

101325(A)  
04/12/2024

**BY SPEED POST/ BY HAND**

**Application u/s. 19 (3) of the Right to Information Act, 2005**

To  
The State Information Commissioner,  
Office of the West Bengal Information Commission,  
Khadya Bhawan, 11A, Mirza Ghalib Street,  
Kolkata-700087.

A  
W  
2/12/24

Sir,

**Sub: 2<sup>nd</sup> Appeal under section 19 (3) of the Right to Information Act, 2005**

**A. Details of the Appellant**

1	Name of Appellant	<b>PRABIR KUMAR GHATAK, WBA&amp;AS</b>
2	Address	Sohini-2, Flat No. 301, 3 <sup>rd</sup> Floor, 5 No. Bechu Dey Lane, Serampore, Hooghly-712201
3	Contact details	E-mail:pkg.ghatak@gmail.com; Mobile: 9875511990

**B. Details of the RTI Request:**

1	Particulars of the SPIO	<b>SHRI SANJIB SAHA, WBSS</b> , State Public Information Officer & Deputy Secretary, Finance Department, NABANNA, 325, Sarat Chatterjee Road, Shibpur, Howrah-711102
2	RTI application date/ submission date	01/08/2024
3	Compliance by SPIO, if any	No information provided.
4	Copies of documents relied upon by the applicant	Copy of RTI Application submitted on 01/08/2024 <b>(Annexure - I)</b>

**C. Details of the 1<sup>st</sup> Appeal:**

1	Particulars of the 1 <sup>st</sup> Appellate Authority	<b>SMT. DEBJANI DATTA, IAS</b> , 1 <sup>st</sup> Appellate Authority, RTI Cell, Finance Department & Special Commissioner to the Government of West Bengal, Room No. 1102 NABANNA, 325, Sarat Chatterjee Road, Shibpur, Howrah-711102
2	Date of 1 <sup>st</sup> Appeal	23/09/2024
6	Compliance by 1 <sup>st</sup> Appellate Authority, if any	No action taken.
7	Copies of documents relied upon by the applicant	Copy of 1 <sup>st</sup> Appeal submitted on 23/09/2024 <b>(Annexure - II)</b>

Prabir Kumar Ghatak  
03/12/24



**FACTS IN BRIEF**

- :**
- 1)** That the appellant had submitted an application on **dated 01/08/2024 (Annexure - I)** under Section 6 of the RTI Act, 2005 requesting for the information as specified therein.
  - 2)** That State Public Information Officer & Deputy Secretary, Finance Department evaded/ denied/failed/refused/ignored to provide the information as sought by the appellant.
  - 3)** That the appellant, being aggrieved by the inaction of the SPIO, filed the **first appeal on dated 23/09/2024 (Annexure - II) to the 1<sup>st</sup> Appellate Authority**, RTI Cell, Finance Department & Special Commissioner to the Government of West Bengal the instant appeal.
  - 4)** That the 1<sup>st</sup> Appellate Authority, RTI Cell, Finance Department & Special Commissioner to the Government of West Bengal took no action on the 1<sup>st</sup> Appeal submitted on 23/09/2024 till the date of submission of this instant appeal.

**GROUND OF APPEAL**

- :**
- A.** That the action of denial/refusal of the information by the State Public Information Officer & Deputy Secretary, Finance Department is contrary to the provisions and spirit of the RTI Act, 2005.
  - B.** That the State Public Information Officer & Deputy Secretary, Finance Department, has not taken notice of the information and the supporting documents sought in the RTI Application and has summarily ignored the RTI Application with a view to evade/deny/refuse the information.
  - C.** That 1<sup>st</sup> Appellate Authority, RTI Cell, Finance Department & Special Commissioner to the Government of West Bengal failed to provide any relief to the appellant by directing the SPIO to provide the information sought.
  - D.** That as per proviso to Section 8(1) of the RTI Act, 2005, the information which cannot be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
  - E.** That a personal hearing be granted to the appellant or his

*Signature*  
03/11/24

authorized representative/advocate before deciding the present appeal.

- F.** This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduces oral or written evidence at the time of hearing or till the appeal is disposed of.

**PRAYER** : Under the circumstances, the appellant prays as under:

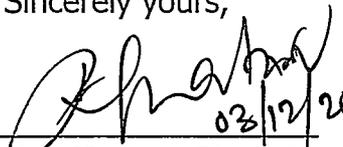
- A.** That all the original records be summoned and perused.
- B.** That the State Public Information Officer & Deputy Secretary, Finance Department be directed to provide the information with copies of documents sought without further delay.
- C.** That the 1<sup>st</sup> Appellate Authority, RTI Cell, Finance Department & Special Commissioner to the Government of West Bengal be held accountable for not discharging her obligation under the RTI Act, 2005 towards taking appropriate action against the SPIO for non-compliance to the specific performance of his duties.
- D.** That imposition of penalty be imposed under section 20 of the Right to Information Act, 2005 against the SPIO for not providing the information.
- E.** That any other relief as the Appellate Authority deems fit and proper be ordered in favour of the appellant.
- F.** That a personal hearing be granted to the appellant before deciding on the appeal.

