

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सुभाष रोड, सचिवालय परिसर, देहरादून- 248001

फोन नं० (0135) - 2713760, 2713661 फैक्स नं० (0135) - 2713724

7210075/2024

संख्या 2934/XXV-12(P&14-II)/2021 देहरादून : दिनांक 09 मई, 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर रिंग रोड, देहरादून।

विषय-

अपील संख्या-40231 अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, /चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी, एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में प्राप्त नोटिस का प्रत्युत्तर का प्रेषण।

महोदय,

उपरोक्त विषयक कृपया मा० उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता: श्री अविनाश अग्रवाल, एडवोकेट, चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में निर्गत नोटिस दिनांक 30.04.2024 का सन्दर्भ ग्रहण करने का कष्ट करें।

उपरोक्त सन्दर्भित अपीलीय प्रकरण में मा० आयोग द्वारा दिनांक 13.05.2024 को समय-11:15 बजे सुनवाई हेतु तिथि नियत कर अपीलकर्ता/प्रार्थी के मूल प्रार्थना-पत्र पर बिन्दुवार लिखित प्रत्युत्तर एक सप्ताह अन्दर उपलब्ध कराये जाने के निर्देश प्राप्त हैं। मा० आयोग से प्राप्त निर्देशों के अनुपालन में लिखित प्रत्युत्तर सादर निम्नवत प्रेषित है:-

अ: अपीलपर बिन्दुवार लिखित उत्तर-

01-अपीलकर्ता के अपीलीय प्रार्थना पत्र में बिन्दु सं०-01 से 04 तक प्रत्युत्तर अपेक्षित नहीं है।

02-अपील के बिन्दु संख्या-05 में अपीलार्थी का अनुरोध पत्र दिनांक 25.10.2023 इस कार्यालय को प्राप्त न होने के कारण सूचना उपलब्ध कराया जाना सम्भव नहीं था। उक्त सूचना उपलब्ध न होने की दशा में अपीलार्थी द्वारा प्रथम विभागीय अपील प्रार्थना-पत्र दिनांक 30.11.2023 प्रस्तुत किया गया। इस अपीलीय प्रार्थना पत्र पर दिनांक 09 दिसम्बर, 2023 को अपीलार्थी के साथ गूगल मीट के माध्यम से सुनवाई सम्पन्न हुई।

उक्त अपील का निस्तारण इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 (प्रति संलग्न) से किया गया। अपील निस्तारण के उक्त आदेश के अनुपालन में लोक सूचना अधिकारी द्वारा अपीलार्थी को वांछित सूचना कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा प्रेषित की गयी है, जो मा० आयोग के अवलोकनार्थ संलग्नक-क के रूप प्रस्तुत है।

उक्त के अतिरिक्त अपीलार्थी का एक सूचना का अनुरोध पत्र दिनांक 20.01.2024 जो ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। उक्त प्रार्थना पत्र में 03 बिन्दुओं की सूचना चाही गयी थी। अनुरोध पत्र में वांछित सूचना, कार्यालय केन्द्रीय लोक सूचना अधिकारी, भारत निर्वाचन आयोग दिल्ली से सम्बन्धित होने के कारण अनुरोध पत्र इस कार्यालय के पत्र संख्या-434 दिनांक 30 जनवरी, 2024 के द्वारा सम्बन्धित लोक सूचना अधिकारी को हस्तान्तरित की गयी। **संलग्नक-(ख)**

यह भी उल्लेखनीय है कि अपीलार्थी का पुनः एक अपीलीय प्रार्थना पत्र दिनांक 12 मार्च, 2024 को ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। अपीलार्थी के उक्त अपीलीय प्रार्थना पत्र के क्रम में इस कार्यालय के पत्र संख्या-1227 दिनांक 13 मार्च,

द्वारा वाञ्छित अनुरोध के हस्तान्तरण की सूचना हेतु पुनः अनुरोध कर्ता को अवगत कराया गया है। (संलग्नक-ग)

उपरोक्त प्रकरण के सम्बन्ध में यह भी उल्लेखनीय है कि अपीलार्थी का NGRS Portal शिकायत संख्या-NG6053070501 दिनांक 28.07.2023 शिकायती प्रकरण भारत निर्वाचन आयोग से सम्बन्धित होने से इस कार्यालय के पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 के द्वारा प्रकरण भारत निर्वाचन आयोग को निस्तारण हेतु प्रेषित किया गया है। (संलग्नक-घ)

अपीलार्थी द्वारा प्रकरण भारत निर्वाचन आयोग को प्रेषित किये जाने से क्षुब्ध होकर अपने अपील प्रार्थना पत्र में उल्लेख किया गया है कि प्रकरण नियम विरुद्ध भारत निर्वाचन आयोग को प्रेषित किया गया एवं प्रथम विभागीय अपील अधिकारी द्वारा सूचना उपलब्ध न करवाने पर लोक सूचना अधिकारी का समर्थन किया है।

मा0 आयोग को अवगत कराना है कि संविधान के अनुच्छेद-324 में प्रदत्त शक्तियों के आलोक में लोक प्रतिनिधित्व अधिनियम 1951 तथा निर्वाचनों के संचालन नियम-1961 के सुसंगत नियमों के अन्तर्गत निहित प्राविधानों के अनुसार अथवा किसी सक्षम न्यायालय द्वारा निर्गत निर्देशों के अनुपालन में किसी भी विधान सभा व लोक सभा की रिकित्तियों के लिए उप निर्वाचन हेतु कार्यक्रम निर्धारित किये जाने के सर्वाधिकार भारत निर्वाचन आयोग में निहित है। मुख्य निर्वाचन अधिकारी स्तर पर आयोग के निर्देशानुसार ही अनुपालन सुनिश्चित किया जाता है।

अपीलार्थी द्वारा उल्लिखित तथ्य मनगढ़ंत प्रतीत होता है जो सूचना अधिकार अधिनियम-2005 के प्राविधानों के अन्तर्गत पोषणीय न होकर निराधार है।

3-अपील के बिन्दु संख्या-06 से 11 में उल्लिखित तथ्य जिस भौति वर्णित हैं, निराधार होने के कारण स्वीकार योग्य नहीं है।

ब: पत्रावली जिसमें इस प्रकरण में सम्बन्धित मूल आवेदन पत्र व्यवहृत की गयी हो तथा	पत्रावली संख्या-XXV-12(14-II)A/2021
स: निर्धारित विभागीय अपील पंजिका	विभागीय अपील पंजिका के पृष्ठ संख्या-25 क्रमांक -09 पर दर्ज
द: नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के	प्रारूप "ख" संलग्न है।

मा0 आयोग के नोटिस दिनांक-30.04.2024 में प्रदत्त निर्देशों के अनुपालन में सादर अवगत कराना है कि प्रथम अपील के क्रम में इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 द्वारा अपील का निस्तारण किया गया है, तथा लोक सूचना अधिकारी द्वारा प्रथम अपील के निस्तारण आदेश के अनुपालन में अपीलकर्ता/अनुरोधकर्ता को कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा सूचना उपलब्ध करायी गयी है।

अतः अपीलकर्ता के अपीलीय प्रार्थना पत्र में वर्णित तथ्यों से स्पष्ट है कि उक्त अपील बलहीन एवं निराधार होने के कारण पोषणीय न होने से निरस्त किये जाने योग्य है। मा0 आयोग से सादर अनुरोध है कि अपीलकर्ता की दायर अपील खारिज करने का कष्ट करें।

भवदीय,

संलग्न यथोपरि।

Signed by Mastu Das

Date: 08-05-2024 14:53:02

प्रथम विभागीय अपीलीय अधिकारी/
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

:: प्रारूप-ख ::

1	प्रथम अपील/विभागीय अपीलीय पत्र विभागीय अपीलीय अधिकारी को प्राप्त होने की दिनांक	दिनांक-12 मार्च, 2024
2.	प्रथम अपील/विभागीय अपीलीय पत्र पर सुनवाई हेतु नियत की गई सुनवाई की तिथि	-
3.	लोक सूचना अधिकारी तथा अपीलकर्ता को सुनवाई का नोटिस प्रेषित किये जाने का पत्रांक व दिनांक	-
4.	सुनवाई का नोटिस प्रेषित किए जाने का माध्यम	-
5.	प्रथम अपील/विभागीय अपील के आदेश के घोषित होने की दिनांक तथा अपीलीय और लोक सूचना अधिकारी को आदेश प्रेषित करने की दिनांक	1.-केंद्रीय लोक सूचना अधिकारी भारत निर्वाचन आयोग, नई दिल्ली । कार्यालय पत्र संख्या- 434 /XXV- 12 दिनांक 30 जनवरी, 2024 द्वारा उत्तराखण्ड स्प्रीड पोस्ट दिनांक 02 फरवरी 2024
6.	यदि प्रथम अपील का निस्तारण नहीं किया गया है या विलम्ब से किया गया है तब प्रथम अपील का निस्तारण न करने या विलम्ब से करने का औचित्यपूर्ण कारण	समय अन्दर निस्तारण किया गया है
7.	प्रथम अपीलीय पत्र प्राप्त होने की तिथि से आयोग में द्वितीय सुनवाई के मध्य यदि विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तो संबंधित विभागीय अपीलीय अधिकारी का नाम, पदनाम, कब से कब तक विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन किया गया, वर्तमान में किस पद व स्थान पर कार्यरत हैं	एक ही अपीलीय अधिकारी

विभागीय अपीलीय अधिकारी के हस्ताक्षर.....

Signed by Mastu Das

Date: 09-05-2024 14:51:56

नाम- श्री मस्तू दास

पदनाम-प्रथम अपीलीय अधिकारी/

सहायक मुख्य निर्वाचन अधिकारी

उत्तराखण्ड देहरादून।

दूरभाष/फैक्स न0/मो0न0- 0135-2713551

ई-मेलआई0डी0- election09@gmail.com

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
विश्वकर्मा भवन, प्रथम तल सुभाष रोड, सचिवालय परिसर, देहरादून - 248001

फोन नं० (0135) - 2713760, 2713551
फैक्स नं० (0135) - 2713724

संख्या: 1227 /XXV-12(P-14)/2021 देहरादून : दिनांक 13 मार्च, 2024
सेवा में,

श्री अविनाश अग्रवाल,
एडवोकेट,
चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

पंजीकृत

विषय:- Application to Conduct an Urgent Hearing on First Appeal Application Dated 09-02-2024
Concerning RTI Application Dated 20-01-2024 Submitted by Adv. Avinash Agarwal.
महोदय,

उपरोक्त विषयक अपने ई-मेल पत्र दिनांक 12 मार्च, 2024 का संदर्भ ग्रहण करने का कष्ट करें, जिसमें आपके द्वारा सूचना अधिकार अधिनियम 2005 के अन्तर्गत प्रथम अपील लगाये जाने हेतु आवेदन किया है, के क्रम में अवगत कराना है कि आपके अनुरोध पत्र दिनांक 20.01.2024 के द्वारा चाही गई सूचनाये जो केन्द्रीय लोक सूचना अधिकारी/भारत निर्वाचन आयोग निर्वाचन सदन, अशोक रोड नई दिल्ली से सम्बन्धित थी जिसे इस कार्यालय के पत्र संख्या 434/XXV-12 (P-14)/2021 दिनांक 30 जनवरी, 2024 के द्वारा सूचना का अधिकार अधिनियम-6 (3) के द्वारा हस्तान्तरित की गई थी। जिसकी प्रति आपको भी पृष्ठांकित की गई थी।

अतः उपरोक्त के क्रम में प्रथम अपील केन्द्रीय लोक सूचना अधिकारी/भारत निर्वाचन आयोग निर्वाचन सदन, अशोक रोड नई दिल्ली के माध्यम से अनुरोध करने का कष्ट करें।

भवदीय,


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

पृ०संख्या-1227/XXV-12(P-14)/2021, तद् दिनांकित।

प्रतिलिपि- केन्द्रीय लोक सूचना अधिकारी/भारत निर्वाचन आयोग निर्वाचन सदन, अशोक रोड नई दिल्ली को इस आशय से कि श्री अविनाश अग्रवाल, एडवोकेट से सम्बन्धित सूचना आपके कार्यालय से सम्बन्धित है। अतः आप अपने स्तर से नियमानुसार आवश्यक कार्यवाही करने का कष्ट करें।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

Application to Conduct an Urgent Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

12 March 2024 at 14:35

To,
Asst. Chief Electoral Officer/
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पत्र प्राप्ति का दिनांक-12/03/24
रजिस्टर क्रमांक-223 पत्रावली संख्या-

Date: 12.03.2024

Application to Conduct an Urgent Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

Sir,

I refer to the captioned subject. Due to the urgent nature of the information sought, I filed the First Application to conduct an early hearing on 14.02.2024 and thereafter I filed the Second Application to conduct an early hearing on 20.02.2024. No order has been passed on said Applications dated 14.02.2024 and 20.02.2024.

Section 19(6) of the RTI Act 2005 states that an appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing. In the current case, the disposal limit of 30 days for the first appeal has elapsed, and no hearing notice has been received by me so far.

As per instruction issued by ECI vide Letter No 464/INST/2023-EPS Dated 6th June 2023, it is the mandatory legal duty of the CEO to inform the Election Commission of India regarding the disqualification of any sitting member as soon as the information is received by it. Hon'ble Supreme Court of India in the case of People's Union for Civil Liberties and another VERSUS Union of India and another [WP(Civil) No. 161 of 2004] Judgment Dated 23.02.2009 stated that "Democracy is a part of the basic structure of our Constitution and rule of law and free and fare election are basic features of democracy."

As you know through the RTI Application Dated 20.01.2024, I requested for the law that permits 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected. In the absence of such a law, not conducting the by-poll shall not only violate the statutory provisions mentioned in Section 151A of the Representation of the People Act 1951 but also violate the basic features of democracy and the basic structure of the Constitution.

Hence, it is requested to kindly hold a hearing on an urgent basis due to the immense public interest in the matter and the need for immediate public scrutiny. Hence, I hereby most humbly request you to kindly conduct the First Appeal Hearing as soon as possible.

I thank you for your positive consideration in advance.

Sincerely,

Adv. Avinash Agarwal
M: +91-7906289438

ROA(S)

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
विश्वकर्मा भवन, प्रथम तल, सुभाष रोड, सचिवालय परिसर, देहरादून- 248001

फोन नं० (0135) - 2713760, 2713551 & फैक्स नं० (0135) - 2713724

संख्या 2933/XXV-06/2024 देहरादून : दिनांक 09 मई 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर रिंग रोड, देहरादून।

विषय-

अपील संख्या-40231 अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, /चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी, एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में प्राप्त नोटिस का प्रत्युत्तर का प्रेषण।

महोदय,

उपरोक्त विषयक कृपया मा० उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता: श्री अविनाश अग्रवाल, एडवोकेट, चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में निर्गत नोटिस दिनांक 30.04.2024 का सन्दर्भ ग्रहण करने का कष्ट करें।

उपरोक्त सन्दर्भित अपीलीय प्रकरण में मा० आयोग द्वारा दिनांक 13.05.2024 को समय-11:15 बजे सुनवाई हेतु तिथि नियत कर अपीलकर्ता/प्रार्थी के मूल प्रार्थना-पत्र पर बिन्दुवार लिखित प्रतियुत्तर एक सप्ताह अन्दर उपलब्ध कराये जाने के निर्देश प्राप्त हैं। मा० आयोग से प्राप्त निर्देशों के अनुपालन में लिखित प्रत्युत्तर सादर निम्नवत प्रेषित है:-

अ: अपीलकर्ता/प्रार्थी के मूल प्रार्थना पत्र पर बिन्दुवार लिखित उत्तर-

01-अपीलकर्ता के अपीलीय प्रार्थना पत्र में बिन्दु सं०-01 से 04 तक प्रत्युत्तर अपेक्षित नहीं है।

02-अपील के बिन्दु संख्या-05 में अपीलार्थी का अनुरोध पत्र दिनांक 25.10.2023 इस कार्यालय को प्राप्त न होने के कारण सूचना उपलब्ध कराया जाना सम्भव नहीं था। उक्त सूचना उपलब्ध न होने की दशा में अपीलार्थी द्वारा प्रथम विभागीय अपील प्रार्थना-पत्र दिनांक 30.11.2023 प्रस्तुत किया गया। इस अपीलीय प्रार्थना पत्र पर दिनांक 09 दिसम्बर, 2023 को अपीलार्थी के साथ गूगल मीट के माध्यम से सुनवाई सम्पन्न हुई।

उक्त अपील का निस्तारण इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 (प्रति संलग्न) से किया गया उक्त आदेश के अनुपालन में अपीलार्थी को वांछित सूचना कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा प्रेषित की गयी है, जो मा० आयोग के अवलोकनार्थ **संलग्नक-क** के रूप प्रस्तुत है

उक्त के अतिरिक्त अपीलार्थी का एक सूचना का अनुरोध पत्र दिनांक 20.01.2024 जो ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। उक्त प्रार्थना पत्र में 03 बिन्दुओं की सूचना चाही गयी थी। अनुरोध पत्र में वांछित सूचना, कार्यालय केन्द्रीय लोक सूचना अधिकारी, भारत निर्वाचन आयोग दिल्ली से सम्बन्धित होने के कारण अनुरोध पत्र इस कार्यालय के पत्र संख्या-434 दिनांक 30 जनवरी, 2024 के द्वारा सम्बन्धित लोक सूचना अधिकारी को हस्तान्तरित की गयी। **संलग्नक-(ख)**

/210081/2024

	<p>यह भी उल्लेखनीय है कि अपीलार्थी का पुनः एक अपीलीय प्रार्थना पत्र दिनांक 12 मार्च, 2024 को ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। अपीलार्थी के उक्त अपीलीय प्रार्थना पत्र के क्रम में इस कार्यालय के पत्र संख्या-1227 दिनांक 13 मार्च, 2024 द्वारा वांछित अनुरोध के हस्तान्तरण की सूचना से पुनः अनुरोध कर्ता को अवगत कराया गया है। (संलग्नक-ग)</p> <p>उपरोक्त प्रकरण के सम्बन्ध में यह भी उल्लेखनीय है कि अपीलार्थी का NGRS Poratal शिकायत संख्या-NG6053070501 दिनांक 28.07.2023 शिकायती प्रकरण भारत निर्वाचन आयोग से सम्बन्धित होने से इस कार्यालय के पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 के द्वारा प्रकरण भारत निर्वाचन आयोग को निस्तारण हेतु प्रेषित किया गया है। (संलग्नक-घ)</p> <p>अपीलार्थी द्वारा प्रकरण भारत निर्वाचन आयोग को प्रेषित किये जाने से क्षुब्ध होकर अपने अपील प्रार्थना पत्र में उल्लेख किया गया है कि प्रकरण नियम विरुद्ध भारत निर्वाचन आयोग को प्रेषित किया गया एवं प्रथम विभागीय अपील अधिकारी द्वारा सूचना उपलब्ध न करवाने पर लोक सूचना अधिकारी का समर्थन किया है।</p> <p>मा0 आयोग को अवगत कराना है कि संविधान के अनुच्छेद-324 में प्रदत्त शक्तियों के आलोक में लोक प्रतिनिधित्व अधिनियम 1951 तथा निर्वाचनों के संचालन नियम-1961 के सुसंगत नियमों के अन्तर्गत निहित प्राविधानों के अनुसार अथवा किसी सक्षम न्यायालय द्वारा निर्गत निर्देशों के अनुपालन में किसी भी विधान सभा व लोक सभा की शक्तियों के लिए उप निर्वाचन हेतु कार्यक्रम निर्धारित किये जाने के सर्वाधिकार भारत निर्वाचन आयोग में निहित है। मुख्य निर्वाचन अधिकारी स्तर पर आयोग के निर्देशानुसार ही अनुपालन सुनिश्चित किया जाता है।</p> <p>अपीलार्थी द्वारा उल्लिखित तथ्य मनगढ़ंत प्रतीत होता है जो सूचना अधिकार अधिनियम-2005 के प्राविधानों के अन्तर्गत पोषणीय न होकर निराधार है।</p> <p>3-अपील के बिन्दु संख्या-06 से 11 में उल्लिखित तथ्य जिस भौति वर्णित हैं, निराधार होने के कारण स्वीकार योग्य नहीं है।</p>
<p>ब: पत्रावली जिसमें इस प्रकरण में सम्बन्धित मूल आवेदन पत्र व्यवहृत की गयी हो तथा</p>	<p>पत्रावली संख्या-XXV-12(14-II)A/2021</p>
<p>स: लोक सूचना अधिकारी के लिए निर्धारित पंजिका-</p>	<p>विभागीय अपील पंजिका के पृष्ठ संख्या-66 क्रमांक 245 पर दर्ज</p>
<p>द: लोक सूचना अधिकारी द्वारा अनुरोधकर्ता को उपलब्ध कराये गये सूचना की प्रतियां</p>	<p>पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 मय संलग्नकों सहित।</p>
<p>घ: विभागीय अपीलीय अधिकारी द्वारा प्रथम अपील में पारित आदेश की प्रति</p>	<p>आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 प्रति संलग्न</p>
<p>नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के</p>	<p>प्रारूप "क" संलग्न है।</p>

