

**BEFORE THE APPELLATE AUTHORITY CONSTITUTED BY THE BOARD  
UNDER THE PROVISIONS OF THE RIGHT TO INFORMATION ACT, 2005.**

**PERSONAL HEARING EXTENDED ON 13/3/2008**

Shri. Uday L. Mayekar,  
Vice President of M.P.C.B. Employees Union  
Maharashtra Pollution Control Board,  
2<sup>nd</sup> Floor, Kalpataru Point ,  
Sion (E),  
Mumbai – 400 022

.... Appellant

V/s

Public Information Officer,  
Maharashtra Pollution Control Board,  
Sion, Mumbai-400 022.

... Respondent

**ORDER**

The Appellant had preferred an Appeal on the ground that he was not made available the written objection copy of Auditor General (A.G.) in respect of Medical and Education Allowance sanctioned to the officers and employees of the Board as well as any other objections raised in respect of any other subject by him with the following action taken by the Board. The main objection was that instead of making available written objections raised by the Auditor General, it was informed to the Employees Association that oral objections raised by the auditor.

The appellant raised one point in the appeal that as to whether, oral opinion / instructions are taken into consideration, instead of written orders / directions in administrative work? The point was discussed during the course of personal hearing. Sr. Administrative Officer said that oral instructions or opinion are not taken into consideration in administrative work of the Government. Sr. Administrative Officer also shown, the written instructions given by the then Member Secretary, in respect of the objections rose by the auditor to the sanction of medical and education allowances.

However, the Appellant was not satisfied with such a written instructions given by the then Member Secretary, stating that this can not be treated as a written objections by the auditors of the Board. Sr. Administrative Officer thereupon told that

Chief Accounts Officer is well conversant with the audit objections and he may be asked about the same. Appellant insisted to make available copy of written objections, if any rose.

Chief Accounts Officer was asked the factual position about the objections mentioned in the note given by the then Member Secretary in respect of the sanction of Medical & Education Allowances etc. Chief Accounts officer made it clear that the Auditor has discussed the issue in respect of sanction of Medical & Education Allowances to the employees and officers of the Board with reference to earlier letter of Government not giving any approval. However, in order to avoid any sort of written objections in the Audit Report, Member Secretary and Chief Accounts Officer assured to discontinue payment of Medical & Education allowances to the employees and officers of the Board till specific sanction of the Government. Therefore, the then Member Secretary had written a note in respect of discontinuation of those allowances.

Regarding making available the other objections raised by the Auditor, Chief Accounts Officer made it clear that after approval of the same by the Board and Government, the same will become a public document and then only will be made available to others.

The Appellate Authority, therefore, informed the appellant that in order to avoid written objections in the Audit Report and based on it, possibility of further discontinuation till appropriate approvals, the requests made by the authorities of the Board to the Auditor that they will take appropriate action immediately. Hence, the factual position will have to be taken into consideration and therefore, the appellant may not insist on written objections in the above circumstances.

Therefore, the Appeal is disposed of subject to the condition that after approval of Audit Report, the Appellant may be made available with the copy of Audit Report.

Dated this 15<sup>th</sup> Day, 2008.

Sd/-  
(D.T. Devale)  
Appellate Authority