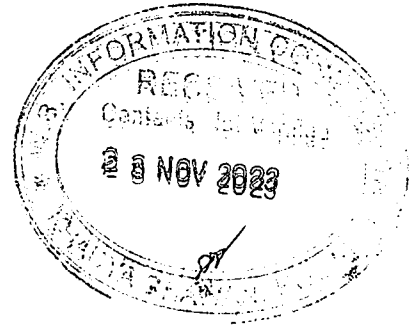


4411 (A)
28/11/2023



To,

West Bengal Information Commission
11 A, Mirza Galib Street,
Khadya Bhaban,
Kolkata-700 087

Subject: Second Appeal under Section 19(3) of Right to Information Act, 2005

Date: 16/11/2023

Name and Address of the appellant:

Bandana Saha
63,
M. M. Ghosh Road Dumdum
Kolkata 700074

Name and Address of the CPIO:

The State Public Information
Officer
31, Black Burn Lane, Shilpa Bhawan Kolkata 700012

Date of submission of RTI request: 29/06/2023

Date of RTI reply: No response received

Name and Address of the FAA:

The WBSIDC Limited Govt. of West Bengal
31, Black Burn Lane,
4th Floor Shilpa Bhawan (Near Poddar Court)
Kolkata 700012

Date of submission of FA request: 19/08/2023

Date of FA reply: No response received

Brief facts of the case:

1. The Applicant had filed a RTI Application seeking information on the following grounds:

I am an employee of WBSIDCL and working since August 2007 during this long service period in several occasions I heard that my post Information and system analyst (ISA) post is a temporary post and not sanctioned by finance department. Under provision of RTI Act 2005, please provide me some information about the following matter.

1. WBSIDCL is a Board Corporation and Governor of West Bengal appoints the Board Member to run the corporation so I would like to know the power of BOARD of Directors to take decision regarding financial and administrative matter.

2. However, there was no response from the concerned Public Information Officer (PIO) of the Public Authority to the RTI Application within the mandatory period of 30 days from the date of receipt of the application.

3. The Applicant, then proceeded to file a First Appeal u/s 19 of the Right to Information Act against the no-response of the PIO to the application.

4. However, there was no response from the concerned First Appellate Authority (FAA) of the Public Authority to the First Appeal.

Grounds for Prayer or Relief:

1. As there is no reply from the PIO within 30 days from the date of the RTI Application and also no reply from the First Appellate Authority within 30 days from the date of the First Appeal, a second appeal is being filed under section 19(3) of the Right to Information Act within the mandatory time period of 90 days. The copy of the RTI application and first appeal have been annexed herewith as Annexure 1 and Annexure 2.

The applicant has not been provided with any response/reply from the concerned PIO. The present appeal is a case of No Response to the RTI. The applicant has not been provided with any response/reply from the concerned FAA. The present appeal is a case of No Response to the First Appeal. As there has been no response from the concerned PIO and FAA, the question of the acknowledgment copy/proof does not arise as the applicant has not been

provided with one by the concerned authorities. The applicant has duly filed the RTI application through speed post having India Post tracking number EK428958623IN and First Appeal through speed post having India Post tracking number EK385285825IN.

2. The failure of the PIO as well as the FAA to respond to the application within the specific time frames as provided under the Act is a violation of Section 5(3), 5(4) and 5(5) which mandates that the PIO is to make all efforts to ensure that the requested information is properly furnished to the applicant.

3. The denial of information by the PIO is in violation of the provisions of the RTI Act, tantamounting to deemed refusal in terms of Section 7(1) of the RTI Act which makes the PIO liable for penal action under Section 20(1) of the RTI Act. The PIO has clearly failed to discharge its duties and obligations in the letter and spirit of the Act.

4. The information sought by the applicant in the RTI Application is very much a part of the information maintained by the concerned public authority falling under the definition of section 2(f) of the RTI Act and the PIO and FAA have no reasons whatsoever, of refusing to provide the information. In fact, their failure to even reply to the application highlights the fact that the application has been dealt with in a negligent and apathetic manner.

5. Various orders have been passed by the Hon'ble Central Information Commission to the effect that a no response from the PIO and the FAA calls for strict action against the concerned officer along with directions to be issued for the disclosure of the information sought at the earliest.

