Dated Shi

49

3699
13 JUN 2017

: 2 :

Form 'A'
[See rule 3 (1)]

APPLICATION FOR INFORMATION UNDER THE RIGHT TO INFORMATION ACT 2005

To

The Public Information Officer/Assistant Public Information Officer

(Name of the Department from which the information is sought) Director, L A D, Shimla - 9

(a) Subject matter of the information Payment of Leave encashment arrear PA Road.

(b) Period to which the information relates. Month & year Letter No. dt 20 4/2017 enclosed. Fin (C)(C)8) 1/2008 dt 13 8/2013 order of C.D. cannot be ordered to be applied retrospectively. My dues are due before 31-5-2012. Reason explains with Notesheet

(c) Description of the information required

(d) File No. if available

(e) Whether the applicant claims exemption as below poverty line family, if yes, attach proof —

(f) Particulars of Demand Draft or ~~Challan No~~, amount and date

38 F 849439 Rs. 10/- only dt 20 4/2017

Applicant

Name Manjeet Goel

Address Blessing Home Near D.C. Office, Solan

Telephone No.

L 13/6

13/6

AA-I

ACKNOWLEDGEMENT

Received your application dated ______ alongwith Demand draft/challan No. ________ amounting to Rs. ____ vide diary No. ____________ dated ______________

(Signature)
Public Information Officer/
Assistant Public Information Officer
Name of the Department/Public Authority

-97- RE 777127568
dt. 20/4/2017
Registry No

To

The Director

Local Audit Department

Himachal Pradesh Shimla- 171009

Subject: Regarding bill no. 209 dated 28-07-2016 amounting to Rs. 79200/- leave encashment arrear to Smt. Manjeet Oswal, PA (Retd.)

Reference:

1. Your letter No. Fin(LA)H(2)C(15)(14)40/76-Vol-11-1822, Dated, 25 March 2017
2. My letter No. Dated 28 February 2016

Sir,

In this connection it is again submitted;

1. That you are again and again tritely siting some clarification of (Finance Department) that **"the matter was examined in the finance department. It is clarified that Smt. Manjeet Oswal is not entitled for the Benefit of payment of difference amount of leave encashment"**, without giving any reason or rule/law.

   It is solely Smt. Manjeet Oswal who is entitled for the benefits which are due in her favour under the rules and no one else.

2. The payment of bill no. 209 dated 28-07-2016 amounting to Rs. 79200/- has to be paid to Smt. Manjeet Oswal as provided under rule 39(2)(b) of C.C.S. leave rule 1972. As has already been explained to you by my representation dated 28 February 2016 (copy enclosed)
3. Your cryptic and snubbing citation of Finance Department is illegal and against the rule. Such denial and refusal has to be reasoned one.

It is therefore prayed that the payment of Bill no. 209 amounting to Rs 79200/- has to be paid to the applicant with interest without any further delay as the applicant is suffering financial loss **at the age of 63 (Senior citizen).**

Applicant,

M Oswal

Smt. Manjeet Oswal

R/o Blessing Home,

Near DC office Solan

Distt. Solan (H.P.)

20/4/2017

Copy forwarded to:

- The Managing Director, HP State Agriculture Marketing Board, Khalini Shimla-2 for information and necessary action please.
- The Secretary, Agriculture Produce Market Committee Solan, District Solan, HP for application and necessary action.
- Section Officer, Resident Audit Scheme, Agriculture Produce Market Committee Solan, District Solan, HP for information and necessary action.

-98-

I-515/2005 Fin (LA) Vol-8 -3403

Government of Himachal Pradesh,
Local Audit Department

From:

Director,
Local Audit Department,
Himachal Pradesh Shimla-171009

To

Smt. Manjeet Oswal,
R/o Blessing Home,
Near D.C. Office Solan,
Solan-H.P.