मा0आयोग के नोटिस दिनांक-30.04.2024 में प्रदत्त निर्देशों के अनुपालन में सादर अवगत कराना है कि प्रथम अपील के क्रम में इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 द्वारा अपील का निस्तारण किया गया है, तथा लोक सूचना अधिकारी द्वारा प्रथम अपील के निस्तारण आदेश के अनुपालन में अपीलकर्ता/अनुरोधकर्ता को कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा सूचना उपलब्ध करायी गयी है।

/210081/2024

अतः अपीलकर्ता द्वारा अपीलीय प्रार्थना पत्र में वर्णित तथ्यों से स्पष्ट है कि उक्त अपील बलहीन एवं निराधार होने के कारण पोषणीय न होने से निरस्त किये जाने योग्य है। मा0 आयोग से सादर अनुरोध है कि अपीलकर्ता की दायर अपील खारिज करने का कष्ट करें।

संलग्नक-उपरोक्तानुसार।

**Signed by Basant Singh
Rawat**

Date: 09-05-2024 14:59:53

भवदीय,

(बसन्त सिंह रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड, देहरादून।
मो0 न0-9411740189

द्वितीय अपील के सुनवाई के समय लोक सूचना अधिकारी आवेदक के द्वितीय अपीलीय पत्र में की गई आपत्तियों के साथ-साथ निम्नलिखित बिन्दुओं पर मय साक्ष्य के अपना लिखित अभिकथन आयोग के समक्ष प्रस्तुत करेंगे

(प्रारूप-"क")

1	सूचना के लिए अनुरोधकर्ता का अनुरोध पत्र उनके कार्यालय को प्राप्त होने की दिनांक	दिनांक-20.01.2024
2	लोक सूचना अधिकारी के स्तर पर धारित पंजिका का क्रमांक जिस स्थान पर पंजीकृत किया गया है	पंजिका के पृष्ठ संख्या-86, क्रमांक-245
3	मांगी गयी सूचनाओं के कुल बिन्दुओं की संख्या	03
4	यदि मांगी गयी सूचना से संबंधित अनुरोध पत्र अंतरित होकर प्राप्त हुआ है तब- (क) अंतरितकर्ता का नाम, पदनाम, पूर्ण पता (ख) अंतरित बिन्दु (ग) पत्रांक व दिनांक जिसके माध्यम से अनुरोध पत्र अंतरित किया गया है	-
5	यदि अनुरोध पत्र के माध्यम से मांगी गयी सूचना किसी अन्य लोक सूचना अधिकारी से संबंधित है तब- (क) संबंधित बिन्दु जिसे अंतरित किया गया है (ख) अंतरित बिन्दु (ग) जिस पत्रांक व दिनांक के माध्यम से अनुरोध पत्र अंतरित किया गया है। (घ) पत्र जिस माध्यम से प्रेषित किया गया तथा पत्र डाक/दस्ती/अन्य माध्यम से प्रेषित करने की दिनांक	हाँ 1-केन्द्रीय लोक सूचना अधिकारी भारत निर्वाचन आयोग, नई दिल्ली। कार्यालय पत्र संख्या- 434/XXV-12 दिनांक 30 जनवरी, 2024 द्वारा हस्तान्तरित स्पीड पोस्ट दिनांक 02 फरवरी, 2024
6	यदि मांगी गयी सूचना हेतु कोई अतिरिक्त शुल्क मांगा गया है तब- (क) अतिरिक्त शुल्क की मांग जिस पत्र संख्या व दिनांक के माध्यम से की गई (ख) कुल मांगी गयी धनराशि (ग) अतिरिक्त शुल्क का मांग पत्र जिस माध्यम से प्रेषित किया गया (घ) अतिरिक्त शुल्क के प्राप्त की तिथि व धनराशि (ङ) अतिरिक्त शुल्क मांगने में यदि विलम्ब हुआ है तब विलम्ब का औचित्यपूर्ण कारण	नहीं
7	यदि मांगी गयी सूचना तृतीय पक्ष से संबंधित है अथवा किसी की निजी सूचना है तब- (क) तृतीय पक्ष को अपना पक्ष प्रस्तुत किए जाने हेतु प्रेषित पत्रांक व दिनांक (ख) तृतीय पक्ष का प्रतिउत्तर प्राप्त होने की तिथि (ग) लोक सूचना अधिकारी द्वारा तृतीय पक्ष को अपने निर्णय से अवगत कराए जाने संबंधी पत्रांक व दिनांक का विवरण	नहीं
8	आवेदक को सूचना प्रेषित किए जाने की दिनांक पत्र जिस माध्यम से आवेदक को प्रेषित किया गया	पत्र संख्या-434 दिनांक 30.01.2024 व 1227 दिनांक 13.03.2024
9	आवेदक जिसके द्वारा सूचना मांगी गयी को 30 दिन के अन्दर यदि सूचना प्रेषित नहीं की गयी है तब प्रेषित न किए जाने का औचित्यपूर्ण कारण	नहीं
10	आवेदन प्राप्त होने की तिथि से आयोग में द्वितीय अपील सुनवाई के मध्य यदि लोक सूचना अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तब संबंधित लोक सूचना अधिकारी के नाम, पदनाम, कब से कब तक लोक सूचना अधिकारी के दायित्वों का निर्वहन किया गया वर्तमान में किस पद व स्थान पर कार्यरत है	-

/210085/2024

लोक सूचना अधिकारी के हस्ताक्षर.....
नाम-श्री बसन्त सिंह रावत,
पदनाम-लोक सूचना अधिकारी / अनुभाग अधिकारी,
पूर्ण पता-कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड देहरादून।
दूरभाष / फ़ैक्स न० / मो०न०- 0135-2713552
ई-मेल आईडी...election09@gmail.com

Signed by Basant Singh
Rawat
Date: 09-05-2024 15:11:

नोट- उपरोक्त विवरण का साक्ष्य की सुनवाई के समय आयोग के समक्ष अवश्य प्रस्तुत किए जाएं। साक्ष्य प्रस्तुत न किये जाने पर उपरोक्त विवरण स्वीकार नहीं किया जाएगा।

सेवा में,

पंजीकृत

केन्द्रीय लोक सूचना अधिकारी/
भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड
नई दिल्ली।

विषय- सूचना के अधिकार अधिनियम-2005 के तहत सूचना के सम्बन्ध में।

महोदय

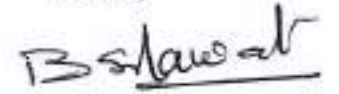
उपरोक्त विषयक श्री अवनीश अग्रवाल एडवोकेट चैम्बर न०-10 तहसील कोर्ट कम्पाउन्ड ऋषिकेश जिला देहरादून उत्तराखण्ड, का अनुरोध पत्र दिनांक 20.01.2024 जो इस कार्यालय में ई-मेल के माध्यम से प्राप्त हुआ है, की प्रति संलग्न कर इस आशय से प्रेषित की जा रही है कि अनुरोध पत्र में वांछित सूचनायें आपके कार्यालय से सम्बन्धित है।

अतः अनुरोध पत्र सूचना का अधिकार अधिनियम-2005 की धारा 6(3) के अन्तर्गत अग्रोत्तर कार्यवाही हेतु आपको हस्तान्तरित किया जा रहा है। कृपया अनुरोधकर्ता को अपने कार्यालय से सम्बन्धित वांछित सूचना नियमानुसार उपलब्ध कराने का कष्ट करें।

संलग्न-यथोपरि।

अपीलीय अधिकारी का पता
सहायक मुख्य निर्वाचन अधिकारी,
विश्वकर्मा भवन, प्रथम तल,
सचिवालय परिसर 4-सुभाष रोड,
देहरादून-248001
मो०न०-9897995591

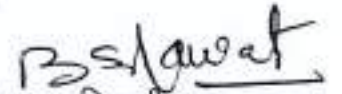
भवदीय,



(बसन्त सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी
मो०न०-9411740189

पु०संख्या-434/XXV-12(P-14)/2021, तददिनांक।

प्रतिलिपि- श्री अवनीश अग्रवाल एडवोकेट चैम्बर न०10 तहसील कोर्ट कम्पाउन्ड ऋषिकेश जिला देहरादून उत्तराखण्ड, को सूचनार्थ प्रेषित। (पंजीकृत)



अनुभाग अधिकारी एवं
लोक सूचना अधिकारी
मो०न०-9411740189

93

Application u/s 6 of the Right to Information Act 2005

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

20 January 2024 at 15:31

Date: 20.01.2024

To,
Public Information Officer under RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6 of the Right to Information Act 2005

Sir,

Kindly see the attachment for the RTI Application Dated 20.01.2024. RTI Application Fee is paid vide online Challan No. 00700124E0036297 (Copy Enclosed).

Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

2 attachments

RTI Application Dated 20012024 (CEO-UK).pdf
1945K

RTI Fee Challan Number 00700124E0036297.pdf
187K

प्रत्येक पत्रिका के लिए मुख्य निर्वाचन अधिकारी
को प्रेषित करने का दिनांक- 1/1
रजिस्टर क्रमांक- पत्रावली संख्या-

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ACEO

Treasury Form-209(1)
 Financial Handbook Vol. V, Part- II
 Form No. 43A(1)
 (See Paragraph 417 and 478)
 Challan form for depositing amount



Name of the Treasury/Sub-Treasury/Bank/Bank Branch - State Bank Of India (Payment Gateway)

Status : (S) Completed successfully.

1	Name of the person (designation if necessary or Organization on whose behalf amount is being paid.	ADVOCATE AVINASH AGARWAL
2	Address	Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun
3	Registration Number (if necessary)	
4	Full details of amount to be deposited (for which purpose and in favour of)	RTI Application Fee
5	Gross value of Challan	10
6	Net value of Challan	10
7	Deaprtment	Chief Electoral Officer
8	Related office for which challan is to be deposit	Chief Election Officer Dehradun
9	Full details of Head of Account	0070 - Other Administrative Services
10	13 Digit code of Head of A/c	As per details below

SL No.	Services	Detail Head	Amount
1	Under Right to Information Act 2005	0070601180100	10
Total Challan Amount-			10

Amount (in words) - Rs. Ten only

Signature of departmental officer with seal

ADVOCATE AVINASH AGARWAL

Challan No- 00700124E0036297	Amount in Figure(Rs.) - 10
Date - 20-JAN-2024	Amount in words - Rs. Ten only
Received Through	
Bank Ref. No. - CPADLMGVO3	
State Bank Of India (Payment Gateway)	

(71)

17 The writ petition shall accordingly stand dismissed. Pending application, if any, is accordingly disposed of. There shall be no order as to costs.

.....CJI
[DIPAK MISRA]

.....J
[A M KHANWILKAR]

.....J
[Dr Dhananjaya Y Chandrachud]

**New Delhi;
September 26, 2018.**

all High Courts to issue suitable instructions to all District and Sessions Judges to ensure that 2 certified copies of the judgments in cases attracting disqualification of a sitting MP/MLA/MLC under Article 102/191 of the Constitution are made available to the state counsel within 24 hours from the delivery of order regarding sentence for submission to the concerned District Magistrate,

(ii) issue a circular to the Chief Secretaries of the States/Union Territories for issuing suitable instructions to District Magistrates and the District Government Counsel to send by speed post/special messenger one certified copy of the judgment and order regarding sentence to the Chief Election Officer of the state and the other certified copy to the Secretary General/Principal Secretary/Secretary of the concerned House (Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council."

16 No such direction can be issued by the Secretary in the Department of Justice to the Registrars General of the High Courts. Moreover, following the implementation of the e-courts project, certified copies of judgments are made available across all courts in a streamlined manner. The affidavit filed by the Election Commission of India indicates that the Commission has already issued instructions on 13 October 2015 to the Chief Secretaries of all states to ensure that necessary steps are taken to bring to the notice of the Speaker or Chairman as the case may be of the House and the Chief Electoral Officer of the state, an order of conviction within a period of seven days of the passing of the order. The Election Commission is sufficiently empowered to take appropriate steps in accordance with law. No further directions are necessary in that regard.

Once the conviction has been stayed during the pendency of an appeal, the disqualification which operates as a consequence of the conviction cannot take or remain in effect. In view of the consistent statement of the legal position in **Rama Narang** and in decisions which followed, there is no merit in the submission that the power conferred on the appellate court under Section 389 does not include the power, in an appropriate case, to stay the conviction. Clearly, the appellate court does possess such a power. Moreover, it is untenable that the disqualification which ensues from a conviction will operate despite the appellate court having granted a stay of the conviction. The authority vested in the appellate court to stay a conviction ensures that a conviction on untenable or frivolous grounds does not operate to cause serious prejudice. As the decision in **Lily Thomas** has clarified, a stay of the conviction would relieve the individual from suffering the consequence *inter alia* of a disqualification relating to the provisions of sub-sections 1, 2 and 3 of Section 8.

15 Finally, we may address the relief which has been sought in prayer clause 5 by which a direction has been sought to the Union Government through the Secretary in the Department of Justice, Ministry of Law and Justice, the second Respondent. Prayer clause 5 reads as follows :

- *5. Issue a writ, order or direction in the nature of the Mandamus to the respondent no. 2 to-
- (i) issue a circular to the Registrar General/Registrars of

section (3) of Section 8 of the Act as he had been convicted for an offence punishable under Sections 366 and 376 of the Penal Code and it was held by the three-Judge Bench that as the High Court for special reasons had passed an order staying the conviction, the disqualification arising out of the conviction ceased to operate after the stay of conviction. Therefore, the disqualification under sub-sections (1), (2) or (3) of Section 8 of the Act will not operate from the date of order of stay of conviction passed by the appellate court under Section 389 of the Code or the High Court under Section 482 of the Code."¹¹

14 These decisions have settled the position on the effect of an order of an appellate court staying a conviction pending the appeal. Upon the stay of a conviction under Section 389 of the Cr.P.C., the disqualification under Section 8 will not operate. The decisions in **Ravi Kant Patil** and **Lily Thomas** conclude the issue. Since the decision in **Rama Narang**, it has been well-settled that the appellate court has the power, in an appropriate case, to stay the conviction under Section 389 besides suspending the sentence. The power to stay a conviction is by way of an exception. Before it is exercised, the appellate court must be made aware of the consequence which will ensue if the conviction were not to be stayed. Once the conviction has been stayed by the appellate court, the disqualification under sub-sections 1, 2 and 3 of Section 8 of the Representation of the People Act 1951 will not operate. Under Article 102(1)(e) and Article 191(1)(e), the disqualification operates by or under any law made by Parliament. Disqualification under the above provisions of Section 8 follows upon a conviction for one of the listed offences.

¹¹ Id at page 673

12 The above position was reiterated by a Bench of three judges of this Court in **Ravikant S Patil v Sarvabhouma S Bagali**⁷, after advertng to the earlier decisions on the issue, viz. **Rama Narang v Ramesh Narang** (supra), **State of Tamil Nadu v A. Jaganathan**⁸, **K.C. Sareen v CBI, Chandigarh**⁹, **B.R. Kapur v State of T.N.** (supra) and **State of Maharashtra v Gajanan**.¹⁰ This Court concluded as follows:-

"It deserves to be clarified that an order granting stay of conviction is not the rule but is an exception to be resorted to in rare cases depending upon the facts of a case. Where the execution of the sentence is stayed, the conviction continues to operate. But where the conviction itself is stayed, the effect is that the conviction will not be operative from the date of stay. As order of stay, of course, does not render the conviction non-existent, but only non-operative. Be that as it may. Insofar as the present case is concerned, an application was filed specifically seeking stay of the order of conviction specifying that consequences if conviction was not stayed, that is, the appellant would incur disqualification to contest the election. The High Court after considering the special reason, granted the order staying the conviction. As the conviction itself is stayed in contrast to a stay of execution of the sentence, it is not possible to accept the contention of the respondent that the disqualification arising out of conviction continues to operate even after stay of conviction."

13 In **Lily Thomas** (supra), it was urged that in the absence of Section 8(4), a Member of Parliament or of the State Legislature would be left without a remedy even if the conviction was "frivolous". Rejecting the submission, this Court held (relying on **Ravi Kant Patil** (supra):

"In the aforesaid case, a contention was raised by the respondents that the appellant was disqualified from contesting the election to the Legislative Assembly under sub-

⁷ (2007) 1 SCC 673
⁸ (1996) 5 SCC 329
⁹ (2001) 6 SCC 584
¹⁰ (2003) 12 SCC 432

Section 267 of the Companies Act, we see no reason why we should give a narrow meaning to Section 389(1) of the Code to debar the court from granting an order to that effect in a fit case. The appeal under Section 374 is essentially against the order of conviction because the order of sentence is merely consequential thereto; albeit even the order of sentence can be independently challenged if it is harsh and disproportionate to the established guilt. Therefore, when an appeal is preferred under Section 374 of the Code the appeal is against both the conviction and sentence and therefore, we see no reason to place a narrow interpretation on Section 389(1) of the Code not to extend it to an order of conviction, although that issue in the instant case recedes to the background because High Courts can exercise inherent jurisdiction under Section 482 of the Code if the power was not to be found in Section 389(1) of the Code.*

11 In **Navjot Singh Sidhu v State of Punjab**⁶ a Bench of two learned judges of this Court held that a stay of the order of conviction by an appellate court is an exception, to be resorted to in a rare case, after the attention of the appellate court is drawn to the consequences which may ensue if the conviction is not stayed. The court held:

"The legal position is, therefore, clear that an appellate Court can suspend or grant stay of order of conviction. But the person seeking stay of conviction should specifically draw the attention of the appellate Court to the consequences that may arise if the conviction is not stayed. Unless the attention of the Court is drawn to the specific consequences that would follow on account of the conviction, the person convicted cannot obtain an order of stay of conviction. Further, grant of stay of conviction can be resorted to in rare cases depending upon the special facts of the case."