6. In the CIC decision of F.No.CIC/SS/A/2014/000013-Y and F.No.CIC/YA/A/2014/000349 in the case of Shri M. Ramanathan versus Social Welfare Dept. dated 27.01.2015, it was directed to the concerned department to disclose the information to the applicant as there was no reply from the PIO and also no order was passed by the First Appellate Authority. The following observations had been made in the aforementioned CIC decision:

"In file nos. CIC/SS/A/2014/000013-YA and CIC/YA/A/2014/000349, the PIO/ Director, O/o Directorate of Social Welfare, Puducherry is directed to furnish information to the appellant in response to his RTI applications dated 30.07.2013 & 13.09.2013, within three weeks of receipt of this order, under intimation to the Commission. The information shall be provided as is available on record and

as per the provisions of the RTI Act. Secretary to Government (Welfare – Social Welfare), Puducherry is directed to take note that the PIO and the FAA have not dealt with the above RTI applications at all. This is for information and necessary action as deemed fit. Show cause notice is issued to the present PIO/Director, O/o Directorate of Social Welfare, Puducherry for not providing information to the appellant within prescribed time. He is further directed to send a copy of this order to the erstwhile PIO/Director, O/o Directorate of Social Welfare, Puducherry, who did not provide information to the appellant within prescribed time in response to the RTI applications.”

7. In the matter titled Pankaj Bansal vs CPIO, Railway Board bearing no.CIC/CC/A/2016/000546-AB, the Central Information Commission has observed that:

“On perusal of the case record, it was seen that there is no reply from the public authority concerned. The cryptic remarks of the CPIO “that the matter referred to ESO/CRB” has no meaning under the provisions of the RTI Act. There is no proof that the said RTI application was transferred u/s 6(3) of the RTI Act. In the absence of such documentary evidence, it was concluded that it is a straight case of non-compliance of the RTI Act on the part of the CPIO concerned. The Commission notes that the appellant’s RTI applications had not been handled properly and even the first appeal had not been disposed of due to which he had not received complete and timely information. For the detriment caused he deserves to be compensated, therefore in exercise of the powers vested in the Commission under section 19(8) (b) of the RTI Act, the Commission directs the department to compensate the appellant by an amount of Rs.5000/- for the inconvenience and detriment caused to him.”

In the above mentioned order passed by the CIC on 22.05.2017, it has been clearly observed that in cases where no response has been provided by the PIO and FAA, it is an act of gross negligence on the part of the concerned officers towards the implementation of the RTI Act.

8. Furthermore, in terms of the above mentioned order, in the present case, the PIO is liable to provide the information sought by the applicant/appellant, free of cost and complete in all respects.

9. As the application of the applicant/appellant has not been handled properly and even the first appeal has not been disposed off accordingly, the concerned PIO is liable to face penal action. The applicant has suffered detriment, mental agony and harassment for not receiving timely and complete information and

deserves to be compensated u/s 19(8)(b) of the RTI Act.

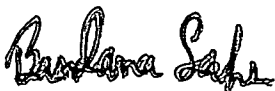
Prayers or Relief Sought:

I appeal to you to kindly direct the concerned PIO to provide the correct and relevant information to the undersigned at the earliest, that is complete in all respects. I also humbly appeal to the Hon'ble Commission to levy penal/punitive action against the concerned officer for failing to provide a timely response and compensating the undersigned/appellant for the detriment caused for the reasons mentioned in the appeal above. The Hon'ble Commission may also pass any other or further orders in the interest of justice.

Verification:

I, Bandana Saha hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with this commission nor is pending with any Court or tribunal or authority

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bandana Saha', with a stylized, cursive script.

Bandana Saha

Enclosures:

Annexure 1 - Copy of the original RTI Application.

Annexure 2 - Copy of the original First Appeal Application.

**Copy To,
The Public Information Officer
The State Public Information
Officer
31, Black Burn Lane, Shilpa Bhawan Kolkata 700012**



Exercises

SECRET

[illegible]

第 一 章 緒 論

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卷一 序

Document submitted for RTI
application
Bandana Sahu
6/11/23



1. NAME
 2. DATE
 3. PERIOD
 4. SCORE
 5. TEACHER
 6. SCHOOL
 7. CITY
 8. STATE
 9. COUNTRY
 10. ZIP

3172 9444 9650

ॐ नमो भगवते वासुदेवाय ।

The Right to Information Act, 2005

First Appeal for State Government

I.D No _____ Date:_____ [For office use]

To,

The First Appellate Authority under RTI Act

The WBSIDC Limited Govt. of West Bengal
31, Black Burn Lane,
4th Floor Shilpa Bhawan (Near Poddar Court)
Kolkata 700012

Sir,

As I am aggrieved by no decision of State Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant

1.1 Full Name: Bandana Saha

1.2 Full Address:

63,
M. M. Ghosh Road Dumdum
Kolkata 700074

1.3 Phone/Cell No: 09883887450

1.4 Email ID: bandana.saha21@gmail.com

2. Details of State Public Information Officer (SPIO)

2.1 Name/Designation: Public Information Officer

2.2 Full Address:

The State Public Information
Officer
31, Black Burn Lane, Shilpa Bhawan Kolkata 700012

3. Details of RTI application to SPIO

Date of Application: Thursday, June 29th 2023

Mailed on : 29/06/2023 by Registered Post No.: EK428958623IN

Date of receipt by SPIO: 04/07/2023

4. Particulars of payment of filing fee:

Paid Rs.10/- by bank draft/pay slip/IPO No: By Court Fee Stamp

5. Details of information sought:

To
The State Public Information Officer
The WBSIDC Limited Govt. of West Bengal
31, Black Burn Lane,
4th Floor Shilpa Bhawan (Near Poddar Court)
Kolkata 700012

Sub: RTI Application under RTI Act 2005

Sir,

I am an employee of WBSIDCL and working since August 2007 during this long service period in several occasions I heard that my post Information and system analyst (ISA) post is a temporary post and not sanctioned by finance department. Under provision of RTI Act 2005, please provide me some information about the following matter.

1. WBSIDCL is a Board Corporation and Governor of West Bengal appoints the

Board Member to run the corporation so I would like to know the power of BOARD of Directors to take decision regarding financial and administrative matter.

2. If further finance approval is required against the decision taken by Board in the meeting of Board of Director. Provide an instance of the approval taken.

3. There was a case Civil Rule No 1129B(W) of 1983 Abdul Jalil Sarkar Vs The Secretary, Cottage and Small Scale Industries and Others in Page no 15 of the Judgement page mentioned that "in view of unanimous decision taken by the 120th meeting of Board of directors, and implementation it was not necessary to obtain approval of State Govt. " Whether this decision of the court has been challenged by WBSIDCL in higher court and have any other order so far?

4. Is there any employment exceeding the sanctioned strength of a post by Finance Department or is there any employee appointed to a post beyond finance approved strength are getting pay revision in 2020 ROPA rule? provide the fact sheet of that.

5. Is there any employee employed in a post beyond the sanction strength and in contractual appointment got the pay revision as per ROPA RULE 2020. Please provide the fact sheet.

I am ready and willing to pay the fees as provided under the West Bengal Right to information Rules, 2006.

Please provide me all information in one short as early as possible.

Thanking You,

Yours faithfully

Bandana Saha
Information and system Analyst
The WBSIDCL
19.06.2023

6. Particulars of Decision of SPIO:

No response received

7. Brief facts of the case:

Information regarding Recruitment and Policy matter, post available and other

related matter of West Bengal Small Industries Development Corporation (a Govt. Undertaking)

The copy of the RTI application has been attached herewith as Annexure 1.

8. Reasons/grounds for this appeal:

1. As there was no reply from the Public Information Officer, to the RTI application dated 03/07/2023 within 30 days, an appeal is preferred before the First Appellate Authority under the Section 19 (1) of the Right to Information Act, 2005.
2. Under the RTI Act, 2005, a PIO is obliged to provide access to information to a citizen unless as stipulated by Section 7 (1), furnishing of such information is covered by one of the exemptions provided under Section 8 or Section 9 of the RTI Act.
3. The PIO has failed to discharge its duties and obligations and has adopted a lackadaisical approach towards dealing with the RTI application by not responding within 30 days of the application.
4. The PIO has failed to inform the applicant as to why this information has not been disclosed to the applicant and its reasons thereof. Section 4 (1) (d) of the RTI Act clearly lays down that every public authority shall have to disclose the reasons for its decisions to the affected persons.
5. It is obligatory upon the PIO to disclose the information as requested by the applicant. The request of the applicant squarely falls within the definition of right to information under Section 2 (j) of RTI Act read with Section 2 (f) and 2 (i) relating to the definition of information and record. The applicant in his RTI application has clearly enumerated the information which she desires and there is no ground whatsoever for the PIO to not to provide her the complete information.

9 Any other information in support of appeal:

No

10 Prayer/relief sought for:

The PIO may be directed to furnish information requested in the RTI application as available in the files/records and made available to the applicant.

11. Personal Presence at hearing: NO

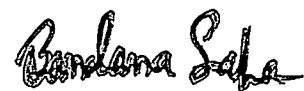
12. Enclosures:

Photocopies of original RTI application with its enclosures, postal proof of mailing

13. Declaration:

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Signature of appellant

A handwritten signature in black ink, appearing to read 'Bandana Saha', written in a cursive style.