Dated : Shimla -171009, the......19 JUN 2017

Subject: **Information under the right to information act, 2005**

Madam,

I am to refer to your RTI application No. nil dated nil (received in this office on dated 13.06.2017) and to say that the information as required by you consists of 4 (Four) A-4 size pages and can be supplied on deposit of additional fees of Rs. 40 (in case you desire the information via registered mail) or Rs. 23 (via ordinary mail) worked out as under:

		Ordinary Post	**Registered Post**
Application Fees		Rs. 10	Rs.10
Fees for information		Rs.8/- **(4 pages @ Rs.2)**	Rs.8/- **(4 pages @ Rs.2)**
Postage Charges			
For this letter **(Ordinary post)**	-	5	5
For subsequent communication via **Ordinary post**	10	10	----
For subsequent communication via **Registered post**	27	-----	27
Total Fees		33	50
Less Fees already paid Rs.10		10	10
Fees now payable		**23**	**40**

Yours faithfully,

Public Information Officer-
Cum- Joint Director
Local Audit Department,
H.P.Shimla-171009

-९१-

Regd

To

The Director
Local Audit Department
H.P. Shimla - 9.

Local Audit Department
H.P., Shimla
Diary No. 4049
Date 04 JUL 2017

Sub: Information under the right to information act, 2005.

Sir

Refer your letter No 3403 dt 19 June 2017, Pl. find enclosed herewith I.P.O. Nos 19G 927856 + 19G 927857 dt 27/6/2017 as required by you, for supply of related full information.

Enclosed 2 No
I.P.O.

Applicant
Manjeet-oswal
Blessing Home
Near D.C. Office Solan

4-7-17

4/07

AAI

RTI Matter
Registered

No. I-515/2005 -Fin (LA)-Vol-8 -4150
Government of Himachal Pradesh,
Local Audit Department.

From;

The Director
Local Audit Department
Himachal Pradesh, Shimla-171009.

To

Smt. Manjeet Oswal,
R/o Blessing Home,
Near D.C. Office, Solan,
Solan, H.P.

Dated, Shimla-171009, the, 06 JUL 2017 2017

Subject:- **Information under the right to information act, 2005.**

Madam,

With reference to your RTI application No. nil dated nil (received in this office on 13.06.2017) find enclosed herewith the information as requested by you consisting of 4 No. of A- 4 size pages.

In case you are not satisfied with this information you may prefer an appeal before Shri D.D. Sharma, Director, Local Audit Department, H.P. Shimla-9-the designated appellate authority within next 30 days.

Yours faithfully,

(Padam Singh Kanwar)
Public Information Officer-cum-
Joint Director,
Local Audit Department,
HP Shimla-9.
Phone No. 0177-2620046

Encl. As above (Page 1 to 4)

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दैनिकी सं0–7277, दिनांक 6.12.2016, पृ0–1 से 3/पत्रा.
<u>दैनिकी सं0–7327, दिनांक 7.12.2016, पृ0–4 से 7/पत्रा.</u>

वि0प0 1 :– अनुभाग अधिकारी(ले0प0), निवासी अंकेक्षण योजना, कृषि उपज मण्डी समिति सोलन से प्रबन्ध निदेशक, हि0प्र0 राज्य कृषि विपणन बोर्ड खलीनी से प्राप्त पत्र पृ0–8/पत्रा. के सन्दर्भ में प्राप्त हुआ है, जिसके अन्तर्गत उन्होने श्रीमती मनजीत ओसवाल, आशुटंकक(सेवा निवृत) को सेवा निवृति उपरान्त देय अनुपयोगी अर्जित अवकाश की शेष राशि की अदायगी हि0प्र0 सरकार के पत्र

17/-8- संख्याः(Pen)A(3)-12/2010 दिनाँक 13.03.2016 तथा फिन(सी)ए(3)–1/2008 दिनाँक 13.8.2013 के अन्तर्गत करने बारे उचित दिशा निर्देश जारी करने हेतु आग्रह किया है।