Enclosed: **Annexure - I & II.**

Place: Kolkata

Date: 03/12/2024

Sincerely yours,

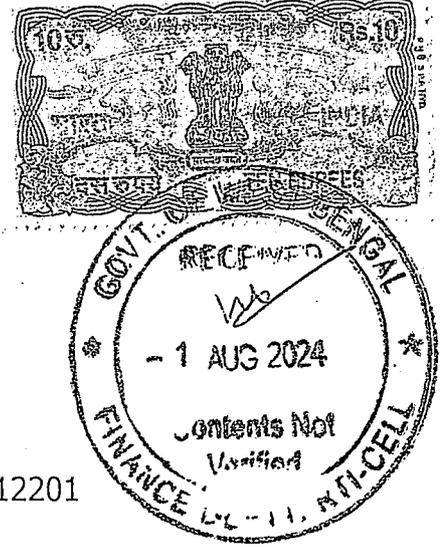
  
03/12/2024  
**(Prabir Kumar Ghatak)**

**Prabir Kumar Ghatak, WBA&AS**  
Financial Adviser & Chief Accountant (F&CAO)  
West Bengal Khadi & Village Industries Board  
(A statutory Board under the Govt. of West Bengal)

BY SPEED POST / By Hand

**APPLICATION U/S. 6(1) OF THE RIGHT TO INFORMATION ACT, 2005**

To  
The State Public Information Officer (SPIO)  
(Deputy Secretary) Finance Department, RTI Cell,  
"NABANNA" 10<sup>th</sup> Floor, Room No. 1008,  
325, Sarat Chatterjee Road,  
Howrah - 711102.

**Applicant's details:-**

Name: **PRABIR KUMAR GHATAK, WBA&AS**  
Address: Sohini-2, Flat No. 301, 3<sup>rd</sup> Floor,  
5 No. Bechu Dey Lane, Serampore, Hooghly-712201  
Department: Finance Department  
Designation: Financial Adviser & Chief Accounts Officer, West Bengal Khadi & Village  
Industries Board. 12 B.B.D Bag, Kolkata-700001.  
EPIC No.: LFB0540146  
Mobile No.: 9875511990  
email Id: pkg.ghatak@gmail.com

Sir,

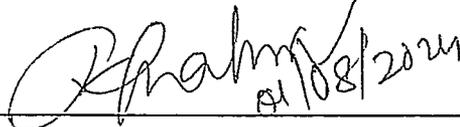
1. I am an officer of The West Bengal Audit & Accounts Service (WBA&AS) 1999 (Direct) Batch, kindly supply me the authenticated copy of "Note sheet" pages on and from 31/12/2020 to 31/07/2024 vide **File bearing No. FA/O/1A-3/31/16** which includes a) notes of WBA&AS Cell of Group 'T' of Finance Dept., The Administrative Department, b) Group 'P' of Finance Dept., c) Learned Legal Remembrance, d) Law Department, and e) Learned Advocate General of Calcutta High Court".
2. Also kindly supply me the authenticated copy of "Note sheet" pages on and from 25/04/2022 to 31/07/2024 vide **File bearing No. FL/O/1N-104/2022 AT** which includes a) notes of WBA&AS Cell of Group 'T' of Finance Dept., The Administrative Department, b) Group 'P' of Finance Dept., c) Learned Legal Remembrance, d) Law Department, and e) Learned Advocate General of Calcutta High Court".
3. Also kindly furnish me the "Draft Seniority Rules of unified WBA&AS officers" prepared by WBA&AS Cell of Group T of Finance Dept., Govt. of West Bengal.

4. Kindly furnish me the latest "Gradation List" and "Seniority Rules" of unified WBA&AS officers prepared by Finance Dept. after 24.11.2000 if any?

5. Any other information if the SPIO, think fit and proper may supply the same.

Please arrange to supply the aforesaid documents within 30 days from the date of receipts of this request.

I am affixing court fees of Rs. 10/- only towards cost of application fee, as per section 3 (Regulation of Fee and cost) Rules, 2005, as amended up to date.

