

**ACTION HISTORY OF RTI REQUEST No.FSOID/R/E/23/00103**

**Applicant Name**

Kumar Kalbande

**Text of Application**

Respected CPIO, FSI, Dehradun Please refer to attachment. It is mentioned that office of DG,FSI, Dehradun has made various communication to Shri Kumar Kalbande, JTA. Now, Under RTI Act 2005, Please provide me following information 1) From Serial No 1 to Serial No 14 (ie from Date 30/7/2021 to 28/2/2022), Please provide me copy of receipts of the documents received by Kumar Kalbande with his signature as receiving except for point no 6 and 9. 2) For point no 9, Please provide date and inward entry at dispatch for copy of CAT order received to your office. 3) For point no 6 also, Please provide date and inward entry at dispatch for copy of CAT order received to your office. 4) Please provide copy of email received to your office by Shri Kumar Kalbande for change of place hearing since August 2022 to till date and copy of further action initiated by your office on the email. 5) Please provide me copy of payment done Shri Kumar Kalbande from 1st May 2021 to 30 th November 2023 and also provide information about total payment made to Shri Kalbande during above mentioned tenure 6) Please provide true copies of all the relevant documents including Notesheet and also copy of communication before 31stvDecember 2021 where FSI asked Kalbande to join Kolkatta office. I am ready to pay legal charges

**Reply of Application**

Please find attachment for the sought information.

<b>SN.</b>	<b>Action Taken</b>	<b>Date of Action</b>	<b>Action Taken By</b>	<b>Remarks</b>
1	RTI REQUEST RECEIVED	30/11/2023	Nodal Officer	
2	REQUEST FORWARDED TO CPIO	01/12/2023	Nodal Officer	Forwarded to CPIO(s) : (1) Kamal Pandey
3	REQUEST DISPOSED OF	29/12/2023	Kamal Pandey-(CPIO)	

Print

Respected CPIO, FSI, Dehradun

Please refer to attachment. It is mentioned that office of DG,FSI, Dehradun has made various communication to Shri Kumar Kalbande, JTA.

Now, Under RTI Act 2005, Please provide me following information

- 1) From Serial No 1 to Serial No 14 (ie from Date 30/7/2021 to 28/2/2022), Please provide me copy of receipts of the documents received by Kumar Kalbande with his signature as receiving except for point no 6 and 9.
  - 2) For point no 9, Please provide date and inward entry at dispatch for copy of CAT order received to your office.
  - 3) For point no 6 also, Please provide date and inward entry at dispatch for copy of CAT order received to your office.
  - 4) Please provide copy of email received to your office by Shri Kumar Kalbande for change of place hearing since August 2022 to till date and copy of further action initiated by your office on the email.
  - 5) Please provide me copy of payment done Shri Kumar Kalbande from 1st May 2021 to 30 th November 2023 and also provide information about total payment made to Shri Kalbande during above mentioned tenure
  - 6) Please provide true copies of all the relevant documents including Notesheet.
- I am ready to pay legal charges

**Chronology of events in respect of transfer of Sh. Kumar Kalbande, JTA (Complainant)  
from FSI Regional Office, Nagpur to Regional Office, Kolkata**

S. No	Date	Letter addressed by	Subject/ Description	Remarks
1.	30.07.2021	RD, Nagpur to Complainant	Reminded of total unauthorised absence of 291.5 days and further directed to attend duty instead of making meaningless representations.	
2.	30.07.2021	DG, FSI	Kumar Kalbande, JTA transferred to RO Kolkata along with 04 other JTA/STA (different zone).	
3.	30.07.2021	RD, Nagpur	Relieving order of Kumar Kalbande, JTA issued from Nagpur office with immediate effect with instruction to report FSI, Regional Office, Kolkata.	
4.	27.08.2021	FSI, DDN to Complainant	With reference to his representations/complaints, informed his payment is withheld due to his unauthorized absence from duty. Asked to apply for appropriate leave to his leave sanctioning authority (RD, Nagpur) to regularise period of his unauthorised absence and release of his salary.	
5.	22.10.2021 03.12.2021 23.12.2021	RD, Kolkata to DG, FSI	Informed DG, FSI that Kumar Kalbande, JTA did not reported their office.	
6.	27.10.2021	Hon'ble High Court Order	WP 3967/2021 filed by Kumar Kalbande in the Hon'ble High Court challenging his transfer order. Hon'ble High Court rejected the petition and opined that " <i>there is no ground whatsoever available here to find any fault in the transfer order</i> ".	
7.	18.11.2021	DG,FSI to RD, Nagpur	Memorandum of Charges issued in the name of complainant through Regional Director, FSI Regional office, Kolkata (controlling officer)	
8.	06.12.2021	RD, Kolkata to DG, FSI	Returned Memorandum of Charges issued and Informed as Kumar Kalbande, JTA not reported to their office, Memorandum of charges cannot be served to him.	
9.	23.12.2021	Hon'ble CAT Order	OA 514/2021 filed by Kumar Kalbande in the Hon'ble CAT challenging his transfer order. Hon'ble CAT rejected the OA on the basis of order dated 27.10.2021 issued by Hon'ble High Court.	
10.	29.12.2021	DG,FSI to RD, Nagpur	Memorandum of charges No. 7-20/2021-Adm-1598 dated 18.11.2021 forwarded to RD, Nagpur for serving it to Kumar Kalbande, JTA.	

