

Recd. on 9/5/24 ; VED PRAKASH
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**Before the First Appellate Authority,
Cum- Executive Director (CP & MM),
Power Grid Corporation of India Ltd.**

**Ministry of Power, Corporate Office: Saudamini, Plot No. 2, Near IFFCO,
Chowk, Sector-29, Gurugram, Haryana-122001**

Contact No.: 0124-2571994, E-mail: appellate.cc@powergrid.co.in

Exercises the Powers under the Right to Information Act, 2005

Name of the appellant: - Ved Parkash S/o Late Sh. Balbir Singh.

Address: - Village, P.O & Tehsil: KANINA. Distt. Mahendergarh,
Haryana. Pin- Code 123027. Contact No. 8376945042.

Name & address of the respondent: - Central Public Information Officer,
Senior General Manager (CP), Power Grid Corporation of India Ltd. Ministry of
Power, Corporate Office: Saudamini, Plot No. 2, Near IFFCO, Chowk, Sector-29,
Gurugram, Haryana-122001
Contact No.: 0124-2822732,
E-Mail ID: cpiio.cc@powergrid.co.in

**First appeal under section 19 (1) of the R. T. I. Act, 2005, against respondent
for declining the information sought through application dated 27/03/2024,
moved under section 6 (1) of the R. T. I. Act, 2005.**

Hon'ble Madam,

Appellant most respectfully and humbly submits as under:-

1. That appellant is a citizen of India and has legal right to get information from any public authority under the Right to Information Act, 2005.
2. That office of the respondent falls within the purview of public authority and is legally bound to provide information sought under The R. T. I. Act, 2005.
3. That an application dated 27/03/2024, seeking information under section 6 (1) of the R. T. I. Act, 2005, was moved to the respondent CPIO through speed post vide postal receipt number EH019707060IN dated 27/03/2024, issued by post office Rewari SO, Haryana.

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4. That required fee of rupees ten in the form of **Indian Postal Order** bearing number 61F 717360, issued by post office Farrukh Nagar, Distt. Gurugram, Haryana, on dated 18/03/2024, was attached with the RTI application dated 27/03/2024.
5. That subject matter of information is that applicant Ved Parkash S/o Late Sh. Balbir Singh, is a permanent resident of village, P.O. & Tehsil Kanina, Distt. Mahendergarh, Haryana. He has worked as SECURITY GUARD in your office from JULY 2013 to 28/12/2023 under "P.K.G. AGENCY" & "ASHWANI KUMAR BARARA". Applicant has moved a written complaint dated 17/01/2024, addressed to the Chairman & Managing, Power Grid Corporation of India Ltd, Corporate Office: Saudamini, Plot No. 2, Near IFFCO-CHOWK, Sector-29, Gurugram, through speed post dated 18/01/2023. After getting no information another complaint dated 16/03/2024 has been sent to the Chief of Vigilance Officer (CVO), Power grid Corporation of India ltd, Main Office Sector 29, Gurugram, through speed post vide receipt No: EH067374132IN dated 16/03/2024, As per Indian Post Tracking Report same has been delivered on dated 18/03/2024. It is pertinent to mention here that same issue of illegal deduction of Rs. 8000/- from the salary of OCTOBER 2022 regarding last TEN MONTHS have also been reported to the Hon'ble Authority through different complaints particularly complaint dated 24/04/2023, moved by another Security Guard, Suresh Kumar S/o Late Ram Kumar R/o villahe Khera-jhanjhrola Distt. Gurugram, Haryana through speed post receipt number EH009677235IN dated 24/04/2023. Matter is concerned with the same subject.

As per Contract Labour (Regulation and Abolition) Act, 1970 and Contract Labour (Regulation and Abolition) Rules, POWERGRID is a **"PRINCIPAL EMPLOYER"**, of the labourers working under contractor (s) under its jurisdiction.



Section 21 of the Contract Labour (Regulation and Abolition) Act, 1970 fixes the responsibility of the Principal Employer for Payment of Wages. CHAPTER VI (WAGES), Rule 72 and Rule 73, of The Contract Labour (Regulation and Abolition) Central Rules, 1971, which is applicable in the State of Haryana also stipulates the duty of the Principal Employer regarding distribution of wages by the contractor.