  
01/08/2024

**PRABIR KUMAR GHATAK, WBA&AS**

**Date: 01/08/2024**

**Place: Serampore**

**Prabir Kumar Ghatak, WBA&AS**  
Financial Adviser & Chief Accounts Officer (FA&CAO)  
West Bengal Khadi & Village Industries Board  
(A statutory Board under the Govt. of West Bengal)

OLC 1102

**Application u/s. 19 (1) of the Right to Information Act, 2005  
BY HAND**

To  
Smt. Debjani Datta, IAS  
The 1<sup>st</sup> Appellate Authority, RTI Cell,  
Finance Department & Special Commissioner  
To the Government of West Bengal,  
Room No. 1102, Nabanna,  
325, Sarat Chatterjee Street,  
Shibpur, Howrah-711102

**Ref: Matter arising out of inadequate information supplied by the  
SPIO.**

**Name and Address of the Appellant :** PRABIR KUMAR GHATAK, WBA&AS  
Sohini-2, Flat No. 301, 3<sup>rd</sup> Floor,  
5 No. Bechu Dey Lane, Serampore, Hooghly-712201.

**Mobile No. :** 9875511990

**RTI Application Dated :** 01-08-2024

**Reply received :** The SPIO, Finance Department & Deputy Secretary Govt. of West Bengal, RTI Cell, Nabanna, Room No. 1008, has not supplied any information, in respect of my RTI application dated 01-08-2024.

**Name and Address of SPIO :** Shri Sanjib Saha, WBSS  
SPIO, Finance Department & Deputy Secretary Govt. of West Bengal, RTI Cell, Nabanna, Room No. 1008, 10<sup>th</sup> Floor, Horwah-711102

**INFORMATION APPLIED FOR :** Please note that I raised below mentioned (4) four questions before SPIO in my RTI application dated 01-08-2024 U/S 6(1) of the RTI Act, 2005:-

1. Supply of the authenticated copy of "Note sheet" pages on and from 31/12/2020 to 31/07/2024 vide File bearing No. FA/0/1A-3/31/16 which includes a) notes of WBA&AS Cell of Group 'T' of Finance Dept.,



*The Administrative Department, b) Group 'P' of Finance Dept., c) Learned Legal Remembrance, d) Law Department, and e) Learned Advocate General of Calcutta High Court".*

2. Supply of the authenticated copy of "Note sheet" pages on and from **25/04/2022 to 31/07/2024** vide **File bearing No. FL/O/1N-104/2022 AT** which includes a) notes of WBA&AS Cell of Group 'T' of Finance Dept., The Administrative Department, b) Group 'P' of Finance Dept., c) Learned Legal Remembrance, d) Law Department, and e) Learned Advocate General of Calcutta High Court".
3. Also kindly furnish the "Draft Seniority Rules of unified WBA&AS officers" prepared by WBA&AS Cell of Group T of Finance Dept., Govt. of West Bengal.
4. Kindly furnish the latest "Gradation List" and "Seniority Rules" of unified WBA&AS officers prepared by Finance Dept. after 24.11.2000 if any?

**GROUNDS OF APPEAL**

: The information, as sought by me was not come under RTI Act, 2005.

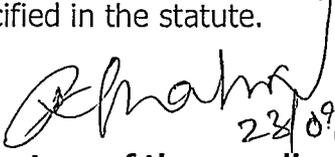
- A. For that the appellant as an officer of The West Bengal Audit & Accounts Service (WBA&AS) 1999 (Direct) Batch, who is a victim for '**non-publication of Gradation List of West Bengal Audit & Accounts Service by The Finance Department**', have the right in demanding the information as sought for in u/s. 6 (1) of the RTI Act, 2005.
- B. It may kindly be noted that "**No Stay Order**" Or "**No Interim Order**" has been passed by The Hon'ble High Court, regarding Non-Publication of Gradation List of West Bengal Audit & Accounts Service.
- C. For that why the Finance Department is reluctant in not supplying the proper documents which is absolutely public in nature.

D. For that the penalty should be imposed upon the SPIO, Finance Department & Deputy Secretary Govt. of West Bengal, RTI Cell, for not giving any public document authenticated by the higher authority. Letter No. 370-FA/O/RTI-143/2024 dated 23/08/2024 issued by the SPIO is insufficient regarding my application.

E. For that the relief u/s. 19 (1) of the RTI Act. as sought for is to be considered for the ends of justice.

**PRAYER**

1. In the light of the forgoing, it is humbly prayed that the necessary direction may kindly be given to the SPIO to supply the sufficient and proper information immediately as sought for.
2. It is humbly prayed that the necessary action kindly be taken and impose penalty upon the SPIO, Finance Department & Deputy Secretary Govt. of West Bengal, RTI Cell, for not supplying the proper information to the applicant.
3. It may kindly be given an opportunity of being heard in person or through my authorized representative before any adverse decision is taken to dispose of this appeal.
4. Any other information which the appellate authority may deem fit and proper for deciding the appeal may supply the same.
5. There is no delay in filling this appeal. This appeal is filled within the time as specified in the statute.