वि0प0–2 :– उपरोक्त विषय के सन्दर्भ में ही श्रीमती मनजीत ओसवाल, आशुटंकक(सेवा

18/-9- निवृत) से पृ–4से 6 प्राप्त हुआ है।

उपरोक्त वि0पत्रों के सन्दर्भ में प्रस्तुत है कि श्रीमती मनजीत ओसवाल दिनांक 31.5.2012 को अधिवर्षिता की आयु पूर्ण करने उपरान्त सेवा निवृत हुई। श्रीमती मनजीत ओसवाल, आशुटंकक को उनकी सेवा निवृति के उपरान्त दिनांक 1.10.1997 से कनिष्ठ वेतनमान आशुलिपिक तथा 1.10.2007 से निजी सहायक के पद पर पदोन्नत किया गया (पृ–11 से 34/पत्रा.)। हि0प्र0 राज्य कृषि विपणन बोर्ड खलीनी द्वारा श्रीमति ओसवाल के पक्ष में देय सेवा निवृति लाभों का उनके पक्ष में बिल सं0 506 दिनांक 28.3.2013 को किया जा चुका है (पृ–35 से 36/पत्रा.) परन्तु हि0प्र0 राज्य कृषि विपणन बोर्ड द्वारा बिल सं0 209

19/10- दिनांक 28.7.16 अनुसार श्रीमती मंनजीत ऑसवाल के पक्ष में उनके अर्जित अवकाश खाते में अनुप्युक्त अवकाश के एवज में शेष 79200/– (पृ–1 से 3/पत्रा.) के भुगतान हेतु प्रस्तुत किया गया है, जबकि अनुप्युक्त अर्जित अवकाश से सम्बन्धित 3,57,145/– का भुगतान उनके पक्ष में हि0प्र0 राज्य कृषि विपणन बोर्ड के पत्र संख्या एचएमबी/10–17/79–खण्ड–5–4891 दिनांक 26.07.2016 (प्रतिलिपि संलग्न) द्वारा किया जा चुका है। अतः इस सन्दर्भ में अंकेक्षण द्वारा यह आपति उठाई गई कि CCS Lerave Rules 1972 and also in terms of Rule 39(2) of CCS(Leave) Rules 1972 अनुसार शेष अर्जित अवकाश के एवज में देय राशि का भुगतान एक मुश्त ही किया जा सकता है तथा प्रदेश सरकार की अधिसूचना सं0 फिन–सी(ए)(3)–1/2008 दिनांक 13.8.13 द्वारा भी इस बारे स्पष्ट निर्देश जारी किए गए है, (पृ–43 से 47/पत्रा.) जबकि बोर्ड द्वारा उक्त प्रकरण दो बार प्रस्तुत किया गया।

इस सन्दर्भ में श्रीमती मंनजीत ऑसवाल सहित हि0प्र0 कृषि विपणन बोर्ड द्वारा

20/11- भी आपति उठाई गई है। उनका मानना है कि उपरोक्त वर्णित अधिसूचना तथा नियम इस प्रकरण में लागू नही होते है।

अतः कृप्या यदि मान्य हो तो, श्रीमती मंनजीत ऑसवाल, सेवा निवृत आशुटंकक के अनुप्युक्त अवकाश की शेष राशि के भुगतान से सम्बन्धित प्रकरण प्रदेश सरकार

21/12- के वित विभाग को स्पष्टीकरण हेतु भेजा जाना प्रस्तावित हैं, कि सेवा निवृति से सम्बन्धित देय लाभों का भुगतान फिन–सी(ए)(3)–1/2008 दिनांक 13.8.13 के अनुसार किया जा सकता है अथवा नही ?

अतः कृप्या नस्ति आगामी आदेशार्थ प्रस्तुत है।

12/12/16

अ-अनु(त.)

Deputy Director-II

13-12-16

22/13- Smt. Manjeet Oswal, Personal Asstt. retirem from A.P.M.C, Solan on 31-5-2012.

Information supplied under RTI Act to :

Name of the applicant : Smt. manjeet oswal

Whether BPL or not : Not.

PIO-cum-
Joint Director,
Local Audit Department
H.P. Shimla - 171009

F.P.P.