Friday, August 18th 2023

The Right to Information Act 2005
Application for obtaining information

From

Bandana Saha
63,
M. M. Ghosh Road Dumdum
Kolkata 700074

To

The Public Information Officer
The State Public Information
Officer
31, Black Burn Lane, Shilpa Bhawan Kolkata 700012

SUB : Information Regarding - Information regarding Recruitment and Policy matter, post available and other related matter of West Bengal Small Industries Development Corporation (a Govt. Undertaking)

Dear Public Information Officer:

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows

1. Details of the applicant

Name: Bandana Saha
Email: bandana.saha21@gmail.com
Address: 63, M. M. Ghosh Road Dumdum Kolkata 700074
Phone: 09883887450

2. Period to which the information relates: N/A

3. Details of Information

To
The State Public Information Officer
The WBSIDC Limited Govt. of West Bengal
31, Black Burn Lane,
4th Floor Shilpa Bhawan (Near Poddar Court)
Kolkata 700012

Sub: RTI Application under RTI Act 2005

Sir,

I am an employee of WBSIDCL and working since August 2007 during this long service period in several occasions I heard that my post Information and system analyst (ISA) post is a temporary post and not sanctioned by finance department. Under provision of RTI Act 2005, please provide me some information about the following matter.

1. WBSIDCL is a Board Corporation and Governor of West Bengal appoints the Board Member to run the corporation so I would like to know the power of BOARD of Directors to take decision regarding financial and administrative matter.
2. If further finance approval is required against the decision taken by Board in the meeting of Board of Director. Provide an instance of the approval taken.
3. There was a case Civil Rule No 1129B(W) of 1983 Abdul Jalil Sarkar Vs The Secretary, Cottage and Small Scale Industries and Others in Page no 15 of the Judgement page mentioned that "in view of unanimous decision taken by the 120th meeting of Board of directors, and implementation it was not necessary to obtain approval of State Govt. " Whether this decision of the court has been challenged by WBSIDCL in higher court and have any other order so far?
4. Is there any employment exceeding the sanctioned strength of a post by Finance Department or is there any employee appointed to a post beyond finance approved strength are getting pay revision in 2020 ROPA rule? provide the fact sheet of that.
5. Is there any employee employed in a post beyond the sanction strength and in contractual appointment got the pay revision as per ROPA RULE 2020. Please provide the fact sheet.

I am ready and willing to pay the fees as provided under the West Bengal Right to information Rules, 2006.

Please provide me all information in one short as early as possible.

Thanking You,

Yours faithfully

Bandana Saha
Information and system Analyst
The WBSIDCL
19.06.2023

4. Application fee details

Encl. Application Fee of Rs 10/- By Court Fee Stamp

5. Below Items are for your kind information and consideration

- a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.
- b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.
- c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to inform me of the particulars of First Appellate Authority.

6. Declaration

I declare that I am a citizen of India.

Yours faithfully,



1208053

Thursday, June 29th 2023

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RECEIVED
CONTENT NOT VERIFIED
WBSIDQ LTD
Rajadongzaw
11/1/2011

14/06/2023

My KFI Application dated 17-02-2023

In my RTI Application, I have shown the following information:

1. Whether the Post ISA of this organisation is a sanctioned post by finance department.
2. What are the posts of the WBSIDCL along with their sanctioned strength which have sanction order of finance department?

Please provide specific and relevant papers in support of my qualifications and the sanction strength duly approved by Finance department.

3. Whether there was any sanctioned post of computer operator or programmer in the WBSIDCL at the time of incorporation or later received from finance department.
4. Whether the financial and other benefits (like recruitment, designation, change, increase in strength, promotion) extended to the employee of these corporation required any finance approval? If yes please supply the supporting documents stating the rule or government order.

The Pay hike of any employee is a part of his normal fits extended remuneration and is not a financial approval taken from committee.

As per demand for requisite fees, I am attaching herewith the Demand Draft of Rs. 100/- dated 12.06.2023 payable to Kollam in favour of THE WBSIOD LTD.

Moreover I would like to request you to provide the reply as early as possible in view of the provision of strict and time limits of the RTI Act. After outlining matters in detail, I am enclosing of requisite fees for printing charges.

THANKING YOU.

