



सीमा शुल्क एवं केन्द्रीय कर के  
मुख्य आयुक्त का कार्यालय, विशाखापट्टणम क्षेत्र  
प्रथम तल, जीएसटी भवन, पत्तन क्षेत्र,  
विशाखापट्टणम - 530035

Office of the Chief Commissioner,  
Customs & Central Tax, Visakhapatnam Zone  
1<sup>st</sup> Floor, GST Bhavan, Port Area,  
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F.No.GCCO/RTI/FAAA/22/2023-REV-O/o CC-CGST-ZONE-VISAKHAPATNAM

**अपील में आदेश संख्या. 04/2023-24/ Order-in-Appeal No. 04/2023-24**

(Order passed by Shri M. Sreekanth, First Appellate Authority/  
Additional Commissioner of Central Tax & Customs,  
CCO, Visakhapatnam Zone, Visakhapatnam)

**प्रस्तावना / PREAMBLE**

1. यह आदेश आर.टी.आई अधिनियम 2005 की धारा 19 के अन्तर्गत जारी किया गया है।  
This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.
2. यदि आप इस आदेश से संतुष्ट न हो तो आप केन्द्रीय सूचना आयोग, सीआईसी भवन, बाबा गंगनाथ मार्ग, मुनिरका, नई दिल्ली-110067 के सम्मुख आर.टी.आई. अधिनियम, 2005 की धारा 19 की उप-धारा (3) के अन्तर्गत एक अपील दायर कर सकते हैं।  
An appeal against the Order can be preferred to the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under Subsection(3) of Section 19 of the Right to Information Act, 2005.
3. इस आदेश की प्राप्ति की तारीख से 90 दिनों के भीतर अपील दायर किया जाना चाहिए।  
An Appeal against this order must be filed within 90 days from the date of receipt of this order.
4. कृपया अपील की प्रक्रिया से सम्बन्धित अधिक जानकारी के लिए: <http://cic.gov.in> को देखें।  
For further information regarding procedure of appeals, please visit, <http://cic.gov.in>.

विषय/Sub: Right to Information Act, 2005- Appeal filed by Mr. Polidasari  
Nagaraju – Decision under Section 19(1) of the RTI Act, 2005 –  
Regarding

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**Brief Facts of the Appeal:**

This appeal filed by Mr. Polidasari Nagaraju (herein after referred to as the "Appellant" or "Applicant"), H.No.40/706, Dharma Peta, Kurnool, through RTI portal dated 30.11.2023, against the reply dated 07.11.2023 of the CPIO i.e. Assistant Commissioner of Central Tax & Customs, O/o the Chief Commissioner of Central Tax and Customs, Visakhapatnam Zone, Visakhapatnam, in response to the application dated 02.11.2023 under RTI Act,2005.

2. The Appellant submitted the following in his appeal:

*My salary Request Letters online RTI application which was registered vide Registration No. CEX/R/E/23/00096 dated 02.11.2023.*

*(Vizag CPIO NOT REPLY)*

*1) Kurnool Assistant Commissioner for our salary information which we asked earlier Date. It is stated that from 01/12/2004 to 2007 Shri Krishna Employment and Services paid casual labour salary to them as per the agreement.*

*2) Date.24/11/2005 The Asst. Commissioner has canceled the contract system of Srikrishna Employment & Service (Copy Attached..Please let me know the reason why we have not been paid My Salary till now)*

*3) Date.02/12/2005 Sri Krishna Employment and Services (Prop.B.V.Ramana) Dated.01/12/2004 to 2007. Casual Labor as Asst.Commissioner . Worked under the department as a casual labourer in their office. So they should be given salaries by the department.I don't care about casual labor wages No objection. He gave NOC saying that (Copy attached however we have not been paid my salaries so far please let me know)*

*4) Date.02/12/2005 Srikrishna Employment & Service (prop.B.V. Ramana) Issued N.O.C.in case of casual labor salary. Without giving us our salaries. M/s Sri Krishna Employment Information and Services, Kurnool vide Check Number F 932991 dated :05/02/2007 i.e. after 2 years please let me know how*

*5). Date.02/12/2005 Srikrishna Employment & Service (prop.B.V. Ramana) Issued N.O.C.in case of casual labor salary. Without giving us our salaries. M/s Sri Krishna Employment Information and Services, Kurnool vide Check Number F 932991 dated :05/02/2007 i.e. after 2 years please let me know how Please Pay My Salary. Compensation*

### **Personal Hearing:**

3. Observing the principles of natural justice, opportunity to explain his appeal in person has been granted by conducting Personal Hearing on 15.12.2023 at 12.30 pm communicating the same vide letter date 04.12.2023, for which the appellant replied vide e mail dated 06.12.2023 that 'I am not coming. (Personal Problems)'. 2<sup>nd</sup> opportunity of personal hearing was granted to be conducted on 21.12.2023 at 12.30 pm, which was communicated vide letter dated 08.12.2023. The appellant via e mail dated 11.12.2023 submitted that 'I am not coming, read my RTI 2<sup>nd</sup> application'.

