



J&K Institute of Management, Public Administration & Rural
Development (IMPA & RD) Sidhra Near ASCOMS,
(Batra Hospital), Jammu - 180017

No: IMPA/Adm/R-68/2018/ 5971-74
Dated: 12/07/2018

Order under Section 7(1) of the J&K RTI Act, 2009

Sh. K.R. Tak C/o Sh. Krishan Lal Saraf M/s Beli Ram Krishan Lal Saraf, Jewellers,
Chowk Chabutra, Jammu – 180001 has made an RTI application dated: 13.06.2018
received by this office on 18.06.2018. In terms of Section 7(1) and as per available records,
the information seeker is provided with the information as under:-

S. No.	Information Sought	Information Supplied/ Response
i)	Furnish information as per statement made before Chief Information Commissioner, J&K State Information Commission Camp Jammu vide decision dated 23.05.2017 and also reasons of inordinate delay of more than one year;	As per the order dated: 23.05.2017 issued by the Chief Information Commissioner, J&K State Information Commission, Jammu, rejected your 2 nd Appeal and it has been clearly stated at para 03 of the order that the FAA/PIO of IMPA (Respondents) stated that they were ready to provide the requisite information even otherwise for which purpose the appellant should contact the PIO IMPA but you did not contact the PIO therefore there is no inordinate delay on the part of the Institute.
ii)	Furnish a copy of verification got conducted by J&K IMPA & Rural Development Jammu in light of examination and Forensic expert opinion of documents by Dr. R.L. Dhar, Director (Rtd.) J&K Forensic Science Laboratory and Forensic Consultant, EQD. Also assign reasons of inordinate delay of more than five months.	The Verification could not become possible as the original copy endorsed by the then DG IMPA marked to the then Joint Director is not traceable in office except the copy of your representation endorsed in original by the then Joint Director. You are as such requested to visit this office to check the same.
iii)	Furnish copies of following and also justify sub-para (e) below: a) D.O Letter dated 26.09.2012 by Sh. Pankaj Jain IAS; b) Reference whereunder IMPA&RD sought clarification from GAD on the rate of incentive payable to Sh. Pankaj Jain IAS during his posting in IMPA; c) Letter whereunder GAD conveyed opinion/advice tendered by Finance Department vis-a-vis Shri Pankaj Jain IAS; d) Approval accorded by authorities for payment of residual incentives arrears to Sh. Pankaj Jain IAS;	With regard to a, b, c & d, a copy of letter No. IMPA/Accts/12/22, dated 12.10.2012 along with due drawn statement of 30% Incentive has been made available from IMPA Srinagar and the copy of DO letter under reference is not reportedly traceable. Annexure - A

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	e) Justify how rules 2.41 and 2.43 of J&K Financial Code Volume – I and concurrence of Finance Department are applicable vis-a-vis my case and why the said rules and concurrence was not applicable to Sh. Pankaj Jain vide points (viii & xi) of 3 rd RTI application dated: 10.08.2015.	e) Since the matter has been referred to GAD for advice which is still awaited in your case whereas, in case of Mr. Pankaj Jain, IAS the arrears of Incentive seem to have paid to him on the analogy of advice tendered by the Finance Department as the officer was not drawing salaries against Apex /Cabinet Secretary 's Scale . Copy enclosed as Annexure - B
iv)	Why U.O. No. IMPA/DG/PS dated 07.03.2014 was irrelevantly referred to in responses to point (ii) vis-a-vis 1 st RTI application dated 10.02.2015 and points (i), (ii) and (iv) vis-a-vis 3 rd RTI application dated 08.07.2015 to give incorrect, misleading and evasive responses?	As per record, the information sought by you has been provided by the then PIO & FA/CAO, J&K IMPARD which cannot be termed as incorrect, misleading and evasive. However, you may visit this office for further clarification on the matter.
v)	Furnish the following copies:- a) Reference whereunder IMPA&RD sought opinion/advice from GAD on the rate of incentive payable to me during my posting in IMPA; b) Letter whereunder GAD conveyed opinion/ advice tendered by Finance Department vis-a-vis my case pertaining to the payment of residual incentive arrears and also assign reasons of inordinate delay since 09.11.2012; c) Opinion/advice tendered by Finance Department vis-a-vis my case pertaining to payment of incentive arrears on the analogy of Sh. M.I. Khanday IAS and Shri Pankaj Jain IAS;	a) The information has already been provided, however a copy of the noting on U.O. file No. IMPA/DG/PS dated 07.03.2014 is enclosed as Annexure-C b) In response to (a) above, the GAD had sought information vide their letter No. GAD(Ser) KAS/ 209/97 dated 19.05.2014 and dated 02.12.2014 (copies enclosed as Annexure – D & E Which was provided to GAD vide this office letter No. IMPA/Accounts /2010/346/3497-99 dated 31.12.2014, (copy enclosed as Annexure – F). Besides, FA / CAO, GAD vide this office letters No. IMPA /Accts /RTI/ 2015/382/2737-38, dated 15.12.2015, letter No. IMPA/Accts/RTI/2015 /382/3183-84, dated 12.01.2016 & No. IMPA/Accts/RTI/2015/382/3136-38, dated 14.03.2017 has been requested to apprise with the opinion of the Finance Department in the matter. (Copy enclosed as Annexure – G, H & I) c) No opinion / advice tendered by Finance Department has been received from GAD till date.
vi)	Furnish copy of date of receipt recorded in receipt register maintained by IMPA&RD, Regional Centre, Jammu whereunder date of receipt of my 3 rd RTI application dated 08.07.2015 was recorded;	Copy enclosed as Annexure – J
vii)	Why PIO did not endorse copies of order dated: 10.08.2015 issued in 3 rd RTI application to Systems Administrator inter	It seems to have happened inadvertently.