* AIR 2007 SC 1003

10 Section 389⁴ of the Code of Criminal Procedure, 1973, empowers the appellate court, pending an appeal by a convicted person and for reasons to be recorded in writing to order that the execution of a sentence or order appealed against, be suspended. In the decision in **Rama Narang v Ramesh Narang**⁵, a Bench of three judges of this Court examined the issue as to whether the court has the power to suspend a conviction under Section 389 (1). This Court held that an order of conviction by itself is not capable of execution under the Code of Criminal Procedure, 1973. But in certain situations, it can become executable in a limited sense upon it resulting in a disqualification under other enactments. Hence, in such a case, it was permissible to invoke the power under Section 389 (1) to stay the conviction as well. This Court held:

"19. That takes us to the question whether the scope of Section 389(1) of the Code extends to conferring power on the Appellate Court to stay the operation of the order of conviction. As stated earlier, if the order of conviction is to result in some disqualification of the type mentioned in

⁴ Section 389 provides as follows :
 "Suspension of sentence pending the appeal; release of appellant on bail.
 (1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail, or on his own bond.
 (2) The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of an appeal by a convicted person to a Court subordinate thereto.
 (3) Where the convicted person satisfies the Court by which he is convicted that he intends to present an appeal, the Court shall, -
 (i) where such person, being on bail, is sentenced to imprisonment for a term not exceeding three years, or
 (ii) where the offence of which such person has been convicted is a bailable one, and he is on bail, order that the convicted person be released on bail, unless there are special reasons for refusing bail, for such period as will afford sufficient time to present the appeal and obtain the orders of the Appellate Court under sub-section (1); and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.
 (4) When the appellant is ultimately sentenced to imprisonment for a term or to imprisonment for life, the time during which he is so released shall be excluded in computing the term for which he is so sentenced."

⁵ (1995) 2 SCC 513

78

8 In response to the Counter affidavit filed by the first Respondent, a Rejoinder dated 20 February 2017 has been filed by the petitioner stating that:

- i) The role of the Election Commission commences immediately with the conviction of a sitting legislator. The EC need not await the receipt of a notification regarding the disqualification and of the vacancy in the seat by the Secretariat of the legislative body; and

- ii) There exists no legal requirement of a notification regarding the vacancy in the seat in view of the categorical provision in Article 101(3)(2) and Article 190(3)(a) of the Constitution that the seat becomes vacant upon conviction.

9 In response to the Counter affidavit filed by the second Respondent, a Rejoinder dated 10 November 2017 has been filed by petitioner submitting that revival of membership retrospectively after a conviction is stayed, will open a floodgate with convicted MPs/ MLAs/ MLCs approaching the appellate/ revisional court to get a stay on conviction enabling them to continue even without the protection of Section 8(4) of the Representation of the People Act 1951.

subsequent stay of conviction cannot retrospectively cure the disqualification; and

- iv) For the purpose of filling the seat which has fallen vacant, it would not be necessary to await the decision of the President or Governor under Articles 103 and 192. No decision by the President or Governor is required on the question of disqualification arising out of conviction. In view of the decision in **P V Narasimha Rao v State (CBI/SPE)**³, only a 'disputed' question of disqualification is to be referred to the President or Governor.

7 The Union government has opposed the petition. In the counter affidavit which has been filed on behalf of the Union of India through the Secretary in the Department of Justice, Ministry of Law and Justice, it has been submitted that the issues raised in the present petition have already been considered and decided in the decision of this Court in **Lily Thomas** (supra). Moreover, it has been submitted that no challenge has been addressed in the present petition to any provision of the Act or the Rules made under it. The petitioner has only relied on the provisions of law and on judicial pronouncements on the subject of disqualification on conviction.

³ (1998) 4 SCC 626

conviction can only operate prospectively to enable a person to contest an election again since membership of the legislature terminates instantly from the date of conviction.

6 In response to the present proceedings, a counter affidavit dated 10 April, 2015 has been filed on behalf of the Election Commission of India stating that:

- i) The Election Commission of India supports the first prayer in the present Public Interest Litigation;
- ii) The Election Commission of India has issued instructions on 13 October 2015 by which it has required the Chief Secretaries to issue appropriate instructions to the department dealing with prosecutions in States and Union Territories to ensure that cases of conviction of sitting Members of Parliament or of the State legislature are brought to the notice of the Speaker or Chairman of the House and the Chief Electoral Officer of the State along with the order of conviction within seven days of the order;
- iii) In the decision of this Court in **Lily Thomas v Union of India**² it was observed that there is an automatic disqualification upon conviction and there is no question of postponing the effect of the disqualification on the ground of giving the member of the legislature an opportunity to exhaust the remedy of appeal and a

² (2013) 7 SCC 653

(n) the Prevention of Terrorism Act, 2002 (15 of 2002),]

[shall be disqualified, where the convicted person is sentenced to—

- (i) only fine, for a period of six years from the date of such conviction;
- (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(2) A person convicted for the contravention of—

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 6 [1961 (28 of 1961)];

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]”

5 It has been contended by the petitioner that there is no provision in the Constitution or in the Representation of the People Act 1951 to the effect that upon a subsequent stay of conviction by the appellate or revisional court, the disqualification shall stand wiped out retrospectively and that the membership of a convicted Member of Parliament or of the Legislative Assembly or Council shall get revived despite the vacancy having occurred from the date of conviction. It has been urged that in the absence of any constitutional or statutory provision, stay of

engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of section 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; 1 [or]

[(j) section 6 (offence of conversion of a place or worship) of the Places of Worship (Special Provisions) Act 1991]. [or]

[(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971) 4 [or];]

[(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

[Explanation.—For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State. 2 [(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.]”

Article 191 of the Constitution provides a disqualification in similar terms for membership of a legislative assembly or legislative council of a state.

The relevant provision in Section 8 of the Representation of the People Act 1951 reads thus:

***8. Disqualification on conviction for certain offences.—**

[(1) A person convicted of an offence punishable under—

- (a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly

(94)

3 The petitioner instituted a Public Interest Litigation before the Lucknow Bench of the High Court of Allahabad, seeking a declaration that the MLA stood disqualified notwithstanding the stay granted by the Sessions Judge. The PIL was dismissed by the High Court on the ground that since the appellate court stayed the conviction, the disqualification, which would otherwise stand attracted, would not operate from the date on which the conviction has been stayed.

4 The petitioner urges that the seat held by a Member of Parliament or of the State legislature becomes vacant upon a disqualification being incurred under Article 102 or Article 191, respectively. According to the petitioner, once the disqualification is incurred under Section 8 of the Representation of the People Act 1951 read with Article 102(1)(e) or Article 191(1)(e), the seat becomes vacant effective from the date of conviction. Relying on the decision of this Court in **B R Kapur v State of Tamil Nadu**¹, the petitioner contends that under Section 389 of Cr.P.C. the appellate court does not have the power to stay conviction and can stay only the execution of sentence.

Article 102 of the Constitution provides thus:

*102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—
(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

¹ (2001) 7 SCC 231

following amongst other reliefs have been sought:

- 1 "Declare that since the law does not provide for stay of conviction, even in case of stay of conviction by the appellate court for an offence attracting disqualification under Section 8 of RP Act, 1951, any such stay order does not have the effect of wiping out the disqualification and reviving the membership with retrospective effect and consequently, the seat of the concerned member is deemed to have become vacant with effect from the date of conviction in terms of Article 101(3)(a) and 190(3)(a) of the Constitution.
- 2 Declare that as a consequence of the declaration as per 1 above, any member of Parliament or State legislature who becomes subject to disqualification mentioned in Article 102(1)(e) or 190(1)(e) shall be liable to penalty under Article 104/193 notwithstanding any order of the appellate/ revisional court purporting to stay his conviction for an offence attracting disqualification mentioned in Section 8 of RP Act, 1951....
- 3 Issue a writ, order of direction in the nature of Mandamus to the respondent no. 1 to issue within 24 hours of receipt of certified copy of the judgment and order regarding sentence the notification regarding disqualification and consequent vacancy of the seat of the concerned MP/MLA/MLC with effect from the date of his/her conviction as a result of his/her disqualification for an offence under Section 8(1)(2) and (3) of the Representation of the People Act, 1951.
- 4 issue a writ, order or direction in the nature of Mandamus to the respondent no. 1 to ensure action for filling the vacancy of the seat of a member of Parliament/State legislature as per Section 151 of the RP Act, 1951 disregarding any order of the appellate/ revisional court purporting to stay of conviction for an offence attracting disqualification mentioned in Section 8 of RP Act, 1951...."

2 An erstwhile member of the Legislative Assembly in the State of Uttar Pradesh was convicted of offences under Sections 353, 504 and 506 of the Penal Code and was sentenced to imprisonment. In appeal, the District Court stayed the execution of the sentence and of the conviction.



2018 INSC 384

(96)
REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) No. 330 OF 2016

**Lok Prahari, through its General Secretary
S.N. Shukla**

.... Petitioner

Versus

Election Commission of India & Ors.

.....Respondents

J U D G M E N T

Dr Dhananjaya Y Chandrachud, J

1 The petitioner, Lok Prahari, is a society registered under the Societies' Registration Act 1860 with objects pertaining to public governance and administration. It has invoked the jurisdiction of this Court under Article 32 of the Constitution, in the present Public Interest Litigation through its General Secretary, who appeared in person. The

Digitally Verified
Digitally signed by
Dr. Dhananjaya Y. Chandrachud
DN: cn=Dr. Dhananjaya Y. Chandrachud,
ou=Supreme Court of India, o=Supreme Court of India,
email=Dr. Dhananjaya Y. Chandrachud@scj.nic.in, c=IN

Purpose of requesting the above information: I need the above-sought information for preparing the WRIT/PIL Petition.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the PIO to provide the information at the earliest.

Date: 20.01.2024

Place: Rishikesh

Sincerely,

Avinash
Avinash Agarwal
Advocate

Enclosures: Judgment of Hon'ble Supreme Court of India in WRIT PETITION (CIVIL) No. 330 OF 2016.

• RTI Application fee paid via Challan
No.- 00700124E0036297 dt: 20/01/2024.

Avinash

89

॥ श्री गणेशाय नमः ॥

AVINASH AGARWAL
ADVOCATE

MBA, LLM

Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 20.01.2024

To,
The Public Information Officer under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6(3) of the Right to Information Act 2005

Sir/Ma'am,

Hon'ble Supreme Court of India in the Case of Election Commission of India VS Bajrang Bahadur Singh & Others WITH Bajrang Bahadur Singh VS His Excellency, the Governor of U.P. & Others on its Judgement Dated 09.04.2015 clearly noticed that "38. ... Nonetheless on the acquisition of the disqualification by a legislator, he ceases to be a legislator forthwith by operation of law. However, the cessation of the disqualifying factor cannot put such a person back in the legislature without his being elected once again, of course such person is entitled to contest any election under the R.P. Act, the moment the disqualifying factor ceases to exist as the disqualification is co-terminus with the disqualifying EVENT."

Further to this, the Election Commission of India in its counter affidavit filed in the **Hon'ble Supreme Court of India** in the case of Lok Prahari, through its General Secretary S.N. Shukla VERSUS Election Commission of India & Ors. [WRIT PETITION (CIVIL) No. 330 OF 2016] stated that "In the decision of this Court in Lily Thomas v Union of India² it was observed that there is an automatic disqualification upon conviction and there is no question of postponing the effect of the disqualification on the ground of giving the member of the legislature an opportunity to exhaust the remedy of appeal and a subsequent stay of conviction cannot retrospectively cure the disqualification." ² (2013) 7 SCC 653 [Kindly see the Paragraph Number 6 of the Judgment. Copy of Judgment Enclosed.]

The Election Commission of India issued a Letter No. 464/INST/2023-EPS Dated 6th June 2023 to the Chief Electoral Officers of all States and UTs and it was stated that "As soon as the information is received about death, resignation, **disqualification of any sitting member** or setting aside election of a sitting member under an election petition **that causes vacancy of a seat in the House, the CEO shall pursue the issue and find out** whether the Lok

Avinash

BB

Sabha/Legislative Assembly has notified the vacancy, **whether any Court has passed order in the context of disqualification etc., and ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India.**"

It is seen that ECI/Office of CEO is not performing its role to conduct by-polls after stay on conviction despite MP/MLA having acquired disqualification due to conviction and his removal was automatic by operation of law. This has compelled me to know certain information concerning law/position of law. Therefore, I hereby most humbly requesting you kindly provide the following information under the provisions of the RTI Act, 2005:

1. Detail of the Judgment/Order of the Hon'ble Supreme Court of India passed since date 10.07.2013 in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.
2. Detail of the Law passed/amended by the Parliament since date 10.07.2013 which permits that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.
3. Detail of the Ordinance issued in the last 6 Months in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.

Kindly Note that:

- a) Through Point Number 1, I am requesting the Judgment/Order of the Hon'ble Supreme Court of India only. Further to this, through Point Number 2, I am requesting information on the law passed/amended by the Parliament (i.e., passed/amended by the Lok Sabha and Rajya Sabha and thereafter assented by the Hon'ble President of India) and it **doesn't include** any decision taken by the Lok Sabha Secretariat or Rajya Sabha Secretariat.
- b) Through Point Number 1 and 2, I am seeking information on the "Judgment/Order and law passed/amended" which was passed/amended post 10.07.2013. The Hon'ble Apex Court declared Section 8(4) of the Representation of People Act 1951 ultra-vires the constitution in the case of Lily Thomas vs Union Of India & Ors WRIT PETITION (CIVIL) NO. 490 OF 2005 on 10.07.2013.
- c) When I stated, "It is seen that ECI/Office of CEO is not performing its role to conduct by-polls after stay on conviction despite MP/MLA having acquired disqualification due to conviction and his removal was automatic by operation of law", I am not talking about Office of CEO, Uttarakhand in particular.
- d) Information stated before seeking information was provided for clarity of information sought. I am not seeking any clarification or justification. I am simply seeking the information under the Provisions of RTI Act 2005.

Avinash

कायालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001 (49)

email id election09@gmail.com फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) - 2713724

संख्या: 2448 / XXV- 02/2018

देहरादून

दिनांक 12 दिसम्बर, 2023

सेवा में,

1. प्रधान सचिव,
भारत निर्वाचन आयोग,
निर्वाचन सदन, अशोक रोड,
नई दिल्ली।
2. मुख्य निर्वाचन अधिकारी,
राष्ट्रीय राजधानी क्षेत्र, नई दिल्ली।

विषय : NGRS Portal पर प्राप्त शिकायत संख्या NGS6053070501 दिनांक 28 जुलाई, 2023 के निस्तारण के संबंध में।

महोदय,

कृपया उपरोक्त विषयक जिला निर्वाचन अधिकारी, देहरादून के पत्र संख्या 883 दिनांक 02 अगस्त, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जो श्री अविनाश अग्रवाल, एडवोकेट, ऋषिकेश, देहरादून की NGRS Portal पर प्राप्त शिकायत संख्या NGS6053070501 दिनांक 28 जुलाई, 2023 व शिकायत संख्या NGS3822873306 दिनांक 15 जुलाई, 2023 के निस्तारण के संबंध में है।

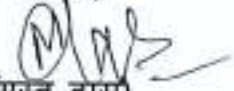
उक्त के क्रम में अवगत कराना है कि, श्री अविनाश अग्रवाल, एडवोकेट, ऋषिकेश, देहरादून द्वारा NGRS Portal पर विधान सभा निर्वाचन क्षेत्र 43-मालवीय नगर नई दिल्ली के संबंध में शिकायत संख्या NGS6053070501 दिनांक 28 जुलाई, 2023 व शिकायत संख्या NGS3822873306 दिनांक 15 जुलाई, 2023 मुख्य निर्वाचन अधिकारी कार्यालय उत्तराखण्ड के लांगिन पर प्रेषित हो गयी थी, जिन्हें तदसमय मालवीय नगर, ऋषिकेश से सम्बन्धित होने के कारण जिला निर्वाचन अधिकारी, देहरादून को नियमानुसार निस्तारण हेतु अग्रसित कर दिया गया था।

जिला निर्वाचन अधिकारी, देहरादून द्वारा उक्त शिकायत जनपद से सम्बन्धित न होने का उल्लेख करते हुए NGRS Portal पर निस्तारित कर दी गयी थी। तदुपरान्त आवेदक से हुई दूरभाष वार्ता एवं अभिलेखों के अवलोकन से स्पष्ट हुआ कि, उक्त शिकायत को निस्तारण मुख्य निर्वाचन अधिकारी, नई दिल्ली के स्तर से किया जाना है।

अतः उक्त शिकायतों की प्रति मूल रूप से संलग्न कर प्रेषित करते हुए मुझे निवेदन सहित यह कहने के निदेश हुए हैं कि कृपया उक्त शिकायतों के शीघ्र निस्तारण हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।

संलग्नक : यथोपरि।

भवदीय,


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या-2448 / XXV-02/2018 तददिनांकित।


प्रतिलिपि:- निम्न को सूचनार्थ प्रेषित :-

1. जिलाधिकारी एवं जिला निर्वाचन अधिकारी, देहरादून।
2. श्री अदनीश अग्रवाल, एडवोकेट, चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश, देहरादून को सूचनार्थ प्रेषित।



(बी एस रावत)

लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

प्रेषक,

जिला निर्वाचन अधिकारी,
देहरादून।

सेवा में,

मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड, देहरादून।

संख्या 883 / 25-40 / 2022

दिनांक: 02 जुलाई, 2023
अंगदत

विषय:- NGRS Portal पर प्राप्त शिकायत संख्या NGS6053070501 28.07.2023 के
निस्तारण के संबंध में।

महोदय,

उपरोक्त विषयक श्री अविनाश, एडवोकेट, ऋषिकेश, देहरादून की NGRS
Portal पर प्राप्त शिकायत संख्या-NGS6053070501 Date 28-07-2023,
NGS6053070501 Date 14-07-2023 संलग्न कर आवश्यक कार्यवाही हेतु सादर प्रेषित है।
संलग्न यथोपरि।

भवदीय,

(डॉ० शिव कुमार बरनवाल)
अपर जिलाधिकारी (प्रशा०)/
उप जिला निर्वाचन अधिकारी,
देहरादून।

प्रतिलिपि:- श्री अविनाश, एडवोकेट, ऋषिकेश, देहरादून को (मेल द्वारा) सूचनार्थ प्रेषित।

(डॉ० शिव कुमार बरनवाल)
अपर जिलाधिकारी (प्रशा०)/
उप जिला निर्वाचन अधिकारी,
देहरादून।


(बी. एस. रायत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

Complaint Details

Complainant Type
 Complaint ID
 Lodging Complaint
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS6053070501
 : Jul 28 2023 10:14AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-DISTRICT
 : PARTY RELATED COMPLAINTS

: I refer to Complaint ID NGS3822873306 Dated 15.07.2023 and its disposal dated 27.07.2023 and other grievances mentioned in said Complaint Dated 15.07.2023. Initially, said Complaint Dated 15.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 27.07.2023 while stating that "सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।" I repeat that I didn't file said Complaint Dated 15.07.2023 and other complaints at Zila Nirvachan Karyalaya, Dehradun. I filed Complaints at the "National Grievance Services" Portal of the "Election Commission of India". Online Grievance Portal doesn't ask the Complainant where to file the Grievance and therefore, to state that filing the Complaint at a Particular Portal is a vague & misleading statement. I cannot appreciate this behavior of the Grievance Handling Team. It is the internal matter of the Election Commission of India to which portal it submits my Complaint. I am enclosing a Screenshot of the Complaint Registering Page & it confirms that National Grievance Portal doesn't ask the Complainant where to file the complaint. Even if the Complaint is assigned to the Dehradun Portal by the Election Commission of India, it could transfer the Complaint internally to the Delhi Portal. I am shocked to see this behavior on such a serious matter where the Bye-Election is overdue for over 29 Months (now 30 Months). In continuation of the Application Dated 30.06.2023, I have already sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India on November 2021. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election


 (बी. एस. रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 देहरादून

7/31/23, 10:34 AM

46

Complaint

Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023:

Redressal Time Period (max.)