Rule 74 in CHAPTER VII stipulates that Every Principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

Rule 78. Muster Roll, Wages Registers, Deduction Register and Overtime Register.—

[(1) (a) Every contractor shall in respect of each work on which he engages contract labour,— (i) maintain a Muster Roll and a Register of Wages in Form XVI and Form XVII respectively: Provided that a combined Register of Wage-cum-Muster Roll in Form XVIII shall be maintained by the contractor where the wage period is a Fortnight or less; (ii) maintain a Register of Deduction for damage or loss, Register of Fines and Register of Advances in Form XX, Form XXI and Form XXII respectively; (iii) maintain a **Register of Overtime** in Form XXIII recording therein the number of hours of, and wages paid for, overtime work, if any; (b) (c) (d) Every contractor shall, where the wage period is one week or more, issue wage slips in Form XIX, to the workmen at least a day prior to the disbursement of wages; Every contractor shall obtain the signature or thumb impression of the worker concerned against the entries relating to him on the Register of Wages or Muster Roll-cum-Wages Register, as the case may be, and the entries shall be authenticated by the initials of the contractor or his authorised representative and shall also be duly certified by the authorised

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representative of the principal employer in the manner provided in rule 73.

Requisite information be provided point-wise, duly attested and in annotated form.

Sought information is as under:-

- a) Provide complete data of attendance of mine, marked, by the “PARVEEN KUMAR GOYAL SECURITY AGENCY (PKG Security Agency)”, through “BIOMETRIC ATTENDANCE SYSTEM (BAS)”, ATTENDANCE REGISTER’s certified copy, WAGE REGISTER’s certified copy, pertaining to entire month of OCTOBER 2022.
- b) Provide complete data of attendance of mine, marked, by the “M/S. ASHWANI KUMAR BARARA, SECURITY AGENCY”, through “BIOMETRIC ATTENDANCE SYSTEM (BAS)”, ATTENDANCE REGISTER’s certified copy, WAGE REGISTER’s certified copy, pertaining to entire month of SEPTEMBER AND DECEMBER 2023.
- c) Provide **CERTIFIED COPY OF ‘DEDUCTION REGISTRE FOR DAMAGE OR LOSS’** maintained by the said agency / Contractor pertaining to year 2022 duly certified by the authorised representative of the principal employer in the manner provided in rule 73 and complete details of DEDUCTED AMOUNT, which have been deducted from the salary of month OCTOBER 2022, on the name of recovery of SO CALLED EXCESS AMOUNT allegedly earlier paid to me, pertaining to my last 10 months salary, certified copy of official order issued by the competent authority of POWERGRID regarding alleged deduction for recovery.

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- d) Provide certified copy of payment made by the Principal Employer to the said security agency (contractor) against my remuneration pertaining to period from JANUARY 2022 TO OCTOBER 2022.
- e) Provide certified copy of 'REGISTER OF CONTRACTOR MAINTAINED IN FORM "XII" as prescribed under Rule 74 in CHAPTER VII of the aforesaid act, pertaining to said contractor.
- f) Provide certified copy of "ORDER" of MINIMUM WAGES issued by the GOVERNMENT OF INDIA, MINISTRY OF LABOUR EMPLOYMENT, OFFICE OF THE LABOUR COMMISSIONER (C), NEW DELHI, payable from 01/04/2022, pertaining to the employees employed on WATCH AND WARD (without arms) and its order of the Principal Employer to the said Contractor for the enforcement of this order.
- g) Provide certified copy of CONTRACT-DEED, executed between the PRINCIPAL EMPLOYER (AUTHORITY) and "P.K.G. AGENCY" and after that with "ASHWANI KUMAR BARARA" pertaining to the H.O. Gurugram of Power Grid Corporation of India Ltd.
- h) Provide certified copy of DUTY ROASTER of ASHWANI KUMAR BARARA SECURITY AGENCY, regarding duty of Security Guards, pertaining to period from 1st July 2023 to 31st December, 2023.
- i) Provide complete details of final settlement of applicant Ved Parkash which was provided by the Contractor / Principal Employer after retrenchment/ termination of the applicant including details of NOTICE PAY, PAYMENT AGAINST ALL TYPES OF LEAVES, GRATUATY ETC.

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j) Provide certified copy of complete CHARGE-SHEET along with all documents, complaints, list of complainants etc., issued to the applicant / delinquent employee Ved Parkash by the M/S ASHWANI KUMAR BARARA, SECURITY AGENCY, whose copy of sent by said agency to the CHIEF GENERAL MANAGER 9HR ADMIN), POWER GRID CORPORATION OF INDIA, LTD. SECTOR 29 GURUGRAM.