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	alia to upload it on official website?	
viii)	Note para 85 annexed as "A" is reply to queries raised by GAD. How Annexure "A" attached with responses to my points (i), (ii), and (iv) vis-a-vis 3 rd RTI application and response to point (ii) vis-a-vis 1 st RTI application is applicable in my case? What is the import of Annexure "A"?	As per available record, the Institute had not forwarded a letter to GAD for clarification but the original file on the subject was sent to GAD for seeking clarification in respect of payment of 30% incentive in your favour.
ix)	Was Government Order No. 1074-GR of 1986 dated: 22.08.1986 modified for purposes of classification of deputationists borne on AIS and State Services who were paid 15% incentive in terms of 5 th CPC and 30% incentive in terms of 4 th CPC respectively?	The Government Order under reference has not been modified except as per the decision taken by the then Financial Commissioner during budget meeting the amount of 30% incentive was reduced to 15% in respect of deputationists borne on AIS and 30% of incentive on the pre-revised pay scales of the other officers on deputation from the State to IMPA. Copy of noting / approval is enclosed as Annexure - K
x)	Being similarly situated, why I was not paid residual incentive arrears on the analogy of Sh. M.I. Khanday IAS and Sh. Pankaj Jain IAS? Their cases were settled within 47 days and 16 days respectively whereas my case has been hanging fire since 09.11.2012. On what parameters their cases have been settled?	As stated above, the matter is pending in GAD for opinion/ advice. No comments, Since the matter is under consideration.
xi)	Please intimate whether my representations dated 09.11.2012, 19.11.2012 and reminders dated 20.03.2013, 23.06.2014, 26.06.2014, 12.08.2014, 30.08.2014 and 14.03.2017 were submitted before authorities for final orders: please furnish copies of their final orders/approvals;	The representations under reference have been redressed by clearing your arrears of pay, however, the matter regarding drawal of 30% Incentive is pending for clarification / opinion in GAD as such the copy of notings and letters forwarded to GAD are enclosed as Annexure-X, G, H & I.
xii)	One page Photostat copy annexed as 'C' was furnished to me vide response to my 3 rd RTI application dated 10.08.2015. In this connection, please furnish the following information and also copy as indicated at 'd':- a) Why one page Photostat copy annexed as 'C' instead of two leaves was furnished to me? b) Why endorsement dated 22.03.2013 made on the margin of reminder dated 20.03.2013 by Sh. B.B. Vyas IAS the then DG was concealed/removed; c) Why the said reminder dated 20.03.2013 was processed by the then Joint Director, the then Deputy Director and Head Assistant (Accounts) on 08.07.2014 on CF and 16.07.2014 on NF instead of due date i.e. 22.03.2013?	a) It might have happened due to over-sight, however, the two leaves of the same are enclosed herewith as Annexure - L b) As per available record, it has been seen that the endorsement made o the margin on the reminder was marked to the then Joint Director who stands transferred from the Institute and the original copy of the same is not traceable from record. c) Both officers transferred from the Institute, hence no comments.

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	d) Copy of my reminder dated 20.03.2013 consisting of two leaves and also containing endorsement made by Sh. B.B. Vyas IAS the then DG IMPA&RD.	d) Copy enclosed as Annexure – L whereas, the original copy containing endorsement made by Sh. B. B. Vyas, IAS is not traceable form record.
xiii)	Furnish the following copies:- a) Order issued by GAD Flagged at 'D' vide sub-para (iii) of para 85 vide Annexure 'A' vis-a-vis 3 rd RTI application dated 08.07.2015 and U.O. No. IMPA/DG/PS dated 07.03.2014; b) Proposal forwarded to GAD regarding desirability of continuing the incentive vide sub-para (iv) of para 85 Annexure "A" vis-a-vis 3 rd RTI application dated 08.07.2015 and U.O. No. IMPA/DG/PS dated 07.03.2014; c) Observations of GAD at note para 82 ante vide note para 85;	a) As per available record the file under reference is still pending in GAD for clarification which is still awaited. b) Please refer to Annexure – C c) As per record the file under reference is lying in GAD as the reference with regards to note para 82 is not available which would be collected from GAD and provided to you accordingly in due course of time.
xiv)	What is the rationale behind seeking 2 nd opinion on identical issue vis-a-vis my case tantamounting to breach of principle of Res Judicata?	No comments to offer as the case has been forwarded by the then authorities.

For further queries if any you may visit the office of undersigned on any working day and time convenient to you.

[Signature]
12/07/2018
Deputy Director/PIO,
J&K IMPA&RD, Jammu

Copy to:-

1. Joint Director (1st Appellate Authority), J&K IMPA&RD, Srinagar.
2. PS to VC & DG for information of Vice Chairman & Director General, J&K IMPA&RD.
3. System Administrator for uploading above order on website.
4. File concerned.