: 2

Disposal Status

: Default

Complainant Details

Full Name

: Adv. Avinash


Location

: State: Uttarakhand District :: Dehradun AC ::
Rishikesh

Mobile No.

: 7906289438 Valid Email ID
: adv.avinashagarwal@gmail.com


Back

Screenshot of the Complaint Registering Page.jpg	Jul 28 2023 10:14AM	
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Disposed type -Select-

Action Taken

Action Submit


(बी एस रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी

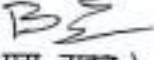
Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS3822873306
 : Jul 15 2023 4:35PM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

I refer to Complaint ID NGS3556118892 Dated 14.07.2023 and its disposal dated 15.07.2023. I further refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaints ID NGS5633146846 and NGS3556118892, under which authority it dealt with both complaints. I registered my complaints at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaints dated 10.07.2023 and 14.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. It is a very serious matter and I raise a serious objection to the disposal of said complaints by the Zila Nirvachan Karyalaya, Dehradun without having any jurisdiction or authority. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

: 2
 : Resolved


 (बी. एस. रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी

Redressal Time Period (max.)

Disposal Status

about:blank

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC ::
 Rishikesh
 Mobile No. : 7906289438 Valid Email ID
 : adv.avinashagarwal@gmail.com

Back

Jul 27 2023 4:11PM	सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कट करे। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।	DEO	Mrs. Smika	Resolve
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Disposed type -Select-

Action Taken

Action Submit

BS
 (बी एस रायच,)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 देहरादून।

Register New Complaint

Choose Complaint Type:
Choose a Subject:
District:

Upload photo (max 200KB in JPG or PNG format) (not be chosen)



Remarks * (Optional)

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Designed and Developed by (PRT) PRTN, New Delhi.

(43)

B.S.

(बी.एस. रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड़ सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

(61)

संख्या: 2447 /XXV-12 /2021

देहरादून

दिनांक 12 दिसम्बर, 2023

आदेश

अपीलकर्ता श्री अवनीश अग्रवाल, एडवोकेट, चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश, देहरादून द्वारा ईमेल के माध्यम से प्रस्तुत प्रथम अपील दिनांक 30 नवम्बर, 2023 के निस्तारण के क्रम में इस कार्यालय के पत्र संख्या 2354 दिनांक 04 दिसम्बर, 2023 के माध्यम से दिनांक प्रस्तुत अपील की सुनवाई हेतु दिनांक 08 दिसम्बर, 2023 की तिथि समय अपराह्न 01:00 बजे नियत की गयी थी, दिनांक 08 दिसम्बर, 2023 को सचिवालय में अवकाश घोषित होने के कारण उक्त अपील पर दिनांक 09 दिसम्बर, 2023 को पूर्वान्ह 11:00 गूगल मीट के माध्यम से बजे सुनवाई सम्पन्न हुई।

अपील के समय अपीलकर्ता गूगल मीट के माध्यम से तथा लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय उपस्थित रहें। अपीलकर्ता द्वारा अवगत कराया गया कि, उनके द्वारा द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से मांगी गयी सूचना न प्राप्त होने पर अपील प्रस्तुत की गयी है।

लोक सूचना अधिकारी द्वारा अवगत कराया गया कि, उन्हें अपीलकर्ता का आवेदन पत्र दिनांक 25 अक्टूबर, 2023 प्राप्त न होने के कारण समय पर आवेदन को वांछित सूचनाएं उपलब्ध नहीं करायी जा सकी है। कार्यालय स्तर पर NGS पोर्टल पर प्राप्त शिकायतों पर की गयी कार्यवाहियों की प्रति उपलब्ध करायी जा रही है।

प्रश्नगत अपील में प्रस्तुत तथ्यों का अवलोकन किया गया एवं अपीलकर्ता तथा लोक सूचना अधिकारी द्वारा प्रस्तुत पक्षों को सुने के आधार पर निम्न आदेश पारित किया जाता है।

1. लोक सूचना अधिकारी आवेदक द्वारा मूल अनुरोध पत्र दिनांक 25 अक्टूबर, 2023 में वांछित सूचनाएं आवेदक को 15 दिन के अन्तर्गत निःशुल्क उपलब्ध कराना सुनिश्चित करें।
2. NGS पोर्टल पर प्राप्त शिकायतों के क्रम में जिला निर्वाचन अधिकारी, देहरादून के पत्र संख्या 883 दिनांक 02 अगस्त, 2023 को मूल शिकायती पत्रों के साथ मुख्य निर्वाचन अधिकारी, दिल्ली तथा भारत निर्वाचन आयोग को आवश्यक कार्यवाही हेतु प्रेषित करने के लिए तत्काल पत्रावली प्रस्तुत करना सुनिश्चित करें।
3. NGS पोर्टल पर ऑन लाईन प्राप्त हो रही शिकायतों के ऑन लाईन अन्तिम निस्तारण से पूर्व उनकी समीक्षा सक्षम स्तर पर करा ली जाय।

उक्तानुसार प्रथम अपील का निस्तारण किया जाता है।

(मस्तू दास)

प्रथम अपीलीय अधिकारी /
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या-2447/XXV- 1202 तददिनांकित।

प्रतिलिपि:-

1. अनुभाग अधिकारी/लोक सूचना अधिकारी, को इस निर्देश के साथ प्रेषित कि वह उक्तानुसार ससमय कार्यवाही सुनिश्चित करें।
2. श्री अवनीश अग्रवाल, एडवोकेट, चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,, देहरादून को सूचनार्थ प्रेषित।

(मस्तू दास)

प्रथम अपीलीय अधिकारी /
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

(10)

कार्यालय- मुख्य निर्वाचन अधिकारी,उत्तराखण्ड देहरादून डिस्पैच किये पत्रों का विवरण 04.12.2023

क्र. सं.	नाम	जनपद	बार कोड	
1	श्री अवनीश अग्रवाल,एडवोकेट, चेम्बर नम्बर.10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश	देहरादून	EV870596119IN	

SPEED POST-BNPL
DDN-10-208



कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2507/XXV-12/2021

देहरादून

दिनांक 19 दिसम्बर, 2023

42

सेवा में,

श्री अविनाश अग्रवाल,

एडवोकेट,

चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,

देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

महोदय,

कृपया उपरोक्त विषय के संबंध में अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड के आदेश संख्या 2447 दिनांक 12 दिसम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, उक्त के अनुपालन में अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से आप द्वारा वांछित सूचना निम्नानुसार संलग्न कर प्रेषित की जा रही है :-

बिन्दु संख्या-1	NGRS पर निम्न NGSP पोर्टल पर प्राप्त हुई है :- (1) NGS2533011945, (2) NGS1019152959, (3) NGS3111100255, (4) NGS6053070501, (5) NGS6053070501, (6) NGS3822873306, (7) NGS3556118892	
बिन्दु संख्या-2	श्री मनीष कुमार, सहायक प्रोग्रामर, 839491121	
बिन्दु संख्या-3	उपरोक्तानुसार NGSP पोर्टल पर प्राप्त शिकायतों की डाउनलोड प्रति सत्यापित कर संलग्न कर प्रेषित की जा रही है। (संलग्नक-1, पृष्ठ संख्या-01 से 20 तक)	
बिन्दु संख्या-4 एवं 5	NGSP पोर्टल पर प्राप्त शिकायतों/आगे भेजी गयी शिकायतों को पृथक करने का कोई प्राविधान नहीं है, इस कारण बिन्दु संख्या-4 व 5 की सूचना बिन्दु संख्या-3 पर समाहित है।	
बिन्दु संख्या-6	मुख्य निर्वाचन अधिकारी कार्यालय द्वारा जिला निर्वाचन अधिकारी, देहरादून से प्राप्त सन्दर्भ दिनांक 02 अगस्त, 2023 को इस कार्यालय के पत्र संख्या 2448 दिनांक 12 दिसम्बर, 2023 के माध्यम से प्रधान सचिव, भारत निर्वाचन आयोग, नई दिल्ली व मुख्य निर्वाचन अधिकारी, नई दिल्ली को आवश्यक कार्यवाही हेतु सन्दर्भित किया गया है, जिसकी प्रति संलग्न है। (संलग्नक-2 पृष्ठ संख्या-21 से 27 तक, कुल 7 पृष्ठ)	
बिन्दु संख्या-7	उक्त बिन्दुओं से सम्बन्धित सूचना बिन्दु संख्या 4 व 6 पर समाहित है।	
बिन्दु संख्या-8	https://ceo.uk.gov.in	
बिन्दु संख्या-9	श्री बंसत सिंह रावत, अनुभाग अधिकारी, एवं लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, देहरादून। दूरभाष : 0135-2713724 मो.नं. 9411740189	श्री मस्तू दास, अपीलीय अधिकारी एवं सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड। दूरभाष : 0135-2713551 मो.नं. 989795591

संलग्नक : यथोपरि। कुल 28 पृष्ठ।

भवदीय

Bansat
(बंसत सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

संख्या-2507/XXV-12/2021 तददिनांकित।

प्रतिलिपि:- अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

Bansat
(बंसत सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।



कार्यालय : मुख्य निर्वाचन अधिकारी, ³⁹ उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2354/XXV-1/2021

देहरादून

दिनांक 04 दिसम्बर, 2023

सेवा में,

श्री अवनीश अग्रवाल,
एडवोकेट,
चेम्बर नम्बर-10,
तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-
महोदय,

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

कृपया उपरोक्त विषयक अपने ईमेल दिनांक 30 नवम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से आपके द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से मांगी गयी सूचना न प्राप्त होने पर अपील प्रस्तुत की गयी है।

उक्त के क्रम में आपके द्वारा प्रस्तुत अपील की सुनवाई हेतु दिनांक 08 दिसम्बर, 2023 की तिथि समय अपराह्न 01:00 बजे नियत की जाती है। उक्तानुसार नियत सुनवाई हेतु आप नियत तिथि व समय पर मुख्य निर्वाचन अधिकारी कार्यालय में उपस्थित होने अथवा Google Meet (<https://meet.google.com/xqc-ptvp-fyh>) / मोबाईल कॉल के माध्यम से सुनवाई में प्रतिभाग करने का कष्ट करें। साथ ही यह भी अनुरोध करना है कि यदि आप सहमत हों तो उक्त नियत तिथि से पूर्व किसी भी कार्यदिवस/कार्यालय समय में दूरभाष से भी जानकारी प्राप्त कर सकते हैं। अपीलीय अधिकारी से सम्बन्धित मोबाईल नम्बर-9897995591 है।

भवदीय

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या- ²³⁵⁴ /XXV- /202 तददिनांकित।

प्रतिलिपि:- अनुभाग अधिकारी/लोक सूचना अधिकारी, को इस निर्देश के साथ प्रेषित कि वह निर्धारित तिथि व समय पर अपील की सुनवाई हेतु उपस्थित होते हुए उक्तानुसार विभागीय पक्ष प्रस्तुत करने का कष्ट करें।

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।



(38)

30/11/23

CEO Uttarakhand <election09@gmail.com>

Gmail

First Appeal Application U/S 19(1) of the Right to Information Act 2005

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: election09@gmail.com

30 November 2023 at 15:34

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,


Kindly see the attachment for the First Appeal Application Dated 30.11.2023 and the connected RTI Application Dated 25.10.2023.


Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

2 attachments

 FAA Dated 25102023 (CEO-UK).pdf
554K

 RTI Application Dated 25102023 (CEO-UK).pdf
7523K

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पञ्च प्रान्त का दिनांक- 30/11/23
पतेलवा इकाई-107-पञ्चावली संख्या-

S.O
@mas
11/11/23
ACED

AROI
Bejaat
01-12-23
S.O



॥ श्री गणेशाय नमः ॥

**AVINASH AGARWAL
ADVOCATE**

MBA, LLM

**Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)**

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

I refer to the RTI Application Dated 25.10.2023 filed/submitted via email. Despite 30 days passed, PIO neither provided information nor provided any response to my RTI Application. Under the preview of provisions of Section 7(2) of the RTI Act 2005, it is correct to say that PIO has refused my request to provide the information.


RTI Act only provides grounds under sections 8 and 9 under which PIO can deny the information. Therefore, information refused is without any legal sanction and such refusal is illegal.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to kindly instruct/order the PIO to provide the information at the earliest. I request you kindly instruct the PIO to provide information via email at adv.avinashagarwal@gmail.com.

Date: 30.11.2023

Place: Rishikesh

Sincerely,


**Avinash Agarwal
Advocate**

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2507/XXV-12/2021

देहरादून

दिनांक 19 दिसम्बर, 2023

सेवा में,

श्री अविनाश अग्रवाल,

एडवोकेट,

चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,

देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

महोदय,

कृपया उपरोक्त विषय के संबंध में अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड के आदेश संख्या 2447 दिनांक 12 दिसम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, उक्त के अनुपालन में अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से आप द्वारा वांछित सूचना निम्नानुसार संलग्न कर प्रेषित की जा रही है :-

बिन्दु संख्या-1	NGRS पर निम्न NGSP पोर्टल पर प्राप्त हुई है :- (1) NGS2533011945, (2) NGS1019152959, (3) NGS3111100255, (4) NGS6053070501, (5) NGS6053070501, (6) NGS3822873306, (7) NGS3556118892	
बिन्दु संख्या-2	श्री मनीष कुमार, सहायक प्रोग्रामर, 839491121	
बिन्दु संख्या-3	उपरोक्तानुसार NGSP पोर्टल पर प्राप्त शिकायतों की डाउनलोड प्रति सत्यापित कर संलग्न कर प्रेषित की जा रही है। (संलग्नक-1, पृष्ठ संख्या-01 से 20 तक)	
बिन्दु संख्या-4 एवं 5	NGSP पोर्टल पर प्राप्त शिकायतों/आगे भेजी गयी शिकायतों को पृथक करने का कोई प्राविधान नहीं है, इस कारण बिन्दु संख्या-4 व 5 की सूचना बिन्दु संख्या-3 पर समाहित है।	
बिन्दु संख्या-6	मुख्य निर्वाचन अधिकारी कार्यालय द्वारा जिला निर्वाचन अधिकारी, देहरादून से प्राप्त सन्दर्भ दिनांक 02 अगस्त, 2023 को इस कार्यालय के पत्र संख्या 2448 दिनांक 12 दिसम्बर, 2023 के माध्यम से प्रधान सचिव, भारत निर्वाचन आयोग, नई दिल्ली व मुख्य निर्वाचन अधिकारी, नई दिल्ली को आवश्यक कार्यवाही हेतु सन्दर्भित किया गया है, जिसकी प्रति संलग्न है। (संलग्नक-2 पृष्ठ संख्या-21 से 27 तक, कुल 7 पृष्ठ)	
बिन्दु संख्या-7	उक्त बिन्दुओं से सम्बन्धित सूचना बिन्दु संख्या 4 व 6 पर समाहित है।	
बिन्दु संख्या-8	https://ceo.uk.gov.in	
बिन्दु संख्या-9	श्री बंसत सिंह रावत, अनुभाग अधिकारी, एवं लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, देहरादून। दूरभाष : 0135-2713724 मो.नं. 9411740189	श्री मस्तू दास, अपीलीय अधिकारी एवं सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड। दूरभाष : 0135-2713551 मो.नं. 989795591

संलग्नक : यथोपरि। कुल 28 पृष्ठ।

भवदीय

Bansawat
(बंसत सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

संख्या-2507/XXV-12/2021 तददिनांकित।

प्रतिलिपि:- अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

Bansawat
(बंसत सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।



कार्यालय : मुख्य निर्वाचन अधिकारी, ³⁹ उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2354/XXV- 12 /2021

देहरादून

दिनांक 04 दिसम्बर, 2023

सेवा में,

श्री अवनीश अग्रवाल,
एडवोकेट,
घेम्बर नम्बर-10,
तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-
महोदय,

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

कृपया उपरोक्त विषयक अपने ईमेल दिनांक 30 नवम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से आपके द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से मांगी गयी सूचना न प्राप्त होने पर अपील प्रस्तुत की गयी है।

उक्त के क्रम में आपके द्वारा प्रस्तुत अपील की सुनवाई हेतु दिनांक 08 दिसम्बर, 2023 की तिथि समय अपरान्ह 01:00 बजे नियत की जाती है। उक्तानुसार नियत सुनवाई हेतु आप नियत तिथि व समय पर मुख्य निर्वाचन अधिकारी कार्यालय में उपस्थित होने अथवा Google Meet (<https://meet.google.com/xqc-ptvp-fyh>) / मोबाईल कॉल के माध्यम से सुनवाई में प्रतिभाग करने का कष्ट करें। साथ ही यह भी अनुरोध करना है कि यदि आप सहमत हों तो उक्त नियत तिथि से पूर्व किसी भी कार्यदिवस/कार्यालय समय में दूरभाष से भी जानकारी प्राप्त कर सकते हैं। अपीलीय अधिकारी से सम्बन्धित मोबाईल नम्बर-9897995591 है।

भवदीय

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या- ²³⁵⁴ /XXV- 1202 तददिनांकित।

प्रतिलिपि:- अनुभाग अधिकारी/लोक सूचना अधिकारी, को इस निर्देश के साथ प्रेषित कि वह निर्धारित तिथि व समय पर अपील की सुनवाई हेतु उपस्थित होते हुए उक्तानुसार विभागीय पक्ष प्रस्तुत करने का कष्ट करें।

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।



(38)

30/11/23

Gmail

CEO Uttarakhand <election09@gmail.com>

First Appeal Application U/S 19(1) of the Right to Information Act 2005

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: election09@gmail.com

30 November 2023 at 15:34

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

Kindly see the attachment for the First Appeal Application Dated 30.11.2023 and the connected RTI Application Dated 25.10.2023.

Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

2 attachments

FAA Dated 25102023 (CEO-UK).pdf
554K

RTI Application Dated 25102023 (CEO-UK).pdf
7523K

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
नाम शक्ति का विभाग- 30/11/23
पता- 107 पञ्चवली संख्या-

S.O
M.A.S
11/11/23
A.C.E.O

AROI
B. Chatur
01-12-23
S.O



॥ श्री गणेशाय नमः ॥

**AVINASH AGARWAL
ADVOCATE**

MBA, LLM

**Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)**

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

I refer to the RTI Application Dated 25.10.2023 filed/submitted via email. Despite 30 days passed, PIO neither provided information nor provided any response to my RTI Application. Under the preview of provisions of Section 7(2) of the RTI Act 2005, it is correct to say that PIO has refused my request to provide the information.


RTI Act only provides grounds under sections 8 and 9 under which PIO can deny the information. Therefore, information refused is without any legal sanction and such refusal is illegal.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to kindly instruct/order the PIO to provide the information at the earliest. I request you kindly instruct the PIO to provide information via email at adv.avinashagarwal@gmail.com.