11.	11.01.2022	RD, Nagpur to Kumar Kalbande, JTA	Memorandum of charges forwarded through post to his Govt., residential address available in official records by RD, Nagpur.
12.	31.01.2022	RD, Nagpur to Kumar Kalbande, JTA	Memorandum of charges forwarded through post to his permanent residential address available in official records by RD, Nagpur.
13.	01.02.2022	RD, Nagpur to DG,FSI	Informed that, Memorandum of charges delivered to permanent address of Kumar Kalbande, JTA.
14.	28.02.2022	RD, Nagpur to DG,FSI	Informed, sealed envelope containing Memorandum of charges received back at their office with a remark "refused to receive". Post office not been able to deliver even after multiple attempt.
15.	27.05.2022	RD, Nagpur	Receipt of Memorandum of Charges personally received by Kumar Kalbande, JTA
16.	17.06.2022	DG,FSI	Order issued for appointing IO & PO. On request of Kumar Kalbande, JTA all inquiries regarding his matter ordered to be conducted at FSI, Regional Office(Central), Nagpur
17.	01.08.2022	DG, FSI	Kumar Kalbande, JTA asked to report RO Kolkata on his transfer, so that his salary and medical bills payment may be released.
18.	20.09.2022	DG, FSI	Kumar Kalbande, JTA again asked to report RO Kolkata for his duties.
19.	01.11.2022 15.11.2022 21.11.2022	RD, Kolkata	On 01.11.2022 Kumar Kalbande requested for providing place to stay at Kolkata. The same was forwarded to RO Kolkata on 15.11.2022. On 21.11.2022 RD, RO, Kolkata informed that, Kumar Kalbande, JTA neither mentioned his date of arrival to Kolkata nor the period of his stay in guest house.
20.	31.03.2023 02.05.2023	DG, FSI	Explanation called within 10 days from Kumar Kalbande, regarding his unruly behaviour during hearing on 24.01.2023 in the premises of RD, Regional Office, Nagpur.
21.	12.05.2023	DG, FSI	Kumar Kalbande, JTA asked to join his duty station at RO Kolkata. He has also been offered that if he has no money, his tickets from Nagpur to Kolkata will be booked by this office.
22.	02.06.2023	RD, Kolkata to DG,FSI	RD, Regional Office, Kolkata vide recent letter no.S-37/2015-Admin (Part-IV)-196 dated 02.06.2023 has informed that Kumar Kalbande had never tried to join Regional Office, Kolkata.

संख्या-13-12/2023-प्रशा0-3275  
 भारत सरकार  
 भारतीय वन सर्वेक्षण  
 पो0ऑ0-आई0पी0ई0, कौलागढ़ मार्ग  
 देहरादून-248195

दिनांक 28 दिसम्बर, 2023

सेवा में,

लोक सूचना अधिकारी  
 भारतीय वन सर्वेक्षण  
 कौलागढ़ मार्ग, देहरादून।

विषय:- RTI under the Right to information Act, 2005.

संदर्भ:- पत्र संख्या:-13-9/2023-आर0टी0आई0-3075 दिनांक 06.12.2023.

महोदय,

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Shri Kumar Kalbande, Maharashtra के आर0टी0आई0 आवेदन पत्र संख्या:-Registration No. FSOID/R/E/23/000103 दिनांक 30.11.2023 के द्वारा मांगी गई उपलब्ध सूचना प्रशासन अनुभाग से प्रेषित की जा रही है।

भवदीया,

(सविता)

(सविता सेमवाल)

सहायक निदेशक (का0 एवं प्रशा0)

RTI Cell

संलग्न:-उपरोक्तानुसार

29/12

OA.514/2021

Central Administrative Tribunal,  
Mumbai Bench,  
Camp at Nagpur.

O.A.514/2021

Dated this Friday the 23<sup>rd</sup> day of December, 2022.

Coram: Dr.Bhagwan Sahai, Member (Administrative).

