

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24044531

Website: <http://mpcb.gov.in>

E-mail: enquiry@mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E)
Mumbai- 400 022.

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

Appeal No. 14/2010

✓ Shri V. B. Waghjale,
Regional Officer (Project & Planning),
Maharashtra Pollution Control Board,
Sion, Mumbai-400 022

... Appellant

v/s

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

... Respondent

Order

Shri. V.B. Waghjale, the Regional Officer (P & P) has given an application to the Public Information Officer, Maharashtra Pollution Control Board at Sion, for obtaining certain information dtd, 20.7.2010, mentioning that the information be made available on top priority basis for taking medical and legal advise to initiate further line of action without loss of time within 48 hrs, from the date of the receipt of the application.

The particulars of the information required in short can be summarized as a copy of the agenda for DPC held on 21.6.2010 and 22.6.2010, notice of conveying the DPC on the said dates, internal notings in respect of the eligiblity of the candidates included in the agenda, approval of the Competent Authority for merging of the post of APAE, WPAE and Asstt. Sec. (Technical), Authority and G.R. in respect of merger of the posts. Approval given by the State Government for the creation of the post of Asstt. Secretary (Technical) and it's recruitment rules alongwith the proposal submitted to the State government with agenda and minutes of the meeting of the Board, roaster

sanctioned for the above post, minutes for the DPC, dates of vacancies occurred for the post of APAE and WPAE, the Rules in respect of conveying DPC, sittings etc., internal notings and correspondence for DPC for last 4 years alongwith the reasons for not conveying the DPC immediately after vacancy arised and the responsibility for not conveying the DPC or putting papers for DPC as well as legal opinion / nothings in respect of merger of the posts etc.

After going through the available correspondence, it has been observed that the applicant was supplied with certain information vide letter No. BO/P&L Div/B- 4740 dtd. 26.7.2010, which information was received from the Establishment Branch vide letter dtd. 26.7.2010. The information pertaining to the point No. I, II , IIIrd & IVth, V, VI, VIII IX & X as well as XII XIII and XIV given.

However, since, the applicant was not satisfied with the information given by the Establishment Branch, he has preferred an appeal u/s 19 of the Right to Information act, 2005 on the ground that information not provided within 48 hrs. and till the date of filing of the appeal.

The Asstt. Public Information Officer by her letter dtd. 5.8.2010, requested the Sr. Administrative Officer to make available the information pertaining to the point Nos. V, VI, VIII, X & XI within 7 days to the Appellate Authority.

The Asstt. Law Officer and Asstt. PIO, made available the information received from the Establishment Branch to the Applicant / Appellant vide letter dtd. 18.8.2010 on the point nos. V, VI, VIII X & XI, which was received from the Establishment Branch vide letter dtd. 17.8.2010, pointing out that, if the appellant is not satisfied with the information, then personal hearing will be extended. The Appellant personally communicated that he is not satisfied with the information given by the Establishment Branch and therefore it was decided to fix up hearing of the appeal to take further decision in the matter.

During the course of hearing, the appellant was asked to inform the points with which he is not satisfied after receipt of the information through the Establishment Branch from the Public Information Officer, Sion. He had stated that, on the following points necessary information is not given and therefore, the said information is yet to be received by him.

Point No. V & VI :- The applicant / appellant not satisfied with the information given by the Establishment Branch about the Authority with whom power to merge the posts of W.P.A.E. / A.P.A.E. and Asstt. Secretary (Technical) vests. As well as copy of G.R. for merging of the above posts.

Sr. Administrative Officer, orally stated that though in the reply dtd 17.8.2010, given to the Public Information Officer, Sion, it has been mentioned that the Government Resoultion in respect of the said issues / points not in existence, in fact, the Establishment Branch, has enclosed a copy of the G.R. issued by the General Administration Department dtd. 16.4.1965 in respect of combining together the small cadres and isolated post in one group and making applicable roaster to such posts. A copy of said G.R. appears to be enclosed to the reply given by the Establishment Branch to the Public Information Officer dtdf. 17.8.2010

The appellant taken objection to the said G.R. on the ground that for combining together small cadres and isolated posts in one group as well as making applicable roaster to it, the G.R. itself makes it clear that for this purpose minimum 20 posts in one cadre or 25 posts in various small cadres are required to be there.

He had specifically pointed out that, if one cadre more than 20 posts are to be combined or 25 posts in various cadres are to be combined together, it is necessary that, such type of proposals should be submitted to the General Administration Department , for necessary approval alongwith the required information mentioned in the G.R. It is also specifically, pointed out by the appellant that where in the same department in the same cadre having equal grade, pay scale and the eligibility, the 20 posts in the same cadre or 25 posts in the different cadres can only be combined together and not these different posts (A.P.A.E., W.P.A.E. & Asstt. Sec. (Technical)), having different eligibility and functions having less than 20 or 25 nos. can be clubbed to gether.

Sr. Administrative Officer informed that, these three posts have been clubbed together on the basis of one Govt. G.R. dtd. 5.11.2009, which is being produced today during the course of hear ng.

However, the appellant taken objection to the said G.R. on the ground that the Establishment Branch has not made available the Authority and G.R. by which the above posts are clubbed together and therefore, he has basic objection in respect of clubbing of the above posts.

Point No. VIII :- The appellant took objection to the reply given by the Establishment Branch vide letter dtd. 17.8.2010, stating that whatever document has been submitted by the Sr. Administrative Officer showing the roaster of nomination is also not kept properly, as required by the Government and it does not show any backlog or roaster of the promotion posts and it is also not sanctioned by the Competent Authorities appointed by the State Government. Therefore, the clubbing of the above posts without any authority is totally incorrect.

Point No X :- Dates of vacancies created for the posts of A.P.A.E. & W.P.A.E.

The Sr. Administrative Officer informed that he has handed over today the roaster kept by the Board for the promotion post of WPAE, APAE and Asstt. Secretar. (Technical). The Appellant told that he wanted to have the roaster approved and sanctioned by the Competent Authorities and not by the Board. The Appellant also stated that even the said roaster maintained by the Board is also showing wrong information in respect of the vacancy of Shri. A.M. Deshpande and Shri. R.G. Pethe, without showing any date.

Point No.XI :- the Rules in respect of conveying DPC, sittings etc.

The appellant strongly objected for not making available the rules of DPC on the ground that only one line reply given by the Establishment Branch, stating that after the vacancies of WPAE and APAE, the DPC meeting was not conducted. However, the DPC Rules, not made available to him.

Sr. Administrative Officer told that he will confirm with the State Government about any G.R. if applicable for DPC and accordingly if, G.R. is available, the same will be made available within 8 days time.

In view of the above, the appeal is hereby decided subject to the order that the Establishment Branch should confirm the position in respect of the Authority with whom the power to merge above posts vests and which G.R. exactly followed in respect of merger of the posts because, the G.R. made available to the appellant appears to be not applicable as long as 20 posts in one cadre or 25 posts in various cadres clubbed together with the approval of the Competent Authority. The dates of roaster and the manner in which the roaster is to be kept is also to be examined by the Establishment Branch with the Government Department and proper approval is to be taken for keeping

: 5 :

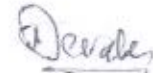
such roaster. Similarly, the DPC Rules in respect of frequency of minimum sittings and any other rules should be got confirmed and followed.

The order is dictated in front of the Appellant, PIO and Sr. Administrative Officer of the Board.

Dated this 3rd September, 2010

Place : Mumbai

Date : 03.9.2010



(D.T. Devale)

Appellate Authority
under RTI, Act, 2005