Date: 30.11.2023

Place: Rishikesh

Sincerely,


**Avinash Agarwal
Advocate**

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2507/XXV-12/2021

देहरादून

दिनांक 18 दिसम्बर, 2023

42

सेवा में,

श्री अविनाश अग्रवाल,
एडवोकेट,
चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

महोदय,

कृपया उपरोक्त विषय के संबंध में अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड के आदेश संख्या 2447 दिनांक 12 दिसम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, उक्त के अनुपालन में अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से आप द्वारा वांछित सूचना निम्नानुसार संलग्न कर प्रेषित की जा रही है :-

बिन्दु संख्या-1	NGRS पर निम्न NGSP पोर्टल पर प्राप्त हुई है :- (1) NGS2533011945, (2) NGS1019152959, (3) NGS3111100255, (4) NGS6053070501, (5) NGS6053070501, (6) NGS3822873306, (7) NGS3556118892	
बिन्दु संख्या-2	श्री मनीष कुमार, सहायक प्रोग्रामर, 839491121	
बिन्दु संख्या-3	उपरोक्तानुसार NGSP पोर्टल पर प्राप्त शिकायतों की डाउनलोड प्रति सत्यापित कर संलग्न कर प्रेषित की जा रही है। (संलग्नक-1, पृष्ठ संख्या-01 से 20 तक)	
बिन्दु संख्या-4 एवं 5	NGSP पोर्टल पर प्राप्त शिकायतों/आगे भेजी गयी शिकायतों को पृथक करने का कोई प्राविधान नहीं है, इस कारण बिन्दु संख्या-4 व 5 की सूचना बिन्दु संख्या-3 पर समाहित है।	
बिन्दु संख्या-6	मुख्य निर्वाचन अधिकारी कार्यालय द्वारा जिला निर्वाचन अधिकारी, देहरादून से प्राप्त सन्दर्भ दिनांक 02 अगस्त, 2023 को इस कार्यालय के पत्र संख्या 2448 दिनांक 12 दिसम्बर, 2023 के माध्यम से प्रधान सचिव, भारत निर्वाचन आयोग, नई दिल्ली व मुख्य निर्वाचन अधिकारी, नई दिल्ली को आवश्यक कार्यवाही हेतु सन्दर्भित किया गया है, जिसकी प्रति संलग्न है। (संलग्नक-2 पृष्ठ संख्या-21 से 27 तक, कुल 7 पृष्ठ)	
बिन्दु संख्या-7	उक्त बिन्दुओं से सम्बन्धित सूचना बिन्दु संख्या 4 व 6 पर समाहित है।	
बिन्दु संख्या-8	https://ceo.uk.gov.in	
बिन्दु संख्या-9	श्री बंसंत सिंह रावत, अनुभाग अधिकारी, एवं लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, देहरादून। दूरभाष : 0135-2713724 मो.नं. 9411740189	श्री मस्तू दास, अपीलीय अधिकारी एवं सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड। दूरभाष : 0135-2713551 मो.नं. 989795591

संलग्नक : यथोपरि। कुल 28 पृष्ठ।

भवदीय

B. S. Rawat
(बंसंत सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

2507
संख्या-~~2507~~/XXV- 1202 तद्दिनांकित।

प्रतिलिपि:- अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

B. S. Rawat
(बंसंत सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।



कार्यालय : मुख्य निर्वाचन अधिकारी, ³⁹ उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं (0135) - 2713780, 2713551

फैक्स नं (0135) -2713724

संख्या: 2354/XXV- 12 /2021

देहरादून

दिनांक 04 दिसम्बर, 2023

सेवा में,

श्री अवनीश अग्रवाल,
एडवोकेट,
घेम्बर नम्बर-10,
तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-
महोदय,

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

कृपया उपरोक्त विषयक अपने ईमेल दिनांक 30 नवम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से आपके द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से मांगी गयी सूचना न प्राप्त होने पर अपील प्रस्तुत की गयी है।

उक्त के क्रम में आपके द्वारा प्रस्तुत अपील की सुनवाई हेतु दिनांक 08 दिसम्बर, 2023 की तिथि समय अपरान्ह 01:00 बजे नियत की जाती है। उक्तानुसार नियत सुनवाई हेतु आप नियत तिथि व समय पर मुख्य निर्वाचन अधिकारी कार्यालय में उपस्थित होने अथवा Google Meet (<https://meet.google.com/xqc-ptvp-fyh>) / मोबाईल कॉल के माध्यम से सुनवाई में प्रतिभाग करने का कष्ट करें। साथ ही यह भी अनुरोध करना है कि यदि आप सहमत हों तो उक्त नियत तिथि से पूर्व किसी भी कार्यदिवस/कार्यालय समय में दूरभाष से भी जानकारी प्राप्त कर सकते हैं। अपीलीय अधिकारी से सम्बन्धित मोबाईल नम्बर-9897995591 है।

भवदीय

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या- ²³⁵⁴ /XXV- 1202 तददिनांकित।

प्रतिलिपि:- अनुभाग अधिकारी/लोक सूचना अधिकारी, को इस निर्देश के साथ प्रेषित कि वह निर्धारित तिथि व समय पर अपील की सुनवाई हेतु उपस्थित होते हुए उक्तानुसार विभागीय पक्ष प्रस्तुत करने का कष्ट करें।

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।



First Appeal Application U/S 19(1) of the Right to Information Act 2005

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: election09@gmail.com

30 November 2023 at 15:34

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

Kindly see the attachment for the First Appeal Application Dated 30.11.2023 and the connected RTI Application Dated 25.10.2023.

Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

2 attachments

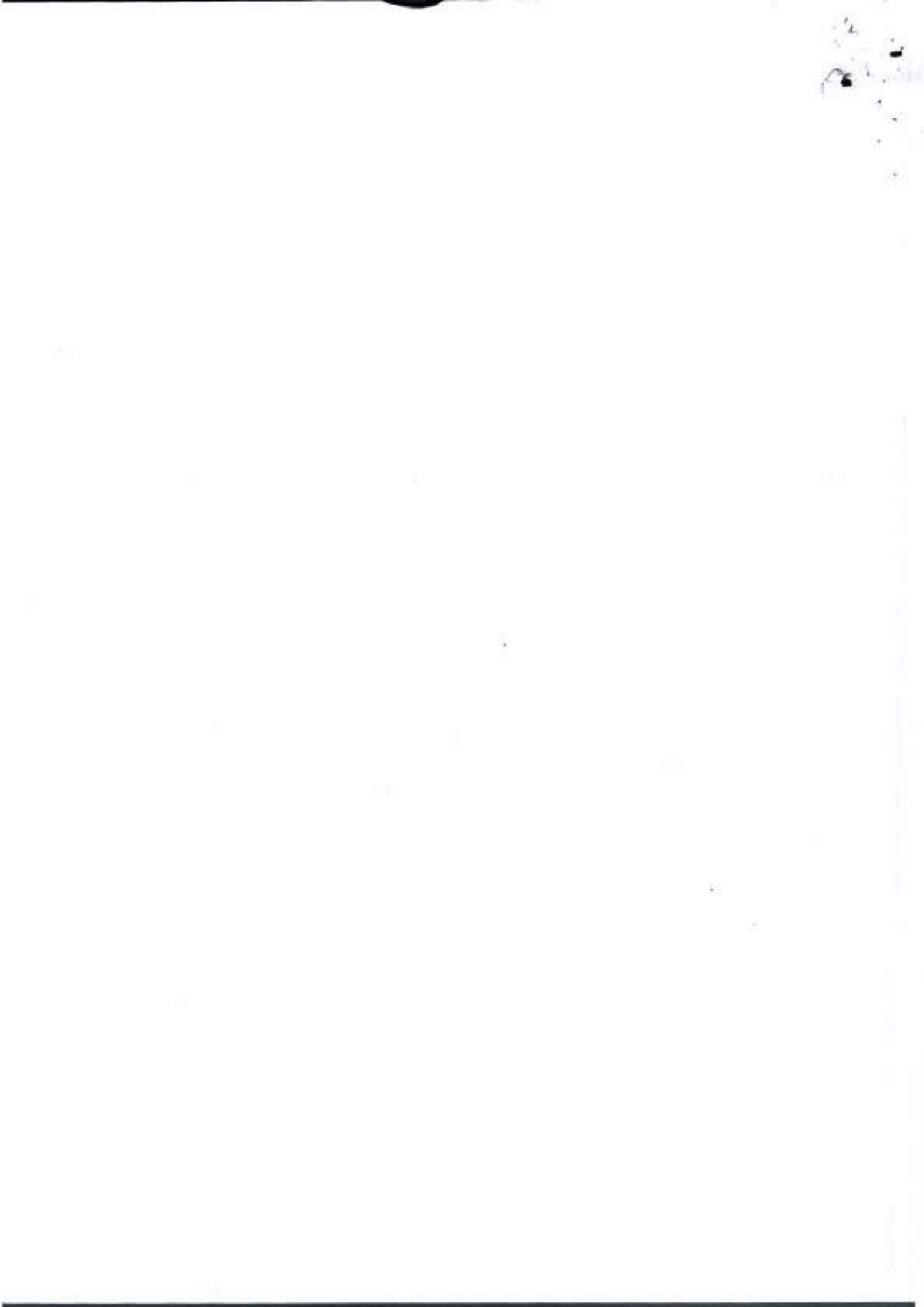
FAA Dated 25102023 (CEO-UK).pdf
554K

RTI Application Dated 25102023 (CEO-UK).pdf
7523K

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पना प्रतिस का दिनांक- 30/11/23
रजिस्ट्रार नमंक-107 पञ्चावली संख्या-

S.O
@mas
11/11/23
A.C.E.O.

AROI
Bejaat
01-12-23
S.O



॥ श्री गणेशाय नमः ॥

**AVINASH AGARWAL
ADVOCATE**

MBA, LLM

**Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)**

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

I refer to the RTI Application Dated 25.10.2023 filed/submitted via email. Despite 30 days passed, PIO neither provided information nor provided any response to my RTI Application. Under the preview of provisions of Section 7(2) of the RTI Act 2005, it is correct to say that PIO has refused my request to provide the information.

RTI Act only provides grounds under sections 8 and 9 under which PIO can deny the information. Therefore, information refused is without any legal sanction and such refusal is illegal.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to kindly instruct/order the PIO to provide the information at the earliest. I request you kindly instruct the PIO to provide information via email at adv.avinashagarwal@gmail.com.

**Date: 30.11.2023
Place: Rishikesh**

Sincerely,

**Avinash Agarwal
Advocate**

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|| श्री गणेशाय नमः ||

AVINASH AGARWAL
ADVOCATE

MBA, LLM

Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)

Email- adv.avinashagarwal@gmail.com Mobile: +91-7906289438

Date: 25.10.2023

To,
Public Information Officer under RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6 of the Right to Information Act 2005

Sir,

I refer to 7 Grievances having Complaint IDs NGS5633146846, NGS3556118892, NGS3822873306, NGS6053070501, NGS3111100255, NGS1019152959, and NGS2533011945 filed/submitted at the National Grievance Services, Election Commission of India (Copy of Said Grievances enclosed with status). With respect to these Grievances, kindly provide the following information under the provisions of the RTI Act 2005:

1. Kindly provide the Complaint IDs of Grievances, filed by Applicant referred above, which have been received by the Office of Chief Electoral Officer – Uttarakhand.
2. Kindly provide the details of the Officer (Name, Designation, and Contact Details) at the Office of the Chief Electoral Officer - Uttarakhand who dealt with the Grievances referred to in above Point Number 1.
3. Kindly provide the Scanned Certified Copy of all documents received by the Office of Chief Electoral Officer – Uttarakhand from all levels with respect to Grievances referred to in above Point Number 1.
4. Kindly provide the Scanned Certified Copy of all documents sent by the Office of Chief Electoral Officer – Uttarakhand to all levels with respect to Grievances referred to in above Point Number 1.
5. Kindly provide the Scanned Certified Copy of all documents generated at the Office of Chief Electoral Officer – Uttarakhand with respect to Grievances referred to in above Point Number 1.
6. Did the Office of Chief Electoral Officer – Uttarakhand escalate the matter with respect to Grievances referred to in above Point Number 1 at the Higher Level – Yes/No
7. Kindly provide the details of all actions done by the Office of Chief Electoral Officer – Uttarakhand with respect to the Grievances referred to in above Point Number 1

In addition to the above, kindly provide me with the following information under the RTI Act, 2005:

- 35
8. Kindly provide the direct weblink of its official website where the Office of the Chief Electoral Officer - Uttarakhand uploads RTI Applications, First Appeal, and their responses in adherence to mandatory guidelines/instructions mentioned in Office Memorandum Number No. 1/6/2011-IR Dated 15.04.2013 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension.
 9. Kindly inform me of the details of officers (Name, Designation, and Contact Details) whose assistance was sought by CPIO in connection with taking the decision and supplying the information requested in Points Number 1 to 8 of this RTI Application under section 5(4) read with 5(5) of the RTI Act. [Kindly provide the details of officers with respect to each Point separately.]

Kindly Note that:

- Kindly provide the **Scanned Certified Copy** via email at Registered Email ID adv.avinashagarwal@gmail.com
- Kindly provide the Certified Copy of the requested documents in the Format mentioned in Office Memorandum Number No. No. 10/1/2013-R Dated 06.10.2015 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension.
- Kindly provide the online link for making a fee payment for getting the requested documents.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the PIO to provide the information at the earliest.

Date: 25.10.2023
Place: Rishikesh

Sincerely,

Avinash Agarwal
Advocate

Enclosure: As Stated Above.

RTI Application fee paid via challan

Nb.- 00701023E0049491 dt: 25/10/2023.



National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID : NGS5633146846

Date of Lodging Complaint : Jul 10 2023 12:33PM

State : Uttarakhand District: 13-Dehradun Assembly
Constituency: 24-Rishikesh, 24-Rishikesh


Subject : PARTY RELATED COMPLAINTS

Brief Description about complaint : I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023. [Kindly Note that: Based on my previous experiences, I consider it proper to mention here that I am filling the Current Grievance in Subject "Election Related Complaint" and Particular "Others". Therefore, I am filling the current Grievance at the correct place/forum (I am attaching the screenshot of the website which clears that I am filling this grievance at the appropriate place).]

Detail Status

Redressal Time : 2
Disposal Status : Closed
Action Taken : सर, उक्त प्रकरण विधान सभा 43-मातवीप नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।

Action Date	Action Taken
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मातवीप नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मातवीप नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।

File Name	Uploaded Date	Download Scanned Document
Grievance Webpage.jpg	Jul 10 2023 12:33PM	

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Welcome Mr. Purnath

Register New Complaint

Choose Complaint Type: **Other** ▼

Choose a Subject: **ELECTION RELATED COMPLAINT** ▼ **Particular** ▼ **Others** ▼

Description:

Upload document if any (Max. 20MB in JPG or JPEG format) No file chosen

Notes: * Compulsory field



Welcome, User

Complain ID/Reference No. :

NGS5633146846

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS5633146846	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	13 July, 2023	Resolved
NGS5633146846	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	13 July, 2023	Resolved

National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID : NGS3556118892

Date of Lodging Complaint : Jul 14 2023 1:08AM

State : Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh

Subject : PARTY RELATED COMPLAINTS

Brief Description about complaint : I refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaint ID NGS5633146846, under what authority it dealt with the complaint? I registered my complaint at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaint dated 10.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

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Detail Status

Redressal Time : 2
Disposal Status : Closed
Action Taken : सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से नहीं है।

Action Date	Action Taken
Jul 15 2023 4:16PM	सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से नहीं है।

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Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS3556118892

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS3556118892	सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से नहीं है।	15 July, 2023	Resolved

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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID	: NGS3822873306
Date of Lodging Complaint	: Jul 15 2023 4:35PM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS

Brief description about complaint

: I refer to Complaint ID NGS3556118892 Dated 14.07.2023 and its disposal dated 15.07.2023. I further refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaints ID NGS5633146846 and NGS3556118892, under what authority it dealt with both complaints. I registered my complaints at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaints dated 10.07.2023 and 14.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. It is a very serious matter and I raise a serious objection to the disposal of said complaints by the Zila Nirvachan Karyalaya, Dehradun without having any jurisdiction or authority. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

Detail Status

Redressal Time

: 2

Disposal Status

: Closed

Action Taken

: सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।

Action Date	Action Taken
Jul 27 2023 4:13PM	सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आरबी शिकायत दिल्ली से संबंधित है।

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Election Commission of India

Welcome, User

Complain ID/Reference No. :
NGS3822873306

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS3822873306	Officer not action taken by within timeline.	18 July, 2023	Escalated to Higher Level



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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

[View Registered Complaint Details](#)

Complaint Details

Complaint ID	:	NGS6053070501
Date of Lodging Complaint	:	Jul 28 2023 10:14AM
State	:	Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	:	PARTY RELATED COMPLAINTS

6093070801

Bri...escription about complaint

I refer to Complaint ID NGS3822873306 Dated 15.07.2023 and its disposal dated 27.07.2023 and other grievances mentioned in said Complaint Dated 15.07.2023. Initially, said Complaint Dated 15.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 27.07.2023 while stating that "सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे हैं आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।" I repeat that I didn't file said Complaint Dated 15.07.2023 and other complaints at Zila Nirvachan Karyalaya, Dehradun. I filed Complaints at the "National Grievance Services" Portal of the "Election Commission of India". Online Grievance Portal doesn't ask the Complainant where to file the Grievance and therefore, to state that filing the Complaint at a Particular Portal is a vague & misleading statement. I cannot appreciate this behavior of the Grievance Handling Team. It is the internal matter of the Election Commission of India to which portal it submits my Complaint. I am enclosing a Screenshot of the Complaint Registering Page & it confirms that National Grievance Portal doesn't ask the Complainant where to file the complaint. Even if the Complaint is assigned to the Dehradun Portal by the Election Commission of India, it could transfer the Complaint internally to the Delhi Portal. I am shocked to see this behavior on such a serious matter where the Bye-Election is overdue for over 29 Months (now 30 Months). In continuation of the Application Dated 30.06.2023, I have already sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India on November 2021. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023.

Detail Status

Redressal Time


: 2

Disposal Status

: Closed

Action Taken

: इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।

Action Date	Action Taken	
Aug 3 2023 11:57AM	इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी रिकार्डिंग मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।	
File Name	Uploaded Date	Download Scanned Document
Screenshot of the Complaint Registering Page.jpg	Jul 28 2023 10:14AM	 Download

[Back](#)

Election Commission of India **National Grievance Services**
भारत निर्वाचन आयोग **Information, Suggestions & Complaints**

Home | [Contact Us](#) | [Suggestion / Message](#) | [My Account](#)

1730

Welcome Mr. Anandh

Register New Complaint

Choose Complaint Type*	Class			
Choose a Subject*	ELECTION RELATED COMPLAINT *	Petitioner *	0174690	
Servicent*				

Upload document if any (max 20MB in JPG or PDF format) No file chosen

Remark: * Compulsory field

Election Commission of India

Welcome, User

Complain ID/Reference No. :

NGS6053070501

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS6053070501	Officer not action taken by within timeline.	31 July, 2023	Escalated to Higher Level



National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID	:	NGS3111100255
Date of Lodging Complaint	:	Aug 29 2023 3:11PM
State	:	Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	:	PARTY RELATED COMPLAINTS

Brief Description about complaint

: I refer to Complaint ID NGS6053070501 Dated 28.07.2023 and its disposal dated 03.08.2023 and other grievances mentioned and referred to in said Complaint Dated 28.07.2023. Initially, said Complaint Dated 28.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 03.08.2023 while stating that "इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।" I would like to clarify that my Grievance is still unresolved and I heard nothing post 03.08.2023 dated response so far. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023. [Kindly Note: Dispose of the Current Grievance only when it is really resolved, don't dispose of it like Complaint IDs NGS5633146846, NGS3556118892, NGS3822873306 and NGS6053070501.]

Detail Status

Redressal Time

: 2

Disposal Status

: Closed

Act Taken

: sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kasht kare.

Action Date	Action Taken
Sep 12 2023 10:17AM	sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kasht kare.

