

 सत्यमेव जयते BHARAT SARKAR	भारत सरकार / Government of India वित्त मंत्रालय/ Ministry of Finance कार्यालय/ प्रधानआयुक्त सीमाशुल्क Office of Pr. Commissioner of Customs Mumbai Zone III, CSM International Airport Mumbai – 400 099	 INDIAN CUSTOMS
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F.No. Air Cus/40/07/(77)/2024-RTI**Date of order: 29-07-2024**

**INFORMATION GIVEN BY: Smt. C.T. SUJA, CENTRAL PUBLIC
INFORMATION OFFICER, C.S.M.I AIRPORT, MUMBAI.**

NO: 07/(77)/2024

Mr. Gaurav Kumar, (hereinafter referred as the applicant) had filed online application vide registration No. CCUM3/R/T/24/00035/2 dated 04/07/2024, under the Right to Information Act, 2005. Vide this application the information sought is reproduced verbatim:-

“1. As per para 8 of OM F.No.22034/4/2012 -Estt. (D) dated 02.11.2012, the judicial/Criminal proceedings against a government servant can be said to be pending from the date of Cognizance of the final report/Chargesheet by the Magistrate. In view of this, The Commissionerate may please provide that out of the three date option (a) to (c) given below, from which date the Commissionerates considers that the judicial/criminal proceedings is pending against the government servant.

(a) From date of prosecution sanction given by authority competent for joining/removal of government servant or

(b) From the date of filing the final report/chargesheet by the police/investigating agencies or

(c) From the date of cognizance taken by the magistrate on the final report/chargesheet filed by the police/investigating agencies..

2. Between April-2016 to April-2024 in the Commissionerate, How many prosecution sanctions against officers have been given by the Commissionerate.

3. Between April-2016 to April-2024 in the Commissionerate, How many officers have been given the vigilance clearance (even after prosecution sanction or filing of the chargesheet by police or investigating agencies) for the reason that the magistrate was yet to take cognizance of the chargesheet/final report filed by the police/investigating agencies by the time of sanction of vigilance clearance in accordance with OM F.No.22034/4/2012 -Estt. (D) dated 02.11.2012 .

4. Between April-2016 to April-2024 in the Commissionerate, How many officers have not been given the vigilance clearance for the reason that either the prosecution sanction given or the chargesheet have been filed but the magistrate have not taken cognizance of the chargesheet by the time of denial of the vigilance clearance.

5. Between April-2016 to April-2024 in the Commissionerate, How many officers have not been given the vigilance clearance for the reason that either the prosecution sanction given and the chargesheet have been filed of which the Magistrate have also taken cognizance of the chargesheet filed by the police/investigating agencies by the time of denial of the vigilance clearance.

6. Between April-2016 to April-2024 in the Commissionerate, please provide the details of the officers facing criminal proceedings and vigilance clearance given to them in the following format as given below:

Sl No., Name of the officer with designation, Issue in brief (with case No./date details), Date of prosecution sanction, Date of filing of the charge sheet by police/investigating agencies, Case No. filed by the Police/Investigating agencies, Date of Cognizance taken by the Magistrate, Whether Vigilance clearance given by the Commissionerate (Yes/No), Date of Vigilance clearance given by the Commissionerate, Reason for withholding the vigilance."

2. The reply from concerned section is reproduced below:-

"This Commissionerate conducts only preliminary investigations and forward the preliminary investigation reports to General Commissionerate for further investigation and action. Further enquiries, suspension, prosecution and penalty proceedings as well as issuance of Charge Sheets, etc., are being dealt by the Office of the Commissioner of Customs (General), Air Cargo Complex, Mumbai, Zone III since Disciplinary Authority for entire Mumbai, Zone-III is Commissioner (General), ACC, Sahar. Further, vigilance clearance to officers against whom any investigation/disciplinary proceedings are pending or prosecution has been sanctioned is being given by Centralized Vigilance Section."

3. The RTI Application dated 04/07/2024 is accordingly disposed of. An Appeal under Section 19 of the RTI Act, 2005 against this order lies before Shri Dhananjay Mali, Addl. Commissioner of Customs & First Appellate Authority, CSMI Airport, Mumbai – 400099, Maharashtra within 30 days of receipt of this order.

C T SUJA

CPIO & ASSISTANT COMMISSIONER

To

1. Mr. Gaurav Kumar,
RB9, IInd Floor, tarangini complex,
Mel Ayanambakkam, Chennai-600058.

2. Copy submitted to – The First Appellate Authority (FAA), C.S.M.I Airport, Mumbai Customs Zone III.