6. That as per Indian Post Tracking Report, item booked at Rewari SO, through postal receipt number EH019707060IN dated 27/03/2024 has been delivered on dated 28/03/2024.
7. That earlier you had sent a TEXT MESSAGE on my mobile number stating that you had sent reply having REGISTRATION NO. PGCIL/R/P/24/00085 and suggested to get it through online portal.
8. That as per your message I had visited the said website and tried to track the reply by adding said Registration No. PGCIL/R/P/24/00085 stated by you. In this portal REGISTRATION NUMBER AND E-MAIL ID IS MANDATORY. I had filled your E-Mail ID cpio.cc@powergrid.co.in in the column of E-Mail ID but same did not match. It is pertinent to mention here that I have not provided my personal ID to you. When I filled my personal E-Mail ID, same also did not match. Hence I could not get the information.
9. That hence after passage of thirty two days when the RTI application dated 27/03/2024 was received on dated 28/03/2024, first appeal dated 29/04/2024 has been moved before your worthy office through speed post vide postal receipt number EH591114295IN on the ground of non providing the information same has been delivered on dated 30/04/2024 but same has not been listed for hearing so far.
10. That now I have received your letter bearing No. PGCIL/R/E/23/M-47 dated 22/04/2024 which have posted vide Postal receipt number

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EH178053065IN posted on dated 26/04/2024 from Gurugram BPC and has been delivered on dated 30/04/2024 to me.

11. That through your letter No. PGCIL/R/E/23/M-47 dated 22/04/2024 you have declined the entire information on one and another pretext. Information of 10 points from point (a) to point (j) has been sought through RTI application dated 27/03/2024. Point-wise details of declining the information is as under:-

Point (a):-

Information of this point has been declined under the garb of 7 (9) of the RTI Act, 2005 stating as follows:-

“The information sought by the petitioner is related to data of attendance of self marked by the security agency namely M/s PKG Security Agency. It may be informed that said contract has already been closed and retrieval of said information shall disproportionately divert the resources of public authority. Hence the request is disposed under section 7 (9) of the RTI Act,2005.

Hence, it is requested to seek the said information from the agency directly, as the same falls under the ambit of employer-employee relation.”

This information has been declined by the CPIO illegally and unlawfully. “BIOMETRIC ATTENDENCE SYSTEM (BAS)”, is the PROPERTY of the Principal Employer on the basis of which details submitted by the Contractor as per ATTENDANCE REGISTER Aand WAGE REGISTER is confirmed. Information has been sought in the same form as has been arranged by the contractor as well as Principal Employer. Hence the response of the CPIO is contrary to the fact.

Suggestion of the CPIO to seek information directly from the said agency is malafide as the agency does not come with the purview of RTI Act, 2005, while Principal employer is “PUBLIC AUTHORITY’ , and has entire sought information in its possession.

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Point (b):-

Information of this point has also been declined by the CPIO under the garb of Section 8 (1) (j) of the RTI act, 2005. Reply of the CPIO is as follows:-

“the information sought is exempted to be disclosed under Section (8) 1 (j) of the RTI Act, 2005. However, recovery was effected by the Security Agency on account of payment of bonus, since the minimum wages exceeded the threshold of Rs. 21,000.”

Information of this point has been declined illegally and unlawfully. Sought information is totally concerned with the applicant / appellant himself and no other party is involved in it. Hence ground of the CPIO is wrong.

Point (c) & point (d):-

Information of these two points have been declined same as point 1. Hence reply of the CPIO is totally wrong and misleading as has been mentioned in response to point 1.

Point (e):-

Information of this point has not been provided. Nothing has been provided regarding this particular point.

Point (f) & Point (g):-

Information of these two points have been declined same as point 1. Hence reply of the CPIO is totally wrong and misleading as has been mentioned in response to point 1.

Point (h):-

Information of this point has been declined by giving suggestion to seek information directly from the said agency. This suggestion is malafide as the agency does not come with the purview of RTI Act, 2005, while Principal employer is “PUBLIC AUTHORITY”, and has entire sought information in its possession.

Point (i):-

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Information of this point has been declined by giving suggestion to seek information directly from the said agency. This suggestion is malafide as the agency does not come with the purview of RTI Act, 2005, while Principal employer is "PUBLIC AUTHORITY", and has entire sought information in its possession.

Point (j):-

Information of this point has been provided at all. Nothing has been stated by the CPIO.