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Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS3111100255

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS3111100255	Officer not action taken by within timeline.	01 September, 2023	Escalted to Higher Level

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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID : NGS1019152959

Date of Lodging Complaint : Sep 18 2023 2:36PM

State : Uttarakhand District: 13-Dehradun Assembly
Constituency: 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-
Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-
Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-
Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-
Rishikesh, 24-Rishikesh, 24-Rishikesh

Subject : PARTY RELATED COMPLAINTS

(B)

NGS 101915 2959

Brief Description about complaint

: I refer to Complaint ID NGS3111100255 Dated 29.08.2023 and its disposal dated 12.09.2023 and other grievances mentioned and referred to in said Complaint Dated 29.08.2023. Initially, said Complaint Dated 29.08.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 12.09.2023 while stating that "sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send kame ka kasht kare." It is not clear to me when the Complaint was sent to the Chief Electoral Officer, Uttarakhand on 02.08.2023, why I need to send the Complaint again. Further, when my Complaint is not resolved, why it is showing "Resolved" status? I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and therefore changes it to "Closed". Currently, the Status for Complaint ID NGS3111100255 is "Resolved". I have filed many Complaints on the same matter and it clearly indicates that the Election Commission of India closed the Grievances without resolving them. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter

(12)

NGS1019152959

affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 31 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filing the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission is dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance.]

Detail Status

Redressal Time : 2
 Disposal Status : Closed
 Action Taken : Kindly resolve the issue at the earliest.

Action Date	Action Taken
Oct 4 2023 11:12AM	sir, इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। आपको पूर्व में अवगत कराया गया है कि आप अपनी शिकायत मुख्य निर्वाचन अधिकारी की मेल आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।
Sep 19 2023 10:24AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
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- Reclassification Time : 2
- Disposal Status : Closed
- Action Taken : Kindly resolve the issue at the earliest.

Action Date	Action Taken
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:19AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:19AM	Kindly resolve the issue at the earliest.

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Election Commission of India



Welcome, User

Complain ID/Reference No. :
NGS1019152959

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS1019152959	Kindly resolve the issue at the earliest.	19 September, 2023	Forward

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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

[View Registered Complaint Details](#)

Complaint Details

Complaint ID	: NGS2533011945
Date of Lodging Complaint	: Oct 10 2023 11:56AM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS

(1)

1652533011945

Brief Description about complaint

I refer to Complaint ID NGS1019152959 Dated 18.09.2023 and its disposal dated 04.10.2023 and other grievances mentioned and referred to in said Complaint Dated 18.09.2023. Initially, said Complaint Dated 18.09.2023 was forwarded with a request "Kindly resolve the issue at the earliest," on 19.09.2023 and thereafter, it was disposed of with Disposal Status "Resolved" on 04.10.2023 and it was stated "sir, इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। आपको पूर्व में अवगत कराया गया है कि आप अपनी शिकायत मुख्य निर्वाचन अधिकारी की मेल आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।" I am again raising strong objection on the way the said Complaint Dated 18.09.2023 was disposed of. Initially, it was forwarded with a request to resolve the issue at the earliest, and, thereafter it was disposed of while stating that the complaint is not related to this office. Concerned Officer, who closed the Complaint, didn't inform to who the said Complaint Dated 18.09.2023 was forwarded. It is also not informed to me what action has been taken by the CEO, Uttarakhand on my Complaint despite my complaint was forwarded to the CEO, Uttarakhand on 02.08.2023. I am really shocked to see this behaviour on such a sensitive matter. It is not me who is filing/submitted my Complaint to the Zila Nirvachan Karyalaya, Dehradun. And if the concerned officer considered that Zila Nirvachan Karyalaya, Dehradun is not an appropriate authority, it is expected from him to transfer the Complaint to the appropriate authority of the Election Commission of India. Zila Nirvachan Karyalaya, Dehradun has absolutely failed to inform under what authority or jurisdiction, it is disposing of my Grievances. Despite, it is the internal matter of the Election Commission of India where to forward the Grievance of Citizen, my grievances are continuously closed by claiming that your complaint is not related to this office. Instead of transferring/forwarding the complaint to the appropriate authority, my complaints are continuously disposed of with a disposal status "Resolved". I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and thereafter changes it to "Closed". Disposal Status showing "Resolved" is clearly a misleading statement. My Grievance is still unresolved. My Grievances are continuously disposed of without resolving. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 32 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of

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NGS 25330/1945

India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 32 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. Against the response of CPIO, I filed a First Appeal Application and requested the First Appellate Authority that "Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to conduct a virtual/online hearing as soon as possible before passing the First Appellate Order. I most humbly request not call in Physically and conduct the hearing online only." Despite my expressed request to conduct the

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NLS 25 33 0179 45

hearing, the First Appellate Authority didn't conduct the hearing and passed the First Appellate Order. Here, I would like to clarify that the Central Information Commission in the Case of Mr. R.K. Jain v. Department of Legal Affairs Second Appeal Number CIC/SA/A/2014/000254 observed that "Passing orders in first appeal without hearing or sending hearing notice is illegal and will render the order invalid." The Election Commission of India vide Press Note No. ECI/PN/57/2023 Dated 09.10.2023 announced the General Election to Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana. Further, the Election Commission of India vide Press Note No. ECI/PN/58/2023 Dated 09.10.2023 announced the Schedule for Bye-election in 43-Tapsi (ST) Assembly Constituency of Nagaland. The election Commission of India remained absolutely silent for conducting the Bye-election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 32 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. It is expected from the Grievance Handling Officer to ensure the law of the land prevails in all conditions. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. It is a very sensitive matter and it is expected from the Election Commission of India to resolve the matter at the earliest while keeping in mind its gravity and the principle of natural justice. The more delay it takes, the more complicated the matter shall become. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filing the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission is dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance. If Zila Nirvachan Karyalaya Dehradun again decides to dispose of the current Grievance/Complaint and decides to repeat its statement, being a complainant, I request the concerned officer of Zila Nirvachan Karyalaya Dehradun to provide the following information: 1) Whether the Zila Nirvachan Karyalaya Dehradun has the Jurisdiction to deal with the current Complaint? 2) Under what Authority Zila

(4)

NGS 2533011945

Nirvachan Karyalaya Dehradun is dealing with the current Complaint? 3) Does the CEO Uttarakhand have the jurisdiction or authority to deal with the matter of disqualification of a Member of the Legislative Assembly of Delhi State? 4) What is the reason for not forwarding the Grievance to the Election Commission of India despite my request for the same. 5) What is the reason for stating disposal status "Resolved" despite none of the grievances have been resolved? 6) To whom the Zila Nirvachan Karyalaya Dehradun Escalated the Grievances at a higher level? 7) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the Higher level to whom it Escalated the Grievances? 8) To whom the Zila Nirvachan Karyalaya Dehradun forwarded the Grievance Dated 18.09.2023? 9) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the authority to whom it forwarded the Grievance Dated 18.09.2023? 10) Details of the Officer of Zila Nirvachan Karyalaya Dehradun who dealt with my grievances including the current Grievance? 11) When being a complainant, I am not submitting the complaint to the Zila Nirvachan Karyalaya Dehradun, why it is disposing of the grievances at its level? It must be noted that being a complainant, I have the right to know the sought information. In adherence to the Principle of the Natural (Article 14 of the Indian Constitution), it is expected that the Zila Nirvachan Karyalaya Dehradun provide the sought information. Through Applications Dated 30.06.2023 and 24.07.2023, I conveyed my wish that in the event of any (legal) doubts arising regarding my request, I am willing and prepared to provide any additional information or clarification necessary to assist the Election Commission of India in making a fully informed decision on this matter. I requested to do the online/virtual communication only to ensure fast and secure communications. I repeat this message to resolve the current grievance. I ensure full cooperation from my side. Regarding this, I request to do the online/virtual communication only to ensure fast and secure communications. I believe this time my grievance shall be resolved and the concerned authority/officer shall act in accordance with the provisions of law.]

Detail Status

Redressal Time : 2

Disposal Status : Resolved

Action Taken : महोदय, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।

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Action Date	Action Taken
Oct 18 2023 1:08PM	महोदय, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।

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Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS2533011945

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS2533011945	महोदय, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।	18 October, 2023	Resolved

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कार्यालय:- मुख्य निर्वाचन अधिकारी,उत्तराखण्ड देहरादून डिस्पैच किये पत्रों का विवरण 18.12.2023

क सं	नाम	जनपद	बार कोड	
1	श्री अविनाश अग्रवाल, ऋषिकेश	ऋषिकेश	EV870596051IN	r.t.i 2507



कार्यालय:- मुख्य निर्वाचन अधिकारी,उत्तराखण्ड देहरादून डिस्पैच किये पत्रों का विवरण 18.12.2023

क. सं	नाम	जनपद	बार कोड	
1	श्री अविनाश अग्रवाल, ऋषिकेश	ऋषिकेश	EV870596051IN	r.t.i 2507





कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सुभाष रोड़, सचिवालय परिसर, देहरादून- 248001
election09@gmail.com फोन नं० (0135)-2713551 फैक्स नं० (0135) - 2713724

संख्या: 3526 /XXV-12(P-14)/2024 देहरादून : दिनांक 02 जुलाई, 2024
सेवा में,

सचिव,
मा० उत्तराखण्ड सूचना आयोग
सूचना का अधिकार भवन
लाड़पुर रिंग रोड, देहरादून।

विषय:- अपील संख्या-40231/2024 अपीलकर्ता: एडवोकेट श्री अवनीश अग्रवाल/चैम्बर नं०-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में।

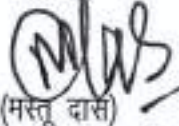
महोदय,

उत्तराखण्ड सूचना आयोग की अपील संख्या-40231/2024 अपीलार्थी श्री अवनीश अग्रवाल बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून में निर्गत नोटिस संख्या 1429/उ०सू०आ०/2024-25 दिनांक 16.05.2024 का संदर्भ ग्रहण करने का कष्ट करें, संदर्भित प्रकरण में मा० आयोग द्वारा दिनांक 02 जुलाई, 2024 को उक्त अपील पर सुनवाई नियत की गयी है।

मा० आयोग द्वारा प्राप्त नोटिस का प्रत्युत्तर कार्यालय पत्रांक 2933 दिनांक 09 मई, 2024 व पत्रांक 2934 दिनांक 09 मई, 2024 एवं प्रारूप "क" एवं "ख" पर सूचना तैयार कर प्रेषित की जा चुकी है।

उपरोक्त के क्रम में अवगत कराना है कि अधोहस्ताक्षरी विधान सभा क्षेत्र के लिए उप निर्वाचन, 2024 के दृष्टिगत निर्वाचन कार्यों में व्यस्त होने के कारण आज दिनांक 02 जुलाई, 2024 को उपरोक्त अपील में सुनवाई हेतु श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को नामित किया जा रहा है।

भवदीय,


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
देहरादून।

संख्या: 3526 /XXV-12(P-14)/तद दिनांकित।

प्रतिलिपि:- श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को उपरोक्त के क्रम में परिपालनार्थ।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
देहरादून।



उत्तराखण्ड सूचना-आयोग

सूचना का अधिकार भवन, लाडपुर, रिंग रोड, देहरादून
दूरभाष नं०- 0135-2682021, फैक्स नं०- 0135-2682180

ईमेल : secy-uic@gov.in वेब : <https://uic.uk.gov.in>

पत्रांक : 1429

/उ.सू.आ./2024-25


दिनांक :


16/05/2024

मा० राज्य मुख्य सूचना आयुक्त श्री अनिल चन्द्र पुनेठा के दिनांक 09.05.2024 को सेवा निवृत्त होने एवं मा० मुख्य सूचना आयुक्त के पद रिक्त होने के फलस्वरूप दिनांक 13.05.2024 को मा० आयोग में योजित समस्त अपीलों/शिकायतों की चुनवाई की तिथि निम्नानुसार परिवर्तित की जाती है।

क्र. सं.	वाद संख्या	अपीलकर्ता/शिकायतकर्ता का नाम	प्रतिवादी	पूर्व नियत तिथि	परिवर्तित तिथि
1	अ.स. 39968	डा० सतीश चन्द्र छाबड़ा	लो.सू.अ./नगर निगम, रुद्रपुर, जिला ऊधमसिंह नगर। वि.अ.अ./नगर आयुक्त रुद्रपुर, ऊधमसिंह नगर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
2	अ.स. 39969	श्री गोपाल सिंह सैनी	लो.सू.अ./सहायक नगर आयुक्त, नगर निगम, काशीपुर, जिला ऊधमसिंह नगर। वि.अ.अ./सहायक नगर आयुक्त नगर निगम, काशीपुर, जिला ऊधमसिंह नगर	13.05.2024	पीठ-4 01/07/2024
3	अ.स. 39971	श्री अर्जुन सिंह चौहान	लो.सू.अ./अधिसासी अधिकारी, नगर पालिका परिषद खटीमा, ऊधमसिंह नगर, जिला ऊधमसिंह नगर। वि.अ.अ./उप जिला अधिकारी, खटीमा, ऊधमसिंह नगर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
4	अ.स. 39970	श्री आसिम अजहर	लो.सू.अ./अधिसासी अधिकारी, नगर पालिका जसपुर, जिला ऊधमसिंह नगर। वि.अ.अ./उप जिलाधिकारी, जसपुर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
5	अ.स. 39972	श्री आसिम अजहर	लो.सू.अ./अधिसासी अधिकारी, नगर पालिका जसपुर, ऊधमसिंह नगर, जिला ऊधमसिंह नगर। वि.अ.अ./उप जिलाधिकारी, जसपुर, ऊधमसिंह नगर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
6	अ.स. 39886	श्री विशाल सिंह	लो.सू.अ./उप नगर आयुक्त नगर निगम, देहरादून/डीम्ड लो.सू.अ./सहायक नगर आयुक्त(नामांतरण) नगर निगम देहरादून, जिला देहरादून। वि.अ.अ./उप नगर आयुक्त	13.05.2024	पीठ-4 01/07/2024

(Handwritten signature)

			नगर निगम, देहरादून, जिला देहरादून।		
7	अ.स. 39888	श्री अमित कुमार जाटव	लो.सू.अ./नगर निगम, ऋषिकेश, जिला देहरादून। वि.अ.अ/नगर आयुक्त नगर निगम, ऋषिकेश, जिला देहरादून।	13.05.2024	पीठ-4 01/07/2024
8	अ.स. 38719	श्रीमती कमला आहूजा	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, तहसील सदर, देहरादून जिला देहरादून/डीम्ड लो.सू.अ./राजस्व लिपिक तहसील सदर, जिला देहरादून वि.अ.अ./तहसीलदार तहसील देहरादून जिला देहरादून	13.05.2024	पीठ-4 01/07/2024
9	अ.स. 39983	श्री नरेन्द्र कुमार पाठक	लो.सू.अ./संयुक्त निदेशक, प्रारम्भिक शिक्षा निदेशालय, उत्तराखण्ड देहरादून, जिला देहरादून। वि.अ.अ/अपर निदेशक, प्रारम्भिक शिक्षा निदेशालय, उत्तराखण्ड देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 01/07/2024
10	अ.स. 39986	श्री सी० सिंह	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, कार्यालय, जिला शिक्षा अधिकारी, (माध्यमिक शिक्षा) देहरादून, जिला देहरादून। वि.अ.अ/जिला शिक्षाधिकारी(माध्यमिक शिक्षा) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 01/07/2024
11	अ.स. 39987	श्री परशुराम भट्ट	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, कार्यालय, जिला शिक्षा अधिकारी, (माध्यमिक शिक्षा) पिथौरागढ़/वित्त अधिकारी, विद्यालयी शिक्षा पिथौरागढ़, जिला पिथौरागढ़। वि.अ.अ/जिला शिक्षाधिकारी (माध्यमिक) पिथौरागढ़, जिला पिथौरागढ़।	13.05.2024	पीठ-2 01/07/2024
12	अ.स. 39709	श्री रमेश चन्द्र शर्मा	लो.सू.अ./सहायक अभियन्ता, हरिद्वार, रुड़की विकास प्राधिकरण, हरिद्वार, जिला हरिद्वार। वि.अ.अ./सचिव, हरिद्वार, रुड़की विकास प्राधिकरण, हरिद्वार, जिला हरिद्वार।	13.05.2024	पीठ-2 01/07/2024
13	अ.स. 39710	श्री रमेश चन्द्र शर्मा	लो.सू.अ./सहायक अभियन्ता, हरिद्वार रुड़की विकास प्राधिकरण, हरिद्वार जिला हरिद्वार। वि.अ.अ/सचिव, हरिद्वार, रुड़की विकास प्राधिकरण	13.05.2024	पीठ-2 01/07/2024 

			हरिद्वार, जिला हरिद्वार।		
14	अ.स. 39711	श्री रमेश चन्द्र शर्मा	लो.सू.अ./सहायक अभियन्ता, हरिद्वार रुड़की, विकास प्राधिकरण, हरिद्वार, जिला हरिद्वार। वि.अ.अ./सचिव, हरिद्वार रुड़की, विकास प्राधिकरण, हरिद्वार, हरिद्वार।	13.05.2024	पीठ-2 01/07/2024
15	अ.स. 40231	श्री एडवोकेट अविनाश अग्रवाल	लो.सू.अ./कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड सचिवालय परिसर, देहरादून, जिला देहरादून वि.अ.अ./सहायक मुख्य निर्वाचन अधिकारी, उ० सचिवालय परिसर दे.दून	13.05.2024	पीठ-2 02/07/2024
16	अ.स. 39399	श्रीमती कमला आहुजा	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, कलेक्ट्रेट देहरादून, जिला देहरादून। वि.अ.अ./अपर जिलाधिकारी, (वित्त/राजस्व) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 02/07/2024
17	अ.स. 39584	श्री दसौंधी	लो.सू.अ./उप जिलाधिकारी, विकासनगर जिला देहरादून। लो.सू.अ./उप निबंधक प्रथम विकासनगर, नायब तहसीलदार, विकासनगर, जिला देहरादून। लो.सू.अ./उप निबंधक, द्वितीय विकासनगर, जिला देहरादून। लो.सू.अ./नायब तहसीलदार, विकासनगर, जिला देहरादून। वि.अ.अ./अपर जिलाधिकारी(वित्त/राजस्व) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 02/07/2024
18	अ.स. 39585	श्री सरफराजुद्दीन	लो.सू.अ./उप जिलाधिकारी, सदर देहरादून, जिला देहरादून। वि.अ.अ./अपर जिलाधिकारी, (वित्त/राजस्व) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 02/07/2024
19	अ.स. 39121	श्री रोहित गोयल पुत्र श्री जी.डी. गोयल, निवासी हॉउस नंबर-424, खुडबुडा देहरादून- 248197	लो.सू.अ./हिमगिरी जी युनिवर्सिटी, पोस्ट शेरपुर, चकराता रोड, देहरादून। वि.अ. अ./हिमगिरी जी युनिवर्सिटी, पोस्ट शेरपुर, चकराता, रोड, देहरादून।	13.05.2024	पीठ-3 08/07/2024
20	अ.स. 39743	श्री नामित कुमार गर्ग, एन.आई.सी. अनुभाग, कैम्पस कान्फेंसिंग हाल, जिलाधिकारी, नैनीताल	लो.सू.अ./प्रधानाचार्य, भातखण्डे हिन्दुस्तानी संगीत, महाविद्यालय, समीप जाखनदेवी, अल्मोड़ा। वि.अ.अ./निदेशक, संस्कृति निदेशालय उत्तराखण्ड एम.डी.	13.05.2024	पीठ-3 08/07/2024 

23.		श्री वैभव कुमार उपवाल पुत्र श्री सुशील कुमार उपवाल नम्बदार हरसिंह सुडिमाला रोड, भगवानपुर, जिला- हीरद्वार, उत्तरखण्ड पिनकोड- 243282
24.	8/09/23	श्री किरान कुमार सिंह, ग्राम- पत्तापत्ती डाकघर - नैनीताल, जिला- नैनीताल।
25	30/11/23	श्री मवनीश उपवाल इंडिया कोर्ट, रोड नं० 10 तहसील कोर्ट कम्पाउंड मनीषिका, दे० डन।
26	30/01/24	श्री हेमन्त सिंह, गोविंदा हीरा विहार, नगाल रोड त्रिवेणीघाट हल्द्वारी नैनीताल।



पत्र सं- 948 दि०-

क्रमांक, 2023 सप्तमः 30

कृते अपराध की नुसखर्चकी

निषिद्धि निर्धारित।

पत्र सं- 948 दि०- 24

सूच, 2023 क्रमांक दि०॥

जुलाई, 2023 को 2:30

कृते अपराध द्वितीय

निषिद्धि निर्धारित।

पत्र सं- 1260 दि०-

14 दिसम्बर, 2023

क्रमांक दि० 03 सप्तमः

2023, सप्तमः- 2:00

कृते अपराध निषिद्धि

गयी है।

पत्र सं- 2354 दि०-

04 दिसम्बर, 2023

क्रमांक दि० 8 दिसम्बर

2023, सप्तमः- 1:00

कृते अपराध निषिद्धि

गयी।

पत्र सं- 421 दि०-

29 नवम्बर, 2023

सप्तमः 2:00

कृते अपराध दि० 02/02/2024

निषिद्धि की गयी है।

अदिश सं- 1098

दि०- 18 जुलाई, 2023

क्रमांक निर्धारित।

अदिश सं- 2447

दि० 12 दिसम्बर, 2023

क्रमांक निर्धारित।




Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

Back

Action Date	Action Taken	Action Taken User	Action Taken User	Disposed Status
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	DEO	Mrs. Sonika	Resolved
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	DEO	Mrs. Sonika	Resolved

File Name	Uploaded Date	Download Scanned Document
Grievance Webpage.jpg	Jul 10 2023 12:33PM	

Disposed type --Select--

Action Taken

Action Submit

(बी. एस. रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड।

SB

Print

Complaint Details

15

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGSS63146846
 : Jul 10 2023 12:33PM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

B 2

(श्री एम. यादव)
 लोक सभा का निर्वाचन क्षेत्र
 उत्तराखण्ड।

I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023. [Kindly Note that: Based on my previous experiences, I consider it proper to mention here that I am filling the Current Grievance in Subject "Election Related Complaint" and Particular "Others". Therefore, I am filling the current Grievance at the correct place/forum (I am attaching the screenshot of the website which clears that I am filling this grievance at the appropriate place).]

