

By Speed Post

Dated: 25-09-2023

Shri Atul Saxena,
CGM & First Appellate Authority under RTI Act,
IFCI Limited,
IFCI Tower, 61 Nehru Place,
NEW DELHI-110019

Sir,

Subject: Denial of information by CPIO, IFCI – First Appeal under RTI Act, 2005

I have to state that only partial information has been provided by CPIO, IFCI vide his letter No. IFCI/RTI/1236/2023-230915003 dated 15-09-2023, in reply to my RTI application dated 24-08-2023. Since both the said letters are available on the records of IFCI, copies of the same are not being enclosed, as green campaign. While the CPIO has provided information on points (i) and (ii) of my RTI application, he has denied information pertaining to point (iii) of my application. I, therefore, prefer my first appeal against denial of information by CPIO, IFCI, on the following grounds:-

- (a) The information has been denied on a frivolous plea that “*no such information format is maintained*”. The RTI Act does not require RTI applicants to make applications for seeking information only in the formats which are maintained by the Public Authorities. They are also not aware about different formats in which the information is maintained by the Public Authorities. On the contrary, RTI applicants are entitled to seek information in any form, as per their requirement.
- (b) The “right to information” has been defined in Section 2 (j) of the RTI Act which reads as “*right to information*” means the right to information accessible under this Act which is held by or under the control of any public authority ----- . The information sought for by me is definitely held by or under the control of IFCI and the RTI Act entitles me to have access thereto. Therefore, even though the desired information is “held by or under the control” of IFCI, the same has wrongly been denied to me on the alibi that “*no such information format is maintained*”
- (c) Only recently, while hearing the pleas seeking details of Aarogya Setu mobile application, the Hon’blec Justice Subramonium Prasad of High Court of Delhi remarked that “The RTI Act only says *if there is information, it should be made public unless it is protected by any of clauses under Section 8* (exemption of disclosure of information) of the RTI Act. Otherwise any person or citizen of this country is entitled to get the information----”. The information sought for by me is not exempt under Section 8 of the RTI Act and the same is held by and is under the control of IFCI. A copy of the news clipping from the Times of India, New Delhi of 17.09.2023 is enclosed for ready reference. (Annexure-I)
- (d) The rates of Dearness Relief (DR) payable on pension/family pension are reviewed/revised every half-year. The rates of DR are individually calculated as per the

amount of pension/family pension paid to each of the pensioners/family pensioners and the period of retirement. The rates of DR, so calculated, naturally fall in one of the slabs of pension/family pension mentioned in sub-points A1 to A4, B1 to B4, C1 to C4, D and E of Point (iii) of my RTI application. Therefore, the information regarding different rates of DR applicable on pension/family pension falling under different slabs mentioned in sub-points A1 to A4, B1 to B4, C1 to C4, D and E of Point No. (iii) of my RTI application is definitely "held by or under the control" of IFCI and is available in the records of IFCI. The information available with IFCI only requires some compilation and tabulation, which is not difficult in the era of Information Technology, highly skilled professionals and Artificial Intelligence.

- (e) Since payment of pension and family pension involves expenditure from the public funds, the public authorities, including IFCI, must be transparent in their functioning and accountable to the citizenry, as per the intent and spirit of the RTI Act, 2005.
- (f) CPIO, IFCI also chose not to refer/follow the guiding principles like exercising diligence, thorough search & enquiry and putting in efforts to locate the information and other principles laid down in paras 15 and 16 of Delhi High Court judgement in WP (C) 900/2021 dated 22.1.2021 (Rakesh Kumar Gupta vs Union Bank of India)
- (g) **MOST IMPORTANT - IFCI had already provided same information to [REDACTED] vide its letter No.IFCI/RTI-212/2014-140923003 dated 22.9.2014. For the convenience of ready reference, a copy of the said letter along with its Annexure is enclosed (Annexure-II). The information provided by IFCI to [REDACTED] was as on the 31st July, 2014 and I have asked for information as on the 31st July, 2023. If the information in the requested format was maintained in the year 2014, the same cannot be denied now on the frivolous ground that "no such information format is maintained"**

2. In view of the foregoing, you are requested to direct the CPIO, IFCI to provide me the complete and correct information relating to the number of pensioners/family pensioners to whom DR is being paid according to slabs mentioned in column No.(2) of the Table given under Point (iii) of my RTI application dated 24-08-2023 and ensure that the total number of pensioners/family pensioners add up to the 836, (number disclosed by CPIO in his above-referred letter).

