application dt 8-8-2013. The CPIO had stated that the copies of bills/receipts submitted along with the RTI Application are not as per Respondent Company's Bangalore Branch standard receipt format and they do not belong to Respondent Company ECIL. ECIL also provided that its Bangalore Branch has not conducted any MSME Training in any of places mentioned in the RTI Application.

4. It is submitted that the Applicant made appeal through e-mail dt 21-11-2013 against the information provided under the RTI Application to the First Appellate Authority i.e. The Director (Personnel) of the Respondent Company (FAA). The FAA directed the CPIO to provide the information and accordingly in obedience to the directions of the FAA the CPIO had provided the information to the Applicant herein vide letter dt 16-12-2013. The CPIO has furnished the information that ECIL-ECIT Bangalore of the Respondent Company or any of its Branch has no relation with the MSME-DI courses, its bills and payments as mentioned in the RTI Application. It

was also provided that ECIL had not conducted any programs of MSME-DI, Hubli and no revenue were generated by ECIL-ECIT. It was also provided that the faculty mentioned in the RTI Application do not belong to any Branch, Office or Center of Respondent Company ECIL and honorarium mentioned by the RTI Applicant i.e. the Applicant herein was not paid by any Office, Branch or Center of Respondent herein.

5. It is submitted that the Respondent Company herein not conducted any program with MSME-DI, Hubballi hence cannot produce any documents of the 98 Training Programs as stated by the Applicant herein.

For the reasons stated above and those that may be urged at the time of hearing it is prayed that the Hon'ble Court be pleased to allow the reply of the Respondent herein.

Date: 14-06-2019
DEPONENT

Place: Bengaluru"

Annexures:

"D. BALA KOTESWARA RAO
Central Public Information Officer &
Sr. Dy. General Manager (EM)

ELECTRONICS CORPORATION OF INDIA LTD
(A Government of India [DAE] Enterprise)
ECIL Post, Hyderabad 500 062
Phone: 271 86793

To
Shri S R Crasta,
No. 3, Rajendraprasad Housing Society Layout,
Ambhikanagar, Hubli 580 023, Karnataka

ECIL: GAD: EMS: RTI-537: 1247

Date: 15.10.2013

Dear Sir,

Sub: Information under the RTI Act, 2005 – Reg.

In response to your application dated 08.08.2013 seeking information under the RTI Act, we are replying the following:

S. No. Of your Query	Our reply
A	The copies of bills/receipts submitted along with your RTI application are not as per ECIT, Bangalore standard receipt format and they are not ours.
B&C	ECIL-ECIT, Bangalore has not conducted any MSME training in any of places mentioned in your RTI application

Sd/-
(D. BALA KOTESWARA RAO)
CPIO & SDGM (EM)”

“D. BALA KOTESWARA RAO
Central Public Information Officer &
Sr. Dy. General Manager (EM)

ELECTRONICS CORPORATION OF INDIA LTD
(A Government of India [DAE] Enterprise)
ECIL Post, Hyderabad 500 062
Phone: 271 86793

To
Shri S R Crasta,
No. 3, Rajendraprasad Housing Society Layout,
Ambhikanagar, Hubli 580 023, Karnataka

ECIL: GAD: EMS: RTI-537: 1272

Date: 16.12.2013

Dear Sir,

Sub: Information under the RTI Act, 2005 – Reg.

Please refer to your Appeal dt. 21.11.2013 (received through email) to Appellate Authority under the RTI Act, ECIL; raising certain deficiencies in CPIO's reply dt. 15.10.2013, against your RTI application dt. 08.08.2013.

02. While disposing off the Appeal, the Appellate Authority has informed CPIO to clarify the deficiencies raised by RTI Applicant, para-wise/point-wise, within one week.

03. Accordingly, the para-wise/point-wise clarifications on the deficiencies raised by you are given below:

S. No.	Your RTI Query	Our Clarification
A	The following are the details of bills submitted by ECIL-ECIT	ECILL-ECIT, Bangalore or any of it's Branch or any of

	<p>to MSME-DI, Hubli and received payments. The information had been provided by Pay & Accounts Office, MSME, Chennai under the RTI Act. The bills are submitted on the Letter Head of ECIL-ECIT. The copies of the bills enclosed for your reference. Kindly provide me the copy of the original receipt for being received payments.</p> <p>.....</p>	<p>it's Office has no relation with the Courses, Bills and Payments mentioned by the RTI Applicant. Hence, providing copies of the original receipts for the payments received by ECIL or ECIL-ECIT does not arise.</p>
B	<p>The following programmes were conducted by MSME-DI, Hubli under Ministry of MSME in association with ECIL-ECIT as per the information provided by MSME-DI, Hubli under the RTI Act.</p>	<p>Information provided by MSME-DI, Hubli, as stated by the RTI Applicant is denied, since it was not a fact.</p>
	<p>Please provide the documents for associating with MSME-DI, Hubli in providing training programme.</p>	<p>In view of the above, providing the documents does not arise.</p>
	<p>The revenue generated by ECIL-ECIT by extending the service or the fee charged to MSME-DI, Hubli in conducting these programme and also provide information whether the Offices/Centres exists, as per Column No. 6</p> <p>.....</p>	<p>In view of the above, generation of the revenue does not arise. Offices of our Business Associates exists at Bagalkot, Belgaum, Bhatkal, Bijapur, Dharwad, Gadag, Hubli, karwar and Koppal and not at Athani, Chikkodji, Honnavar, Jamakandi, Siddapur, Sindagi and Sirsi.</p> <p>Further it is informed that ECIL or ECIL-ECIT has no Branch, Office or Centre at the above locations.</p>
C	<p>The following faculty rendered faculty support in the programmes at Para 'B' in the name of employee belong to ECIL located as per column 2. You may certify as to whether they belong to your Organisation with Branches/Offices/Centres</p>	<p>The faculty mentioned by the RTI Applicant do not belong to any Branch, Office or centre (indicated by the RTI Applicant) of ECIL or ECIL-ECIT.</p> <p>The honorarium mentioned by the RTI Applicant was</p>

	<i>located as per column 2.</i>	<i>not paid by any Office, Branch or Centre of ECIL or ECIL-ECIT</i>
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Sd/-
(D. BALA KOTESWARA RAO)
CPIO & SDGM (EM)”

2. Apparently satisfied by the case put up by the applicant but, at the same time, since these matters require evidence to be taken and it is admitted by all that almost 4 years have elapsed from the issue at hand there is a need either to finish it off within the next four months or to quash it. Therefore, we will now pass a conditional order. We will now direct the concerned authority to immediately commence the enquiry proceedings against the applicant. At this point of time, applicant submits that enquiry proceedings have been completed but then they have not closed it. Therefore, we will grant the authorities two months’ time to close the enquiry against the applicant and pass an appropriate order. We would also give him liberty to challenge the same if it is against him but within two months from today if the enquiry proceedings are not closed by the respondents, it will be taken as quashed.
3. The OA is disposed off as above. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

Annexures referred to by the applicant in OA No. 170/01868/2018

Annexure-A1: Copy of the Charge Sheet Memorandum No. 1 (36)/2014-Vig
dated 30.01.2015

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