After retirement she was promoted as Jr. Scale Steno w.e.f. 1-10-1997 and P.A w.e.f 1-10-2007 and after retirement she was paid a sum of Rs. 328,190 (as per P-40) as leave encashment. After fixation of Pay on Promotion's after retirement the difference bill of Rs. 79,200/- of leave encashment (P 1 to 3) was presented for passing & payment at Resident Audit Scheme, A.P.M.C, Solan which was objected by audit with the observations that " the leave encashment case be regulated under the provisions of Rule 39 (2)(b) of C.C.S leave rules 1972 and as per O.M. No. Fin.(C) A (3) - 1/2008 dated 13-8-2013 (P-9) as the leave encashment shall be payable in one lumpsum as one time settlement.

Vide P.U.C's the claimant 23/14 is representing (P-4 to 7) that she was retired on 31-5-2012 i.e before issue of O.M. dt 13-8-2013 and managing

Information supplied under RTI Act to :

Name of the applicant : Smt. Manjeet Oswal

Whether BPL or not : Not.

PIO-cum-
Joint Director,
Local Audit Department
H.P. Shimla - 171009

Director, H.P Marketing Board is of the opinion that the financial benefits to Smt. Oswal, P.A (Retd.) has been allowed on actual basis from due date of promotion and O.M. dt. 13-8-2013 does not apply in the instant case. (P-8)

May if approved, clarification

24/15- from H.P. Govt. Finance Department be obtained as to whether the O.M. dt. 13-8-2013 read with Rule 39 (2) (b) of C.C.S leave rules 1972 is applicable in this case as the difference of leave encashment pertains to the retirement before issue of O.M.

Submitted please

15/12/16

25/

Additional ~~Director~~

16/12

Director

16.12.16

Jt. Secretary (Regulation)

3395/55 (FM)

16/12

Information supplied under RTI Act to :

Name of the applicant : Smt. Manjeet Oswal

Whether BPL or not : Not

PIO-Cum-
-Joint Director,
Local Audit Department
H.P. Shimla - 171009

वित्त (विनियमन) विभाग
डा० संख्या 5383081
दिनांक 26-12-2016
Fin(C)A(3)-1/2014-L

FINANCE (REGULATION) DEPARTMENT

N:15 :- Examined in the Finance Department. It is clarified that Smt. Manjeet Oswal is not entitled for the benefit of payment of difference amount of leave encashment. -26/16-

Joint Secretary (Fin. Reg.)
24.01.2017

Director (LAD)
24-01-2017

AD (LAD)

27/01

DD-II

27/1

S.O (T)

दैनिकी संख्या–7482, दिनाँक 15.12.2016, पृष्ठ संख्या–48 से 51/पत्रा.

विचाराधीन पत्र अनुभाग अधिकारी, (ले०प०) निवासी अंकेक्षण योजना, कृषि ऊपज मण्डी समिति सोलन हि०प्र० से प्राप्त हुआ है, जिसके अन्तर्गत उन्होंने श्रीमती मनजीत ओसवाल द्वारा टि. सः 17 से 26 (पृ–25 से 47/पत्रा.) के सन्दर्भ में ही सीधे पत्राचार करने बारे सूचित किया है। -27-

कृपया उक्त प्रकरण टि. सः 17 से 26 (पृ–25 से 47/पत्रा.)के सन्दर्भ में वित्त (विनियमन) विभाग द्वारा स्थिति स्पष्ट की गई है। अतः उक्त प्रकरण का निपटारा वित्त (विनियमन) विभाग द्वारा दिए गए स्पष्टीकरण के अन्तर्गत करने हेतु वॉछित सूचना सम्बन्धित विभागों को प्रेषित करने के लिए प्रारुप महोदय जी के अनुमोदनार्थ प्रस्तुत है। -28-

28/01/17

अ० अ० (त०)

N:27-28- Draft is placed below for kind approval/Signature please -29-

~~Deputy Director-II~~
28-1-17

~~Additional Director~~

28/1/17

28/01

DD-II

30/1/17

S.O (T)

PA-I

30-1-17

Information supplied under RTI Act to :

Name of the applicant : Smt. Manjeet Oswal

Whether BPL or not : not

PIO-cum-
Joint Director,
Local Audit Department
H.P. Shimla - 171009