Encl: As stated.

Yours faithfully,
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Annexure I

APES CITY

SUNDAY TIMES OF INDIA, NEW DELHI
SEPTEMBER 17, 2023

Can't doubt motive of RTI query, says HC

TIMES NEWS NETWORK

New Delhi: Delhi High Court has underlined that the purpose of Right to Information (RTI) Act is to bring in transparency and questioning the motive behind seeking information is represent in the Act.

If any information has been sought, it should be made public unless exempted from disclosure under the law, the court clarified while hearing a plea seeking details of Aarogya Setu mobile application. It was started by the central government in the wake of Covid-19 outbreak.

"The RTI Act only says if there is information, it should

be made public unless it is protected by any of clauses under Section 8 (exemption from disclosure of information) of the RTI Act. Otherwise any person or citizen of this country is entitled to get the information... question mark about the motive, etc. is not there under the Act. So, the information has to be given, otherwise the legislation has to be amended to say that the motive can be questioned. Because the purpose of the Act is to bring in transparency." Justice Subramonium Prasad remarked, when the Centre's counsel sought to question the petitioner's agenda in seeking the information.

The petitioner challenged an order of the Central Information Commission dropping the penal proceedings against the central public information officers (CPIOs) of various agencies for obstructing access to public records relating to the Aarogya Setu app under the RTI Act.

During the hearing, ministry of electronics and information technology (MeitY) and various CPIOs of its departments, said whatever information they have, has already been provided to the petitioner and they do not have any other information available with them. The counsel said since the pandemic was going on at that time,

no written notes were prepared, and everything was done through videoconferencing.

To this, the court sought an affidavit "regarding file notings relating to the app, whether there were any written communications with the private people involved in the making and development of the app, whether any written communications received from contributors or advisors, whether any written responses were given to the app, whether any files were prepared having written notes etc. or all these things happened only orally through videoconferencing," posting the matter for further hearing on November 2.

No. IFCI/RTI-212/2014-140923003

Dated : Sept 22, 2014



Dear Sir,

Re : Information under R.T.I. Act, 2005

Please refer to your application dated August 25, 2014 seeking information under RTI Act, 2005 with regard to payment of pension to retired employees.

2. In this connection, the information sought by you in your RTI application referred to above is given in the attached Annexure.
3. In case, you are not satisfied with the information furnished above, you may make an appeal to the first appellate authority within 30 days from the date of receipt of this letter, as per provision of Section 19 of the RTI Act, 2005, whose details are given below:

Shri V. Satyavenkata Rao
Chief General Manager
First Appellate Authority
IFCI Ltd., IFCI Tower,
61-Nehru Place,
New Delhi-110 019

Thanking you,

Yours faithfully,


(A.K. Assija)