### **Discussion & Findings:**

4. I have carefully gone through the RTI application dated 02.11.2023 and reply of CPIO, office of the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam dated 07.11.2023 and the appeal dated 30.11.2023 filed by the applicant and the relevant documents.

4.1. The applicant in his application dated 02.11.2023 sought the information as "*find attachment Document please give me my salary*". The CPIO vide letter dated 07.11.2023, referring to the definition of Information under Section 2(f) of the RTI Act, 2005, held that the details/information sought by the applicant is 'grievance' and does not fall under 'information' and there is no obligation under the said Act to answer the same.

4.2. The CPIO also held that, "However, your grievance is being forwarded to concerned Commissionerate for further necessary action".

4.3. Against the said Reply dated 07.11.2023 of the CPIO, the appellant made the present appeal, wherein made a list of enclosures pertaining to the correspondence made and requested as "Please pay my Salary. Compensation.

5. The issue to be decided in the present appeal is that

1. Whether the information sought by the appellant vide application dated 02.11.2023 under RTI Act, 2005 qualifies to be treated as an application seeking information under RTI Act, 2005 or otherwise;

6. The application dated 02.11.2023 and reply was furnished vide letter CPIO's F.No. GCCO/ RTI/ APP/ 834/ 2023-REV- O/o CC-CGST-ZONE-VISAKHAPATNAM dated 07.11.2023. Therefore, the reply is communicated to him within 30 days from the date of receipt of application as required under Section 7(1) of the RTI Act, 2005.

7. As seen from the application dated 02.11.2023, the applicant sought the following information:

*"find attachment Document please give me my salary"*

The applicant attached a copy of ORDER Dated 20.04.2023 passed by the Presiding Officer, In the Central Government Industrial Tribunal Cum Labour Court, Hyderabad. The above order is issued in M.P. No.5/2007 between Shri.P. Nagaraju (Petitioner) and 4 respondents viz. 1.The Chief Commissioner, Customs and Central Excise, Vizag Zone, Visakhapatnam, 2.The Commissioner, Customs and Central Excise, Tirupati Commissionerate, Tirupathi, 3.The Assistant Commissioner, Customs and Central Excise, Divisional Office, Kurnool Division, Kurnool and 4.M/s. Sri Krishna Employment Information and Services, No.40-790-2, Nehru Nagar, Kurnool. Vide the above referred Order Dated.20.04.2023, the Presiding Officer has passed the order ***"The said wages amount shall be paid by Respondent No.3 to the petitioner within 4 months from the date of receipt of this order"***.

7.1. Since the applicant is seeking for 'salary' not information, the reply dated 07.11.2023 given by CPIO, referring to the definition of 'Information' under Section 2(f) of the RTI Act, 2005, appears to be correct.

7.2. It is further observed that, the CPIO instead of limiting themselves to the reply to the applicant, they have initiated the logical and probable action by forwarding the applicant's grievance to the Commissioner of CGST, Tirupati CGST Commissionerate, Tirupati for necessary action.

7.3. The Appellant vide his Appeal dated 30.11.2023, mentioned against Grounds of Appeal as "Provided Incomplete, Misleading or False Information".

7.4. However, in the reply dated 07.11.2023 the CPIO categorically replied that the applicant submitted grievance and not sought for information. Therefore, the above mentioned grounds of appeal are entirely incorrect.

7.5. In this connection it is observed that, this CPIO is neither the respondent (against whom the Hon'ble CGIT Cum Labour Court has specifically ordered to pay the wages amount, while deciding the M.P. No. 5/2007 of the appellant) nor has jurisdiction to redress the grievance.

8. In view of the above, I pass the following Decision.

**DECISION**

The appeal dated 30.11.2023 filed by the appellant is not allowed.

*M. Sreekanth*  
15/12/2023

**(एम. श्रीकान्त/M. Sreekanth)**  
**First Appellate Authority**  
**अपर आयुक्त/ Additional Commissioner**

To,  
Mr. Polidasari Nagaraju, H.No.40/706, Dharma Peta, Kurnool – 518004 (Through email to: [kurnoolpnagaraju@gmail.com](mailto:kurnoolpnagaraju@gmail.com)).

Copy Submitted to: The Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam – 530035.

Copy to: 1. The CPIO/Assistant Commissioner of Central Tax & Customs (CCO, VZ)

2. The Superintendent, Media Cell (CCO-VZ) for uploading into Department's Website.