

कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय, भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. Of India)
मुख्य कार्यालय/Head Office

भविष्य निधि, भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi - 110066

Website: www.epfindia.gov.in

No.: Pension-HI/7(453)18/RTI/ Varinder Kumar Gupta

Dated:

To

All CPIOs/ROs (For Point No. 2)

20 JUL 2018

Sub.: Supply of Information under RTI Act -2005-reg.

Sir,

Please find enclosed herewith an RTI application 01.05.2018 under RTI Act of Sh. Varinder Kumar Gupta received in Pension Section on 13.07.2018 through ACC (Exemption) for seeking information under the Right to Information Act. The copy of the letter is transferred to you for necessary action under the Right to Information Act, 2005. The information has to be provided directly to the applicant under intimation to the undersigned.

If the desired information does not pertain to the concerned division or some part of information is held by other division or public authority, the concerned CPIO shall forward/transfer the application or such part of it as may be appropriate to relevant division/Public authorities u/s 5(4) and 6(3) of the RTI Act, 2005 respectively and inform the applicant immediately/about such transfer. However, if the CPIO is not able to find out as to which division/public authority is concerned with the information even after making reasonable efforts to find out the concerned division/public authority to which the application could be transferred. It would, however, be the responsibility of the CPIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned division/public authority.

Name & address of the Appellate Authority may also be mentioned in the reply, so that the applicant can make an appeal within 30 days from the expiry of such period or from the receipt of decision given by the public authority, if he is aggrieved by the decision.

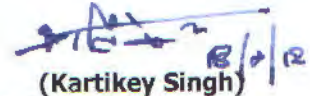
In this context please refer the order of the full bench of CIC in Appeal No. CIC/AT/A/2008/01280, dated 29.09.2008 between Sri Ketan Kantilal Modi Vs. Central Board of Excise & Customs wherein it is held as under:-

"In case CPIO, CBEC transfers appellant's RTI application electronically to the subordinate Commissionerates, the latter shall process these information requests as independent requests under Section 6(1) and collect from the petitioner all requisite fees including the application fee as if the application were made independently by him to that public authority subordinate to the CBEC."

No copy is required to be endorsed to Head Office for information

Yours faithfully,

Encl: As above


(Kartikey Singh)

CPIO/Regional P. F. Commissioner-I (Pension)

Copy to:-

Shri Varinder Kumar Gupta,
#282, Urban Estate Phase-2,
Patiala (PB) 147002..-For information.

You are advised to approach the above Public Authority for further information regarding the matter and for any grievance regarding non-receipt of information.



S.No. 100

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कर्मचारी भविष्यनिधि संगठन

श्रम मंत्रालय भारत सरकार

Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)

भविष्य निधि भवन, 14-भीकाजी कामाप्लेस, नई दिल्ली - 110066

Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi - 110066

www.epfindia.gov.in, www.epfindia.nic.in

No. Exem/10(56)2018/RTI/Appeal/ 1356-58

Dated:

ORDER IN APPEAL UNDER RTI ACT, 2005

12 JUL 2018

An appeal under section 19(1) of the RTI Act, 2005 filed by Shri Varinder Kumar Gupta vide letter dated 11.06.2018 against the information furnished by the CPIO/RPFC-I (Exemption). Applicant has mentioned that the information furnished by the CPIO (Exemption) vide letter No. Exem./10(56) 2018 / RTI /1571 dated 21.05.2018 in response to the RTI application dated 11.05.2018 is not satisfactory.

2. The appeal filed by the appellant has been considered by the undersigned and is pleased to pass the following order -

i) The information sought under point no (1) of the applicant's RTI application dated 11.05.2018, is freely available on the official website of EPFO under the Tab, "Status of Establishments". As far as the signed/attested copies of the information is concerned, the order of the Information Commission in the matter of K. Lall vs M. K. Bagri and the order of the CIC dated 02.05.2016, in the matter of Smt. Nirmal Garg, Delhi may be referred to, where the Commission has clearly laid down that the information which is freely available or is available on payment of predetermined price from any public domain cannot be considered as an accessible information under RTI Act, 2005 since it is not exclusively held or controlled by a public authority and hence cannot be furnished under the RTI Act, 2005.

ii) Further the information sought under point no.(2) of the RTI application dated 11.05.201, regarding the list of exempted establishments under EPF Scheme, 1995 but not under EPS, 1995 wherein EPS, 1995 member are getting pension on actual or full salary is not available with the EPF exemption section. However, the CPIO (Exemption) is directed to forward this point to CPIO(Pension) for providing the available information, if any, to the applicant directly.

3. The appeal is disposed off accordingly.

4. Further, appeal under the RTI Act, 2005 lies with the Hon'ble Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067.