Central Public Information Officer

Encl: Annexure

ANNEXURE

	Information sought:	Our reply
I	Total number of Pensioners of IFCI who are drawing pension as per IFCI Pension Scheme/ IFCI Pension Regulations" as on 31 st July, 2014.	890 (including family Pensioners)
II	Total number of recipients of Family Pension who are drawing family pension as per "IFCI Pension Scheme/FCI Pension Regulations" as on 31 st July, 2014.	128 as on 31/07/2014
III	Break-up of the Employees who had retired prior to 01/11/1992 and /or getting pension in the pay scales effective between 01/11/1987 and 31/10/1992 a)No. of Pensioners receiving pension upto Rs.1250/- p.m b)No. of Pensioners receiving pension from Rs.1251/- to Rs.2000/- c)No. of Pensioners receiving pension from Rs.2000/- to Rs.2130/- d)No. of Pensioners receiving pension above Rs.2130/- p.m	No. of Pensioners (excl. family pension) 2 9 4 25
IV	Break-up of the Employees who had retired after 01/11/1992 but before 01.11.1997 and /or getting pension in the pay scales effective between 01/11/1992 and 31/10/1997 a)No. of Pensioners receiving pension upto Rs.2400/- p.m b)No. of Pensioners receiving pension from Rs.2401/- to Rs.3850/- c)No. of Pensioners receiving pension from Rs.3851/- to Rs.4100/- d)No. of Pensioners receiving pension above Rs.4100/- p.m	No. of Pensioners (excl. family pensioners) 8 7 - 64
V	Break-up of the Employees who had retired after 01/11/1997 but before 1/11/2002 and /or getting pension in the pay scales effective between 01/11/1997 and 31/10/2002 : a)No. of Pensioners receiving pension upto Rs.3550/- p.m b)No. of Pensioners receiving pension from Rs.3551/- to Rs.5650/- c)No. of Pensioners receiving pension from Rs.5651/- to Rs.6013/- d)No. of Pensioners receiving pension above Rs.6013/- p.m	No. of Pensioners (excl. family pensioners). The nos. also include pensioners who retires after 2002 and before Oct.2006 41 91 27 272

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VI	<p>Break-up of the Employees who had retired after 01/11/1997 and /or getting pension in the pay scales effective between 01/11/1997 and 31/10/2002 :</p> <p>a) No. of Pensioners receiving pension upto Rs.3550/- p.m</p> <p>b) No. of Pensioners receiving pension from Rs.3551/- to Rs.5650/-</p> <p>c) No. of Pensioners receiving pension from Rs.5651/- to Rs.6013/-</p> <p>d) No. of Pensioners receiving pension above Rs.6013/- p.m</p>	<p>No. of Pensioners (total monthly pension)</p> <p>41</p> <p>90</p> <p>27</p> <p>245</p>
VII	<p>Please provide break-up of the pensioners according to the amount of pension drawn by them who are getting pension as per IFCI Pension Scheme/IFCI Pension Regulations, in the pay scales effective from 1st November, 2002.</p>	<p>240 number of pensioners</p>
VIII	<p>The rates at which the pensioners mentioned at (VII) above were paid DA for the periods 1st August, 2004 to 31st January, 2005 , from 1st February 2005 to 31st July, 2005 and from 1st February, 2014 to 31st July, 2014. In case the rates of DA for February-July, 2005 were revised subsequently, pl. provide the revised rates for that half year.</p>	<p>1st August 2004 to 31st January, 2005 =IF(BP<=3380,3P*55.5/100, IF(AND(BP>3380,BP<=5420), 1875.9+((BP-3380)*46.62/100), IF(AND(BP>5420,BP<5770), 2826.94+((BP-5420)*26.64/100), 2920.18+((BP-5770)*13.32/100))))</p> <p>1st February 2005 to 31st July 2005 =IF(BP<=3380,BP*60.25/100, IF(AND(BP>3380,BP<=5420), 2036.45+((BP-3380)*50.61/100), IF(AND(BP>5420,BP<5770), 3068.89+((BP-5420)*28.92/100), 3170.11+((BP-5770)*14.46/100))))</p> <p>1st February 2014 to 31st July 2014 144.54%</p>
IX	<p>The name and designation of the Competent Authority who approved IFCI's proposal to become Member/ Associate member of Indian Banks' Association (IBA).</p>	<p>Shri Malay Mukherjee, CEO&MD</p>
X	<p>The date on which the Competent Authority in IFCI approved the proposal to that IFCI becomes a Member/ Associate member of IBA.</p>	<p>January 09, 2014</p>
XI	<p>The date from which IFCI become Member/Associate Member of IBA</p>	<p>February 01, 2014</p>