Redressal Time Period (max.)
 Disposal Status

: 2
 : Closed

Redressal Time Period (max.)

: 2

Disposal Status

: Closed

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

Action Date	Action Taken	Action Taken User	Action Taken User	Disposal Status
Jul 15 2023 4:16PM	सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से गरी है।	DEO	Mrs. Seelka	Resolved

Disposed type [--Select--

v

Action Taken

(बी.एस. रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड।

S2

Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGSS3556118892
 : Jul 14 2023 1:08AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

(श्री. एस. शर्मा)
 लोक सूचना अधिकारी
 काशीका मूल्य निवर्तन अधिकारी
 काशीका मूल्य निवर्तन अधिकारी

I refer to Complaint ID NGSS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karayalaya, Dehradun doesn't have jurisdiction with respect to said Complaint ID NGSS5633146846, under what authority it dealt with the complaint? I registered my complaint at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaint dated 10.07.2023 at the Zila Nirvachan Karayalaya, Dehradun. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

Redressal Time Period (max.) : 2
Disposal Status : Closed

Complainant Details

Full Name : Adv. Avinash
Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

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Action Date	Action Taken	Action Taken User	Disposal Status
Jul 27 2023 4:13PM	सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने का प्र करे। इस संबंध में आपको पूर्व में भी अगत करया गया है कि आपकी शिकायत दिल्ली से संबंधित है।	DEO	Resolved

Disposed type | --Select--

Action Taken

Action Submit

54

(श्री. एस. रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड

55

Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS3822873306
 : Jul 15 2023 4:35PM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

: I refer to Complaint ID NGS3556118892 Dated 14.07.2023 and its disposal dated 15.07.2023. I further refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaints ID NGS5633146846 and NGS3556118892, under what authority it dealt with both complaints. I registered my complaints at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaints dated 10.07.2023 and 14.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. It is a very serious matter and I raise a serious objection to the disposal of said complaints by the Zila Nirvachan Karyalaya, Dehradun without having any jurisdiction or authority. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen

(श्री. एस. वागत)
 लोक सूचना अधिकारी
 ताराफतार मुसल शिवाशन, अशिवशरी
 सतारशरुड ।

Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India on November 2021. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023.

Redressal Time Period (max.) : 2


Disposal Status : Closed

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

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Action Date	Action Taken	Action Taken User	Disposal Status
Aug 3 2023 11:57AM	इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को भेजित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।	DEO	Resolved

File Name	Uploaded Date	Download Scanned Document
Screenshot of the Complaint Registering Page.jpg	Jul 28 2023 10:14AM	 Download

Disposed type --Select--

Action Taken

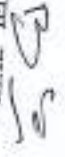
(बी. एस. रावत)
 लोक सूचना अधिकारी
 अखिल भारतीय मूल्य निर्वाचन अधिकारी

28

Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS6053070501
 : Jul 28 2023 10:14AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS


 (श्री. एस रावत)
 लोक सूचना अधिकारी
 कर्मालय मुख्य निवर्तन अधिकारी
 निर्वाचन आयोग

: I refer to Complaint ID NGS3822873306 Dated 15.07.2023 and its disposal dated 27.07.2023 and other grievances mentioned in said Complaint Dated 15.07.2023. Initially, said Complaint Dated 15.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 27.07.2023 while stating that "सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करे। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।" I repeat that I didn't file said Complaint Dated 15.07.2023 and other complaints at Zila Nirvachan Karyalaya, Dehradun. I filed Complaints at the "National Grievance Services" Portal of the "Election Commission of India". Online Grievance Portal doesn't ask the Complainant where to file the Grievance and therefore, to state that filing the Complaint at a Particular Portal is a vague & misleading statement. I cannot appreciate this behavior of the Grievance Handling Team. It is the internal matter of the Election Commission of India to which portal it submits my Complaint. I am enclosing a Screenshot of the Complaint Registering Page & it confirms that National Grievance Portal doesn't ask the Complainant where to file the complaint. Even if the Complaint is assigned to the Dehradun Portal by the Election Commission of India, it could transfer the Complaint internally to the Delhi Portal. I am shocked to see this behavior on such a serious matter where the Bye-Election is overdue for over 29 Months (now 30 Months). In continuation of the Application Dated 30.06.2023, I have already sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30

Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECJ/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023. [Kindly Note: Dispose of the Current Grievance only when it is really resolved, don't dispose of it like Complaint IDs NGS5633146846, NGS3556118892, NGS3822873306 and NGS6053070501.]

Redressal Time Period (max.) : 2
 Disposal Status : Closed

Complainant Details

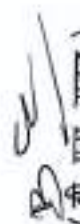
Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

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Action Date	Action Taken	Action Taken User	Disposal Status
Sep 12 2023 10:17AM	स. अपकी शिकायत इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी विकास मूख निधिपन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app seo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kashi kare.	DEO	Resolved

Disposed type -Select-

Action Taken


 (बी एस रावत)
 लोक सूचना अधिकारी
 न्यायलय मुख्य निर्वाचन अधिकारी

Complaint Details

Complainant Type
Complaint ID
Date of Lodging Complaint
State
District:
AC :
Complaint Level
Subject
Complaint Against Political Party
Brief Description about complaint

: NGS Website
: NGSS3111100255
: Aug 29 2023 3:11PM
: Uttarakhand
: Dehradun
: Rishikesh
: SINGLE-AC
: PARTY RELATED COMPLAINTS

(श्री. एन. यादव)
लोक सूचना अधिकारी
भारतीय राज्य निर्वाचन अधिकारी

: I refer to Complaint ID NGSS6053070501 Dated 28.07.2023 and its disposal dated 03.08.2023 and other grievances mentioned and referred to in said Complaint Dated 28.07.2023. Initially, said Complaint Dated 28.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 03.08.2023 while stating that "दूस कायालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।" I would like to clarify that my Grievance is still unresolved and I heard nothing post 03.08.2023 dated response so far. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGSS633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and

Sep 19 2023 10:21 AM	Kindly resolve the issue at the earliest.	CEO	DR V SEANMUGAM	Forward
Sep 19 2023 10:21 AM	Kindly resolve the issue at the earliest.	CEO	DR V SEANMUGAM	Forward

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Disposed type --Select--

Action Taken

Action Submit

BS Nishu
(बी.एस. रावत)
लोक सूचना अधिकारी
आपलस मुख्य निवापन अधिकारी

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05

Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filing the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission of India. I have nothing to do with an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance.]

Redressal Time Period (max.) : 2
 Disposal Status : Closed

Complainant Details


Full Name : Adv. Avinash
 Location : State: Uttarakhnad District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

(श्री एस रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड।

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Action Date	Action Taken	Action Taken User	Disposal Status
Oct 4 2023 11:12AM	श्री. एस. कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को भेजित की गई है। आपको पूर्व में अग्रगत करणमा प्राप्त है कि आप अग्रणी शिकायत मुख्य निर्वाचन अधिकारी की भेज आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यालय से संबन्धित नहीं है।	DR V SHANNUGAM Mrs. Sonika	Resolved
Sep 19 2023 10:24AM	Kindly resolve the issue at the earliest.	DR V SHANNUGAM	Forward
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.	DR V SHANNUGAM	Forward
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.	DR V SHANNUGAM	Forward
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.	DR V SHANNUGAM	Forward
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.	DR V SHANNUGAM	Forward

New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhnad. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest-Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 31 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election


 (बी. एस. रावत)
 लोक सूचना अधिकारी
 राज्य निर्वाचन अधिकारी

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Complaint Details

Print

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS1019152959
 : Sep 18 2023 2:36PM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

(श्री एस शारदा)
 लोक सूचना अधिकारी
 उत्तरांचल प्रदेश विधान सभिकारी
 देहरादून ।

: I refer to Complaint ID NGS3111100255 Dated 29.08.2023 and its disposal dated 12.09.2023 and other grievances mentioned and referred to in said Complaint Dated 29.08.2023. Initially, said Complaint Dated 29.08.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 12.09.2023 while stating that "sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kashit kare." It is not clear to me when the Complaint was sent to the Chief Electoral Officer, Uttarakhand on 02.08.2023, why I need to send the Complaint again. Further, when my Complaint is not resolved, why it is showing "Resolved" status? I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and therefore changes it to "Closed". Currently, the Status for Complaint ID NGS3111100255 is "Resolved". I have filed many Complaints on the same matter and it clearly indicates that the Election Commission of India closed the Grievances without resolving them. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar,

10/10/10

(5)

to resolve the current grievance. I ensure full cooperation from my side. Regarding this, I request to do the online/virtual communication only to ensure fast and secure communications. I believe this time my grievance shall be resolved and the concerned authority/officer shall act in accordance with the provisions of law.]

Redressal Time Period (max.)

: 2

Disposal Status

: Closed

Complainant Details

Full Name

: Adv. Avinash

Location

: State: Uttarakhand

District :: Dehradun

AC :: Rishikesh

Mobile No.

: 7906289438

Valid Email ID : adv.avinashagarwal@gmail.com

Back

Action Date	Action Taken	Action Taken User	Action Taken User	Disposal Status
Oct 18 2023 1:08PM	महोदय, अन्याय निवारण के कारण से तारीख नहीं है।	DEO	Mrs. Sonika	Resolved

Disposed type --Select--

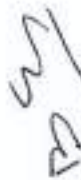
▼

Action Taken

Action Submit

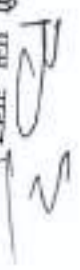
(श्री वसु रावत)
 लोक सूचना अधिकारी
 काशीपुर मुख्या निबंधन अधिकारी
 काशीपुर-242102

a very sensitive matter and it is expected from the Election Commission of India to resolve the matter at the earliest while keeping in mind its gravity and the principle of natural justice. The more delay it takes, the more complicated the matter shall become. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filling the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission is dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance. If Zila Nirvachan Karyalaya Dehradun again decides to dispose of the current Grievance/Complaint and decides to repeat its statement, being a complainant, I request the concerned officer of Zila Nirvachan Karyalaya Dehradun to provide the following information: 1) Whether the Zila Nirvachan Karyalaya Dehradun has the Jurisdiction to deal with the current Complaint? 2) Under what Authority Zila Nirvachan Karyalaya Dehradun is dealing with the current Complaint? 3) Does the CEO Uttarakhand have the jurisdiction or authority to deal with the matter of disqualification of a Member of the Legislative Assembly of Delhi State? 4) What is the reason for not forwarding the Grievance to the Election Commission of India despite my request for the same. 5) What is the reason for stating disposal status "Resolved" despite none of the grievances have been resolved? 6) To who the Zila Nirvachan Karyalaya Dehradun Escalated the Grievances at a higher level? 7) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the Higher level to whom it Escalated the Grievances? 8) To whom the Zila Nirvachan Karyalaya Dehradun forwarded the Grievance Dated 18.09.2023? 9) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the authority to whom it forwarded the Grievance Dated 18.09.2023? 10) Details of the Officer of Zila Nirvachan Karyalaya Dehradun who dealt with my grievances including the current Grievance? 11) When being a complainant, I am not submitting the complaint to the Zila Nirvachan Karyalaya Dehradun, why it is disposing of the grievances at its level? It must be noted that being a complainant, I have the right to know the sought information. In adherence to the Principle of the Natural (Article 14 of the Indian Constitution), it is expected that the Zila Nirvachan Karyalaya Dehradun provide the sought information. Through Applications Dated 30.06.2023 and 24.07.2023, I conveyed my wish that in the event of any (legal) doubts arising regarding my request, I am willing and prepared to provide any additional information or clarification necessary to assist the Election Commission of India in making a fully informed decision on this matter. I requested to do the online/virtual communication only to ensure fast and secure communications. I repeat this message


 (वी. एस. रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड ।


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acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. Against the response of CPIO, I filed a First Appeal Application and requested the First Appellate Authority that "Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to conduct a virtual/online hearing as soon as possible before passing the First Appellate Order. I most humbly request not call in Physically and conduct the hearing online only." Despite my expressed request to conduct the hearing, the First Appellate Authority didn't conduct the hearing and passed the First Appellate Order. Here, I would like to clarify that the Central Information Commission in the Case of Mr. R.K. Jain v. Department of Legal Affairs Second Appeal Number CIC/SA/A/2014/000254 observed that "Passing orders in first appeal without hearing or sending hearing notice is illegal and will render the order invalid." The Election Commission of India vide Press Note No. ECI/PN/57/2023 Dated 09.10.2023 announced the General Election to Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana. Further, the Election Commission of India vide Press Note No. ECI/PN/58/2023 Dated 09.10.2023 announced the Schedule for Bye-election in 43-Tapsi (ST) Assembly Constituency of Nagaland. The election Commission of India remained absolutely silent for conducting the Bye-election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 32 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. It is expected from the Grievance Handling Officer to ensure the law of the land prevails in all conditions. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. It is


 (श्री एस विवेक)
 लोक सूचना अधिकारी
 कारागार मुख्या निदेशन अधिकारी
 जयपुरगढ ।

12)

disposing of my Grievances. Despite, it is the internal matter of the Election Commission of India where to forward the Grievance of Citizen, my grievances are continuously closed by claiming that your complaint is not related to this office. Instead of transferring/forwarding the complaint to the appropriate authority, my complaints are continuously disposed of with a disposal status "Resolved". I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and thereafter changes it to "Closed". Disposal Status showing "Resolved" is clearly a misleading statement. My Grievance is still unresolved. My Grievances are continuously disposed of without resolving. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 32 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 32 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to


(बी. एस. रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
जयपुराज्ज्ज्

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Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS2533011945
 : Oct 10 2023 11:56AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

(श्री एस रावत)
 लोक सूचना अधिकारी
 कार्यलय मुख्य निवर्चन अधिकारी
 उत्तराखण्ड।

: I refer to Complaint ID NGS1019152959 Dated 18.09.2023 and its disposal dated 04.10.2023 and other grievances mentioned and referred to in said Complaint Dated 18.09.2023. Initially, said Complaint Dated 18.09.2023 was forwarded with a request "Kindly resolve the issue at the earliest." on 19.09.2023 and thereafter, it was disposed of with Disposal Status "Resolved" on 04.10.2023 and it was stated "sir, इस कार्यलय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। आपको पूर्व में अवगत कराया गया है कि आप अपनी शिकायत मुख्य निर्वाचन अधिकारी की मेल आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यलय से संबंधित नहीं है।" I am again raising strong objection on the way the said Complaint Dated 18.09.2023 was disposed of. Initially, it was forwarded with a request to resolve the issue at the earliest, and, thereafter it was disposed of while stating that the complaint is not related to this office. Concerned Officer, who closed the Complaint, didn't inform to who the said Complaint Dated 18.09.2023 was forwarded. It is also not informed to me what action has been taken by the CEO, Uttarakhand on my Complaint despite my complaint was forwarded to the CEO, Uttarakhand on 02.08.2023. I am really shocked to see this behaviour on such a sensitive matter. It is not me who is filing/submitting my Complaint to the Zila Nirvachan Karyalaya, Dehradun. And if the concerned officer considered that Zila Nirvachan Karyalaya, Dehradun is not an appropriate authority, it is expected from him to transfer the Complaint to the appropriate authority of the Election Commission of India. Zila Nirvachan Karyalaya, Dehradun has absolutely failed to inform under what authority or jurisdiction, it is

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड़ सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2507/XXV-12/2021

देहरादून

दिनांक 19 दिसम्बर, 2023

सेवा में,

श्री अविनाश अग्रवाल,

एडवोकेट,

चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,

देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

महोदय,

कृपया उपरोक्त विषय के संबंध में अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड के आदेश संख्या 2447 दिनांक 12 दिसम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, उक्त के अनुपालन में अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से आप द्वारा वांछित सूचना निम्नानुसार संलग्न कर प्रेषित की जा रही है :-