Kumar Bhaskar Kalbande,  
Occ. Junior Technical Assistant  
Forest Survey of India Central Survey  
of India, Central Zone Nagpur  
R/o CPWD Type 4 Quarter No.1,  
Block 66, Hanurma Temple Road, Civil Lines,  
Nagpur - 440 001. Mobile - 9356009568  
[kumarkalbande@gmail.com](mailto:kumarkalbande@gmail.com).

.. Applicant.

( By Advocate Shri A.M. Sudame ).

## Versus

1. Union of India, through  
Secretary, Ministry of Environment and Forest,  
Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi - 110 011.
2. The Director General,  
Forest Survey of India,  
P.O. IPE Kaulagarh Road,  
Dehradun - 248 195.
3. The Joint Director (P&A),  
Forest Survey of India,  
P.O. IPE Kaulagarh Road,  
Dehradun - 248 195.
4. Regional Director,  
Forest Survey of India,  
Central Zone, CGO Complex,  
Seminary Hills, Nagpur - 440 006.

.. Respondents.

( By Advocate Shri P.H. Khobragade ).

Order reserved on : 15.12.2022

Order delivered on : 23.12.2022.

**ORDER**

Shri Kumar B. Kalbande, Junior Technical Assistant, working under Forest Survey of India, Central Zone, Nagpur has filed this O.A. on 17.08.2021 seeking quashing and setting aside of order of Respondent No.3 dated 30.07.2021 transferring him from FSI, Central Zone, Nagpur to FSI, East Zone, Kolkata. The applicant's counsel Shri A.M. Sudame and Advocate Ms.Sushma, Additional Standing Counsel for the respondents were heard by Division Bench of this Tribunal on 27.08.2021. On that date, Shri Sudame submitted that the Joint Director, FSI, Zonal Office, Nagpur had submitted adverse reports against the applicant to Director General, FSI, Dehradun and because of some other complaints against him, he was transferred from FSI, Zonal Office, Nagpur to Kolkata as per the above transfer order.

2. Shri Sudame also sought to rely upon Supreme Court decision in case of Somesh Tiwari dated 16.12.2008 and presses for grant of interim relief as stay to the transfer order. However, in view of the relieving of the applicant as per the transfer order dated 20.07.2021, no interim relief was granted. The respondents were directed to file reply by 30.09.2021 and the applicant was permitted to file rejoinder, if any, by 27.10.2021. As per subsequent orders of Principal Bench, transfer cases have been assigned to Single Bench of the Tribunal.

3. On 16.12.2021 initially none appeared for the applicant but subsequently Shri Sudame joined and Advocate Ms.Sushma was also present for the respondents. On their request, the dates for filing reply and rejoinder were extended.

On 18.01.2022 Shri Akhilesh Potnis, proxy counsel for Shri A.M. Sudame appeared for the applicant and Advocate Ms.Sushma appeared for the respondents. Both of them were heard and the respondents' counsel sought additional time to file reply. In the light of pursis filed by the respondents enclosing therewith High Court decision in Writ Petition No.3967/2021 dated 27.10.2021, additional time for filing reply was allowed.

4. On 25.03.2022 both the counsels for the parties were heard when the respondents counsel sought further extension of time which was allowed. Subsequently the O.A. was heard again on 24.08.2022 when Shri I.A. Fidvi, proxy appeared for Shri A.M. Sudame and Shri P.H. Khobragade appeared for the respondents. Time sought by the applicant's counsel for filing rejoinder was allowed. Then on 19.10.2022 arguments of both the counsels were heard and the O.A. was reserved for orders.

5. During the final hearing of the case, the applicant's counsel contended that the applicant has filed a Writ Petition No.3967/2021 in Nagpur Bench of the Bombay High Court against the rejection of grant of interim relief to the applicant against the transfer order. The respondents have filed a copy of the High Court order in Writ Petition No.3967/2021 dated 27.10.2021. A perusal of this High Court order shows that challenge in Writ Petition was not rejection of grant of interim relief to the applicant against the transfer order. In the Writ Petition the present applicant in the O.A. had questioned his transfer order dated 30.07.2021 contending that it was actuated by malice, etc.

6. The High Court order dated 27.10.2021 was passed after hearing Shri Saurabh S. Bhende, counsel for the applicant



and Mrs.Suhasini N. Deshpande, counsel for Respondent No.1 in the Writ Petition. The High Court summarily rejected the Writ Petition filed by the present applicant in the O.A.

7. Since the applicant's Writ Petition challenging the same transfer order as has been challenged in the present O.A., has already been rejected by the High Court order in the Writ Petition No.3967/2021 dated 27.10.2021, nothing survives at this stage in this O.A. for adjudication by the Tribunal. Therefore, this O.A. stands disposed of. No costs.

(Dr.Bhagwan Siffai)  
Member (A).

H.

JD  
22/12/22