  
23/09/2024  
**Signature of the appellant**  
**(Prabir Kumar Ghatak)**  
Financial Adviser & Chief Accounts Officer (FA&CAO)  
West Bengal Khadi & Village Industries Board  
(A statutory Board under the Govt. of West Bengal)

Enclosed: 1) Copy of the RTI application dated 01-08-2024  
2) Copy of the letter No. 370-FA/O/RTI-143/2024 dated 23/08/2024 issued by the SPIO.

Date : 23/09/2024

Place: Serampore

**SPEED POST**

**GOVERNMENT OF WEST BENGAL**  
**Finance Department**  
**Right To Information Cell**  
**Room No. 1008, 10<sup>th</sup> Floor, Nabanna, Howrah-711102.**

**No. 370-FA/O/RTI-143/2024**

**Date: 23/08/2024**

**From:** The State Public Information Officer &  
Deputy Secretary, Finance Department,  
Government of West Bengal.

**To :** The Deputy Secretary  
Finance Department,  
WBA&AS Cell, Group-T,  
Writers' Buildings, Kolkata-700001.

**Sub. :** *Information sought for under the RTI Act, 2005-- Case of  
Shri Prabir Kumar Ghatak of Hooghly.*

**Sir,**

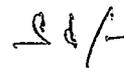
In terms of Section 5(4) of the RTI Act, 2005, I am to forward herewith a copy of the RTI application dated 01/08/2024 of Shri Prabir Kumar Ghatak of Hooghly seeking information under the RTI Act, 2005, which is closely related to the functions of your Group, with the request to provide the requisite accessible information **specific and pointwise** as sought for therein to this Cell within **05(five) days** positively from the date of receipt of this letter for onward transmission of the same to the applicant within the stipulated time limit as envisaged in the said Act.

In this context, I am further directed to say that the provisions under sub-section 5 of Section 5 of RTI Act, 2005 will be applicable mutatis mutandis for future reference.

This may kindly be treated as **RTI URGENT**.

**Encl.: As stated above.**

Yours faithfully,



State Public Information Officer &  
Deputy Secretary, Finance Department,  
Government of West Bengal.

**No. 370-FA/O/RTI-143/2024**

**Date: 23/08/2024**

Copy forwarded for information to:

Shri Prabir Kumar Ghatak, Sohini-2, Flat No. 301, 3<sup>rd</sup> Floor, 5 No. Bechu Dey Lane,  
Serampore, Hooghly- 712201



Assistant State Public Information Officer &  
Ex-Officio Section Officer, Finance Department,  
Government of West Bengal.

SPEED POST

BY SPEED POST

GOVERNMENT OF WEST BENGAL  
Finance Department  
Right To Information Cell  
Room No. 1008, 10<sup>th</sup> Floor, Nabanna, Howrah-711102.

No. 428 -FA/O/RTI-143/2024

Date: 25/09/2024

**From:** The State Public Information Officer &  
Deputy Secretary, Finance Department,  
Government of West Bengal.

**To :** The Deputy Secretary,  
Finance Department,  
W.B.A. & A.S. Cell, Group - T,  
Writers' Buildings, Kolkata - 700001.

**Sub. :** *Information sought for under the RTI Act, 2005-- Case of  
Shri Prabir Kumar Ghatak of Hooghly.*

Sir,

In terms of Section 5(4) of the RTI Act, 2005, I am to forward herewith a copy of the the Appeal Petition dated 23/09/2024 alongwith its enclosures of Shri Prabir Kumar Ghatak of Hooghly seeking information under the RTI Act, 2005, which is closely related to the functions of your Group, with the request to provide the requisite accessible information as sought for therein to this Cell within 05(five) days positively from the date of receipt of this letter for onward transmission of the same to the applicant within the stipulated time limit as envisaged in the said Act.

It may be mentioned here that previously RTI petition of the appellant has been forwarded to your end under the cover of this Department's Memo No:- 370-FA/O/RTI-143/2024 dated 23/08/2024 (copy enclosed).

In this context, I am further directed to say that the provisions under sub-section 5 of Section 5 of RTI Act, 2005 will be applicable mutatis mutandis for future reference.

This has the approval of Appellate Authority and Special Commissioner of this department.

This may kindly be treated as **RTI URGENT**.

Encl. : as stated above.

Yours faithfully,

State Public Information Officer &  
Deputy Secretary, Finance Department,  
Government of West Bengal.

✓ No.428 /1(1)-FA/O/RTI-143/2024

Date: 25/09/2024

Copy forwarded for information to:

Shri Prabir Kumar Ghatak, Sohini - 2, Flat No. 301, 3<sup>rd</sup> Floor, 5 No. Bechu Dey Lane,  
Serampore, Hooghly - 712201.

Assistant State Public Information Officer &  
Ex-Officio Section Officer, Finance Department,  
Government of West Bengal.