Chandramouli Chakrobarti
12.07.2018

(Chandramouli Chakrobarti)

Appellate Authority/Addl. Central P.F. Commissioner-(Exemption)

To

Shri Varinder Kumar Gupta,
282, Urban Estate Phase-2,
Patiala (PB) 147002.

Copy to:

1. CPIO(Exemption)...for necessary action.

2. CPIO(Pension)...for furnishing the information on point no (2) sought by the applicant in the RTI application dated 11.05.2018 (copy enclosed).

635
18/7/18

13/7/18



फाइल 1(LR)
कर्मचारी भविष्य निधि संगठन

SPEED POST

EMPLOYEES' PROVIDENT FUND ORGANISATION

(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भिकाजी कामा प्लेस, नई दिल्ली-110 066

Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi-110 066.

Dated:-

No. PID/HQ/219/2018

The CPIO, RPFC,
Exemption
Head Office

16/5/2018

11 MAY 2018

Sub: Supply of information under Right to Information Act, 2005 - reg.

Sir,

Please find enclosed herewith a letter of Sh Varinder Kumar Gupta received in this office on 04.05.2018, for seeking information under the Right to Information Act. Copy of the letter is transferred to you U/S 6 - (3) of RTI Act, 2005 for necessary action under the Right to Information Act, 2005. The information has to be provided directly to the applicant under intimation to the undersigned. It is certified that the applicant has deposited the application fee i.e. Rs.100/-.

If the desired information does not pertain to the concerned division or some part of information is held by other division or public authority, the concerned CPIO shall forward /transfer the application or such part of it as may be appropriate to relevant division/Public authorities u/s 5(4) and 6(3) of the RTI Act, 2005 respectively and inform the applicant immediately/about such transfer. However, if the CPIO is not able to find out as to which division/public authority is concerned with the information even after making reasonable efforts to find out the concerned division/public authority to which the application could be transferred. It would, however, be the responsibility of the CPIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned division/public authority.

If some part of the information is the concern of a public authority under any State Government or the Union Territory Administration, the CPIO receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

Name & Address of the Appellate Authority may also be mentioned in the reply, so that the applicant can make an appeal within 30 days from the expiry of such period or from the receipt of decision given by the public authority, if he is aggrieved by the decision

Yours faithfully,

(Gyanendra Kumar)

Assistant P.F. Commissioner (PID)

Copy to:-1 Sh. Varinder Kumar Gupta
#282, Urban Estate Phase-2
Patiala (PB)- 147002

(Gyanendra Kumar)

Assistant P.F. Commissioner (PID)

FORM 'A'

The Public Information Officer
Central Provident Fund Commissioner
Employees Provident Fund Organization
(Ministry Of Labour & Employment, Govt. of India)
Head Office
Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Place
New Delhi-110066

(1) Full Name of Applicant: -

Varinder Kumar Gupta

(2) Address: -

#282 URBAN ESTATE, PHASE-2. PATIALA (Punjab). (147002)

(3) Particulars of Information required: -

1. Regarding supply of Detail list of EPS-95 Exempted establishments (duly signed)
2 Regarding supply of complete List of various exempted establishments (Exempted for EPF but unexempted from EPS) wherein some of the EPS'95 Members are getting pension on actual/full salary (Duly Signed)

(a) Subject matter of information: -

1. Regarding Supply of Detail list of EPS-95 Exempted establishments (duly signed)

2 Regarding supply of complete List of various exempted establishments (Exempted for EPF but unexempted from EPS) wherein some of the EPS'95 Members are getting pension on actual/full salary (Duly Signed)/attested

(b) Description of the information required:-

You are requested to provide following information under R.T.I. act 2005:-

1. Regarding Supply of Detail list of EPS-95 Exempted establishments (duly signed)

2 Regarding supply of complete List of various exempted establishments (Exempted for EPF but unexempted from EPS) wherein some of the EPS'95 Members are getting pension on actual/full salary (Duly Signed)

(4) Whether the Information required by post or in person: - by Post

(5) In case by post (Ordinary registered or Speed):-

Regd.

I am enclosing here-with Indian postal order/Crossed Cheque NO. 926 071921 Worth Rs. 100 =

(Rs One Hundred only.) in favour of Employees Provident Fund Organization Payable at New Delhi as per R.T.I. act 2005.

Encl:- Two Postal order of Rs 50/- each

Place:- Patiala

Dated:- 01/05/2018

Signature of applicant

(Varinder Kumar Gupta)

#282, Urban Estate Phase-2

Patiala (PB) (147002)

Reply:

Detail, and list of the available on our website
available on our website
all detail, attached, b/follow