Hence, this fresh first appeal is preferred. Kindly consider my this fresh first appeal dated 08.05.2024 which has been filed on the ground of declining the information in place of my earlier first appeal dated 29/04/2024 which was filed on the ground of not providing the information within stipulated period of 30 days, as per provision of the Right to information Act, 2005. I shall be very thankful to you for this kind obligation.

Note: - Letter sent by the CPIO declining the information is **annexure-A-1**.

12.

Place: - Gurugram.

Dated: - 08/05/2024.

Applicant



Ved Parkash S/o Late Sh. Balbir Singh.
Village, Post Office & Tehsil- Kanina, Distt.
Mahendergarh, Haryana. Pin- Code 123027
Contact no.8376945042.

Annexure A-1

Annex-I

Reply RTI Shri Ved Prakash		
Sl No	Information Sought	Reply
1	Provide complete data of attendance of mine, marked, by the "PARVEEN KUMAR GOYAL SECURITY AGENCY (PKG Security Agency)", through "BIOMETRIC ATTENDANCE SYSTEM (BAS)", ATTENDANCE REGISTER's certified copy, pertaining to entire month of OCTOBER 2022.	<p>The information sought by the petitioner is related to data of attendance of self marked by the security agency namely M/s PKG Security Agency. It may be informed that said contract has already been closed and retrieval of said information shall disproportionately divert the resources of public authority. Hence the request is disposed under section 7(e) of the RTI Act 2005.</p> <p>Hence, it is requested to seek the said information from the agency directly, as the same falls under the ambit of employer-employee relation.</p>
2	Provide CERTIFIED COPY OF "DEDUCTION REGISTRE FOR DAMAGE OR LOSS" maintained by the said agency/ Contractor pertaining to year 2022 duly certified by the authorized representative of the principal employer in the manner provided in rule 73 and complete detail of DEDUCTED AMOUNT, which have been deducted from the salary of month OCTOBER 2022, on the name of recovery of SO CALLED EXCESS AMOUNT allegedly earlier paid to me, pertaining to my last 10 months salary, certified copy of official order issued by the competent authority of POWERGRID regarding alleged deduction for recovery.	<p>The information sought is exempted to be disclosed under Section (8)(j) of the RTI Act 2005. However, recovery was effected by the Security Agency on account of payment of bonus, since the minimum wages exceeded the threshold limit of Rs.21000/-</p>
3	Provide certified copy of payment made by the Principle Employer to the said agency (contractor) against my remuneration pertaining to period from JANUARY 2022 TO OCTOBER 2022	Same as point 1

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AGAINST ALL TYPES OF LEAVES, GRATUITY ETC.	
<p>9</p> <p>Provide certified copy of complete CHARGE SHEET along with all documents, complaints, list of complaints etc issued to the applicant/delinquent employee Ved Prakash by the M/s. ASHWANI KUMAR BARARA SECURITY AGENCY, whose copy of sent by said agency to the Chief General Manager (HR-Admin). POWER GRID CORPORATION OF INDIA LTD, Sector 26, CURUGRAM.</p>	<p>This falls under the ambit of employer employee relationship and may be sought from the respective employer.</p>

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4	Provide certified copy of "REGISTER OF CONTRACTOR MAINTAINED IN FORM "XII" as prescribed under Rule 74 in CHAPTER VII of the aforesaid act, pertaining to said contractor	
5	Provide certified copy of "ORDER" of MINIMUM WAGES issued by the GOVERNMENT OF INDIA, MINISTRY OF LABOUR EMPLOYEMENT, OFFICE OF THE LABOUR COMMISSIONER (.C), NEW DELHI, payable from 01/04/2022, pertaining to the employees employed on WATCH AND WARD (without arms) and its order of the Principle Employer to the said Contractor for the enforcement of this order.	Wage structure issued by DGR from time to time is being followed.
6	Provide certified copy of CONTRACT DEED executed between the PRINCIPAL EMPLOYER (AUTHORITY) and "P.K.G AGENCY" and after that with "ASHWANI KUMAR BARARA" pertaining to the H.O Gurugram of Power Grid Corporation of India Ltd.	Same as point 1
7	Provide certified copy of DUTY ROASTER of ASHWANI KUMAR BARARA SECURITY AGENCY regarding duty of Security Guards, pertaining to period from 1st July 2023 to 31st December 2023.	
8	Provide complete details of final settlement of applicant Ved Prakash which was provided by the Contractor / Principal Employer after retrenchment/ termination of the applicant including details of NOTICE PAY, PAYMENT	This falls under the ambit of employer employee relationship and may be sought from the respective employer.

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