Yours faithfully,

Bandone Sch

1990

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

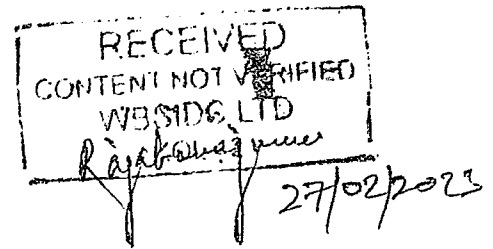
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✓ For the Graduate Author WU-HO-1 Supp. 10 W. H. Jones 1977

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To
The State Public Information Officer
The WBSIDC Limited Govt. of West Bengal
31, Black Burn Lane,
2ND Floor Shilpa Bhawan (Near Poddar Court)
Kolkata 700012



Sub: RTI Application under RTI Act 2005

Sir,

I am an employee of WBSIDCL and working since August 2007 during this long service period in several occasions I heard that my post Information and system analyst (ISA) post is a temporary post and not sanctioned by finance department. Under provision of RTI Act 2005, please provide me some information about the following matter.

1. Whether the Post ISA of this organisation is a sanctioned post by finance department.
2. What are the posts of the WBSIDCL along with their sanctioned strength which have sanction order of finance department? Please provide the finance order of posts along with strength sanctioned by finance department since incorporation of the WBSIDCL.
3. Whether there was any sanctioned post of computer operator or programmer in the WBSIDCL at the time of incorporation or later received from finance department.
4. Whether the financial and other benefits (like recruitment, designation change, increase in strength, promotion) extended to the employee of these corporation required any finance approval? If yes please provide the supporting documents stating the rule or government order.

I am ready and willing to pay the fees as provided under the West Bengal Right to information Rules, 2006. The court fees of Rs. 10.00 as application fee provided under Rule 3 are paid and affixed herewith the application.

The cost for this RTI application is being attached in terms of IPO carrying no-27F359562

Thanking You,

Yours faithfully


Bandana Saha

Information and system Analyst

The WBSIDCL

27.02.2023

NOT TO BE OPENED
To be kept
in a safe place

Rs.

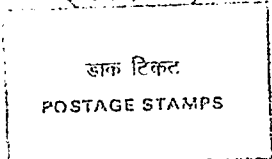
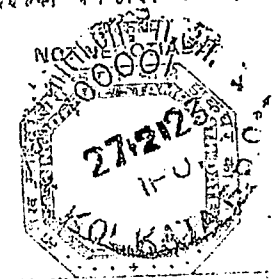
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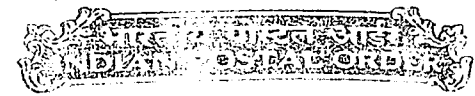
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পশ্চিম বঙ্গ চীল হস ইপিএল অফিস থেকে পত্রিকা পত্রিকা পত্রিকা পত্রিকা



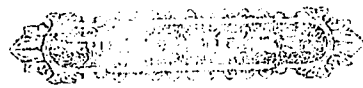
S.B. 27-12-2013
বিস্তারিত POS (MASTER)



डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

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सब ठाण की रकम टी. एम. ऑफ सुपरस्टेशन ड्यू



AT THE POST OFFICE AT

BANDANA SAHA
63, M. M. GHOSH ROAD
DUMDUM KOLKATA - 74

DO NOT WRITE BELOW THIS LINE

27F 359562

Email

State Chief Information Commissioner West Bengal

Regarding RTI application Diary no 105154

From : bandana saha21 <bandana.saha21@gmail.com> Wed, Aug 06, 2025 05:31 PM

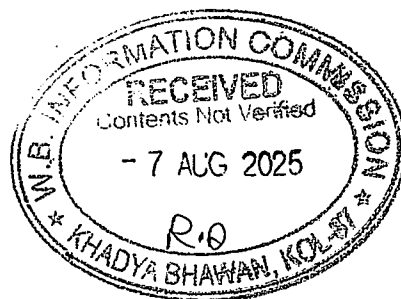
Subject : Regarding RTI application Diary no 105154

To : State Chief Information Commissioner West Bengal
<scic-wb@nic.in>

Respected Sir,
I am Bandana Saha residing at 63, M. M. Ghosh Road Kolkata 700074 has not done any RTI application to WBSEDCL showing in the following diary number. WBIC/RTI/A/105154/1563/2025 105154 against West Bengal State Electricity Distribution Company Ltd. (WBSEDCL) Please verify if the appeal is in the name of the WBSEDCL organisation.

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Regards
Bandana Saha
ISA
WBSIDCL



LO/Sutapa
H check & confirm
7/8/25