बिन्दु संख्या-1	NGRS पर निम्न NGSP पोर्टल पर प्राप्त हुई है :- (1) NGS2533011945, (2) NGS1019152959, (3) NGS3111100255, (4) NGS6053070501, (5) NGS6053070501, (6) NGS3822873306, (7) NGS3556118892	
बिन्दु संख्या-2	श्री मनीष कुमार, सहायक प्रोग्रामर, 839491121	
बिन्दु संख्या-3	उपरोक्तानुसार NGSP पोर्टल पर प्राप्त शिकायतों की डाउनलोड प्रति सत्यापित कर संलग्न कर प्रेषित की जा रही है। (संलग्नक-1, पृष्ठ संख्या-01 से 20 तक)	
बिन्दु संख्या-4 एवं 5	NGSP पोर्टल पर प्राप्त शिकायतों/आगे भेजी गयी शिकायतों को पृथक करने का कोई प्राविधान नहीं है, इस कारण बिन्दु संख्या-4 व 5 की सूचना बिन्दु संख्या-3 पर समाहित है।	
बिन्दु संख्या-6	मुख्य निर्वाचन अधिकारी कार्यालय द्वारा जिला निर्वाचन अधिकारी, देहरादून से प्राप्त सन्दर्भ दिनांक 02 अगस्त, 2023 को इस कार्यालय के पत्र संख्या 2448 दिनांक 12 दिसम्बर, 2023 के माध्यम से प्रधान सचिव, भारत निर्वाचन आयोग, नई दिल्ली व मुख्य निर्वाचन अधिकारी, नई दिल्ली को आवश्यक कार्यवाही हेतु सन्दर्भित किया गया है, जिसकी प्रति संलग्न है। (संलग्नक-2 पृष्ठ संख्या-21 से 27 तक, कुल 7 पृष्ठ)	
बिन्दु संख्या-7	उक्त बिन्दुओं से सम्बन्धित सूचना बिन्दु संख्या 4 व 6 पर समाहित है।	
बिन्दु संख्या-8	https://ceo.uk.gov.in	
बिन्दु संख्या-9	श्री बंसत सिंह रावत, अनुभाग अधिकारी, एवं लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, देहरादून। दूरभाष : 0135-2713724 मो.नं. 9411740189	श्री मस्तू दास, अपीलीय अधिकारी एवं सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड। दूरभाष : 0135-2713551 मो.नं. 989795591

संलग्नक : यथोपरि। कुल 28 पृष्ठ।

भवदीय

Bansat
(बंसन्त सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

संख्या-2507/XXV-12/2021 तददिनांकित।

प्रतिलिपि:- अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

Bansat
(बंसन्त सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सुभाष रोड, सचिवालय परिसर, देहरादून- 248001

election08@gmail.com फोन नं० (0135)-2713551 फैक्स नं० (0135) - 2713724

संख्या: 3526 /XXV-12(P-14)/2024 देहरादून : दिनांक 01 जुलाई, 2024
सेवा में,

सचिव,
मा० उत्तराखण्ड सूचना आयोग
सूचना का अधिकार भवन
लाड़पुर रिंग रोड, देहरादून।

विषय:- अपील संख्या-40231/2024 अपीलकर्ता: एडवोकेट श्री अवनीश अग्रवाल/चैम्बर नं०-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में।

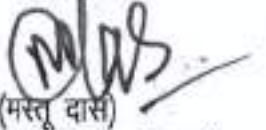
महोदय,

उत्तराखण्ड सूचना आयोग की अपील संख्या-40231/2024 अपीलार्थी श्री अवनीश अग्रवाल बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून में निर्गत नोटिस संख्या 1429/उ०सू०आ०/2024-25 दिनांक 16.05.2024 का संदर्भ ग्रहण करने का कष्ट करे, संदर्भित प्रकरण में मा० आयोग द्वारा दिनांक 02 जुलाई, 2024 को उक्त अपील पर सुनवाई नियत की गयी है।

मा० आयोग द्वारा प्राप्त नोटिस का प्रत्युत्तर कार्यालय पत्रांक 2933 दिनांक 09 मई, 2024 व पत्रांक 2934 दिनांक 09 मई, 2024 एवं प्रारूप "क" एवं "ख" पर सूचना तैयार कर प्रेषित की जा चुकी है।

उपरोक्त के क्रम में अवगत कराना है कि अधोहस्ताक्षरी विधान सभा क्षेत्र के लिए उप निर्वाचन, 2024 के दृष्टिगत निर्वाचन कार्य में व्यस्त होने के कारण आज दिनांक 02 जुलाई, 2024 को उपरोक्त अपील में सुनवाई हेतु श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को नामित किया जा रहा है।

भवदीय

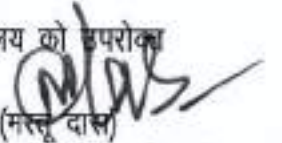


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
देहरादून।

संख्या: 3526 /XXV-12(P-14)/तद् दिनांकित।

प्रतिलिपि:- श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को उपरोक्त के क्रम में परिपालनार्थ।



(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
देहरादून।

संख्या 2934/XXV-12(P&14-II)/2021 देहरादून : दिनांक 09 मई, 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
 सूचना का अधिकार भवन,
 लाडपुर रिंग रोड, देहरादून।

विषय-

अपील संख्या-40231 अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, /चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी, एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में प्राप्त नोटिस का प्रत्युत्तर का प्रेषण।

महोदय,

उपरोक्त विषयक कृपया मा० उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता: श्री अविनाश अग्रवाल, एडवोकेट, चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में निर्गत नोटिस दिनांक 30.04.2024 का सन्दर्भ ग्रहण करने का कष्ट करें।

उपरोक्त सन्दर्भित अपीलीय प्रकरण में मा० आयोग द्वारा दिनांक 13.05.2024 को समय-11:15 बजे सुनवाई हेतु तिथि नियत कर अपीलकर्ता/प्रार्थी के मूल प्रार्थना-पत्र पर बिन्दुवार लिखित प्रत्युत्तर एक सप्ताह अन्दर उपलब्ध कराये जाने के निर्देश प्राप्त हैं। मा० आयोग से प्राप्त निर्देशों के अनुपालन में लिखित प्रत्युत्तर सादर निम्नवत प्रेषित है:-

अ: अपीलपर बिन्दुवार लिखित उत्तर-	<p>01-अपीलकर्ता के अपीलीय प्रार्थना पत्र में बिन्दु सं०-01 से 04 तक प्रत्युत्तर अपेक्षित नहीं है।</p> <p>02-अपील के बिन्दु संख्या-05 में अपीलार्थी का अनुरोध पत्र दिनांक 25.10.2023 इस कार्यालय को प्राप्त न होने के कारण सूचना उपलब्ध कराया जाना सम्भव नहीं था। उक्त सूचना उपलब्ध न होने की दशा में अपीलार्थी द्वारा प्रथम विभागीय अपील प्रार्थना-पत्र दिनांक 30.11.2023 प्रस्तुत किया गया। इस अपीलीय प्रार्थना पत्र पर दिनांक 09 दिसम्बर, 2023 को अपीलार्थी के साथ गूगल मीट के माध्यम से सुनवाई सम्पन्न हुई।</p> <p>उक्त अपील का निस्तारण इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 (प्रति संलग्न) से किया गया। अपील निस्तारण के उक्त आदेश के अनुपालन में लोक सूचना अधिकारी द्वारा अपीलार्थी को वांछित सूचना कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा प्रेषित की गयी है, जो मा० आयोग के अवलोकनार्थ संलग्नक-क के रूप प्रस्तुत है।</p> <p>उक्त के अतिरिक्त अपीलार्थी का एक सूचना का अनुरोध पत्र दिनांक 20.01.2024 जो ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। उक्त प्रार्थना पत्र में 03 बिन्दुओं की सूचना चाही गयी थी। अनुरोध पत्र में वांछित सूचना, कार्यालय केन्द्रीय लोक सूचना अधिकारी, भारत निर्वाचन आयोग दिल्ली से सम्बन्धित होने के कारण अनुरोध पत्र इस कार्यालय के पत्र संख्या-434 दिनांक 30 जनवरी, 2024 के द्वारा सम्बन्धित लोक सूचना अधिकारी को हस्तान्तरित की गयी। संलग्नक-(ख)</p> <p>यह भी उल्लेखनीय है कि अपीलार्थी का पुनः एक अपीलीय प्रार्थना पत्र दिनांक 12 मार्च, 2024 को ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। अपीलार्थी के उक्त अपीलीय प्रार्थना पत्र के कम में इस कार्यालय के पत्र संख्या-1227 दिनांक 13 मार्च,</p>
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उपरोक्त प्रकरण के सम्बन्ध में यह भी उल्लेखनीय है कि अपीलार्थी का NGRS Portal शिकायत संख्या-NG6053070501 दिनांक 28.07.2023 शिकायती प्रकरण भारत निर्वाचन आयोग से सम्बन्धित होने से इस कार्यालय के पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 के द्वारा प्रकरण भारत निर्वाचन आयोग को निस्तारण हेतु प्रेषित किया गया है। (संलग्नक-घ)

अपीलार्थी द्वारा प्रकरण भारत निर्वाचन आयोग को प्रेषित किये जाने से क्षुब्ध होकर अपने अपील प्रार्थना पत्र में उल्लेख किया गया है कि प्रकरण नियम विरुद्ध भारत निर्वाचन आयोग को प्रेषित किया गया एवं प्रथम विभागीय अपील अधिकारी द्वारा सूचना उपलब्ध न करवाने पर लोक सूचना अधिकारी का समर्थन किया है।

मा0 आयोग को अवगत कराना है कि संविधान के अनुच्छेद-324 में प्रदत्त शक्तियों के आलोक में लोक प्रतिनिधित्व अधिनियम 1951 तथा निर्वाचनों के संचालन नियम-1961 के सुसंगत नियमों के अन्तर्गत निहित प्राविधानों के अनुसार अथवा किसी सक्षम न्यायालय द्वारा निर्गत निर्देशों के अनुपालन में किसी भी विधान सभा व लोक सभा की रिक्तियों के लिए उप निर्वाचन हेतु कार्यक्रम निर्धारित किये जाने के सर्वाधिकार भारत निर्वाचन आयोग में निहित है। मुख्य निर्वाचन अधिकारी स्तर पर आयोग के निर्देशानुसार ही अनुपालन सुनिश्चित किया जाता है।

अपीलार्थी द्वारा उल्लिखित तथ्य मनगढ़ंत प्रतीत होता है जो सूचना अधिकार अधिनियम-2005 के प्राविधानों के अन्तर्गत पोषणीय न होकर निराधार है।

3-अपील के बिन्दु संख्या-06 से 11 में उल्लिखित तथ्य जिस भौति वर्णित हैं, निराधार होने के कारण स्वीकार योग्य नहीं है।

ब: पत्रावली जिसमें इस प्रकरण में सम्बन्धित मूल आवेदन पत्र व्यवहृत की गयी हो तथा	पत्रावली संख्या-XXV-12(14-II)A/2021
स: निर्धारित विभागीय अपील पंजिका	विभागीय अपील पंजिका के पृष्ठ संख्या-25 क्रमांक -09 पर दर्ज
द: नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के	प्रारूप "ख" संलग्न है।

मा0 आयोग के नोटिस दिनांक-30.04.2024 में प्रदत्त निर्देशों के अनुपालन में सादर अवगत कराना है कि प्रथम अपील के क्रम में इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 द्वारा अपील का निस्तारण किया गया है, तथा लोक सूचना अधिकारी द्वारा प्रथम अपील के निस्तारण आदेश के अनुपालन में अपीलकर्ता/अनुसंधानकर्ता को कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा सूचना उपलब्ध करायी गयी है।

अतः अपीलकर्ता के अपीलीय प्रार्थना पत्र में वर्णित तथ्यों से स्पष्ट है कि उक्त अपील बलहीन एवं निराधार होने के कारण पोषणीय न होने से निरस्त किये जाने योग्य है। मा0 आयोग से सादर अनुरोध है कि अपीलकर्ता की दायर अपील खारिज करने का कष्ट करें।

भवदीय,

संलग्न यथोपरि।

Signed by Mastu Das

Date: 05-05-2024 14:53:02

प्रथम विभागीय अपीलीय अधिकारी/
 सहायक मुख्य निर्वाचन अधिकारी,
 उत्तराखण्ड।

:: प्रारूप-ख ::

1	प्रथम अपील/विभागीय अपीलीय पत्र विभागीय अपीलीय अधिकारी को प्राप्त होने की दिनांक	दिनांक-12 मार्च, 2024
2.	प्रथम अपील/विभागीय अपीलीय पत्र पर सुनवाई हेतु नियत की गई सुनवाई की तिथि	-
3.	लोक सूचना अधिकारी तथा अपीलकर्ता को सुनवाई का नोटिस प्रेषित किये जाने का पत्रांक व दिनांक	-
4.	सुनवाई का नोटिस प्रेषित किए जाने का माध्यम	-
5.	प्रथम अपील/विभागीय अपील के आदेश के घोषित होने की दिनांक तथा अपीलीय और लोक सूचना अधिकारी को आदेश प्रेषित करने की दिनांक	1-कैन्टीन लोक सूचना अधिकारी भारत निर्वाचन आयोग, नई दिल्ली । कार्यालय पत्र संख्या- 434/XXV-12 दिनांक 30 जनवरी, 2024 द्वारा हस्ताक्षरित स्पीड पोस्ट दिनांक 02 फरवरी, 2024
6.	यदि प्रथम अपील का निस्तारण नहीं किया गया है या विलम्ब से किया गया है तब प्रथम अपील का निस्तारण न करने या विलम्ब से करने का औचित्यपूर्ण कारण	समय अन्दर निस्तारण किया गया है
7.	प्रथम अपीलीय पत्र प्राप्त होने की तिथि से आयोग में द्वितीय सुनवाई के मध्य यदि विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तो संबंधित विभागीय अपीलीय अधिकारी का नाम, पदनाम, कब से कब तक विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन किया गया, वर्तमान में किस पद व स्थान पर कार्यरत हैं	एक ही अपीलीय अधिकारी

विभागीय अपीलीय अधिकारी के हस्ताक्षर.....

Signed by Mastu Das

Date: 09-05-2024 14:51:56

नाम- श्री मस्तू दास

पदनाम-प्रथम अपीलीय अधिकारी/

सहायक मुख्य निर्वाचन अधिकारी

उत्तराखण्ड देहरादून।

दूरभाष/फैक्स न0/मो0न0- 0135-2713551

ई-मेलआई0डी0- election09@gmail.com

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सुभाष रोड़, सचिवालय परिसर, देहरादून- 248001

फोन न० (0135) - 2713780, 2713551 & फैक्स न० (0135) - 2713724

संख्या 2933/XXV-06/2024 देहरादून : दिनांक 09 मई 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर रिंग रोड़, देहरादून।

विषय-

अपील संख्या-40231 अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, /चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी, एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में प्राप्त नोटिस का प्रत्युत्तर का प्रेषण।

महोदय,

उपरोक्त विषयक कृपया मा० उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता: श्री अविनाश अग्रवाल, एडवोकेट, चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में निर्गत नोटिस दिनांक 30.04.2024 का सन्दर्भ ग्रहण करने का कष्ट करें।

उपरोक्त सन्दर्भित अपीलीय प्रकरण में मा० आयोग द्वारा दिनांक 13.05.2024 को समय-11:15 बजे सुनवाई हेतु तिथि नियत कर अपीलकर्ता/प्रार्थी के मूल प्रार्थना-पत्र पर बिन्दुवार लिखित प्रतियुत्तर एक सप्ताह अन्दर उपलब्ध कराये जाने के निर्देश प्राप्त हैं। मा० आयोग से प्राप्त निर्देशों के अनुपालन में लिखित प्रत्युत्तर सादर निम्नवत प्रेषित है:-

अ: अपीलकर्ता/प्रार्थी के मूल प्रार्थना पत्र पर बिन्दुवार लिखित उत्तर-

01-अपीलकर्ता के अपीलीय प्रार्थना पत्र में बिन्दु सं०-01 से 04 तक प्रत्युत्तर अपेक्षित नहीं है।

02-अपील के बिन्दु संख्या-05 में अपीलार्थी का अनुरोध पत्र दिनांक 25.10.2023 इस कार्यालय को प्राप्त न होने के कारण सूचना उपलब्ध कराया जाना सम्भव नहीं था। उक्त सूचना उपलब्ध न होने की दशा में अपीलार्थी द्वारा प्रथम विभागीय अपील प्रार्थना-पत्र दिनांक 30.11.2023 प्रस्तुत किया गया। इस अपीलीय प्रार्थना पत्र पर दिनांक 09 दिसम्बर, 2023 को अपीलार्थी के साथ गूगल मीट के माध्यम से सुनवाई सम्पन्न हुई।

उक्त अपील का निस्तारण इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 (प्रति संलग्न) से किया गया उक्त आदेश के अनुपालन में अपीलार्थी को वांछित सूचना कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा प्रेषित की गयी है, जो मा० आयोग के अवलोकनार्थ **संलग्नक-क** के रूप प्रस्तुत है

उक्त के अतिरिक्त अपीलार्थी का एक सूचना का अनुरोध पत्र दिनांक 20.01.2024 जो ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। उक्त प्रार्थना पत्र में 03 बिन्दुओं की सूचना चाही गयी थी। अनुरोध पत्र में वांछित सूचना, कार्यालय केन्द्रीय लोक सूचना अधिकारी, भारत निर्वाचन आयोग दिल्ली से सम्बन्धित होने के कारण अनुरोध पत्र इस कार्यालय के पत्र संख्या-434 दिनांक 30 जनवरी, 2024 के द्वारा सम्बन्धित लोक सूचना अधिकारी को हस्तान्तरित की गयी। **संलग्नक-(ख)**

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	<p>यह भी उल्लेखनीय है कि अपीलार्थी का पुनः एक अपीलीय प्रार्थना पत्र दिनांक 12 मार्च, 2024 को ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। अपीलार्थी के उक्त अपीलीय प्रार्थना पत्र के कम में इस कार्यालय के पत्र संख्या-1227 दिनांक 13 मार्च, 2024 द्वारा वांछित अनुरोध के हस्तान्तरण की सूचना से पुनः अनुरोध कर्ता को अवगत कराया गया है। (संलग्नक-ग)</p> <p>उपरोक्त प्रकरण के सम्बन्ध में यह भी उल्लेखनीय है कि अपीलार्थी का NGRS Poratal शिकायत संख्या-NG6053070501 दिनांक 28.07.2023 शिकायती प्रकरण भारत निर्वाचन आयोग से सम्बन्धित होने से इस कार्यालय के पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 के द्वारा प्रकरण भारत निर्वाचन आयोग को निस्तारण हेतु प्रेषित किया गया है। (संलग्नक-घ)</p> <p>अपीलार्थी द्वारा प्रकरण भारत निर्वाचन आयोग को प्रेषित किये जाने से क्षुब्ध होकर अपने अपील प्रार्थना पत्र में उल्लेख किया गया है कि प्रकरण नियम विरुद्ध भारत निर्वाचन आयोग को प्रेषित किया गया एवं प्रथम विभागीय अपील अधिकारी द्वारा सूचना उपलब्ध न करवाने पर लोक सूचना अधिकारी का समर्थन किया है।</p> <p>मा0 आयोग को अवगत कराना है कि संविधान के अनुच्छेद-324 में प्रदत्त शक्तियों के आलोक में लोक प्रतिनिधित्व अधिनियम 1951 तथा निर्वाचनों के संचालन नियम-1961 के सुसंगत नियमों के अन्तर्गत निहित प्राविधानों के अनुसार अथवा किसी सक्षम न्यायालय द्वारा निर्गत निर्देशों के अनुपालन में किसी भी विधान सभा व लोक सभा की शक्तियों के लिए उप निर्वाचन हेतु कार्यक्रम निर्धारित किये जाने के सर्वाधिकार भारत निर्वाचन आयोग में निहित है। मुख्य निर्वाचन अधिकारी स्तर पर आयोग के निर्देशानुसार ही अनुपालन सुनिश्चित किया जाता है।</p> <p>अपीलार्थी द्वारा उल्लिखित तथ्य मनगढ़ंत प्रतीत होता है जो सूचना अधिकार अधिनियम-2005 के प्राविधानों के अन्तर्गत पोषणीय न होकर निराधार है।</p> <p>3-अपील के बिन्दु संख्या-06 से 11 में उल्लिखित तथ्य जिस भाँति वर्णित हैं, निराधार होने के कारण स्वीकार योग्य नहीं है।</p>
<p>ब: पत्रावली जिसमें इस प्रकरण में सम्बन्धित मूल आवेदन पत्र व्यवहृत की गयी हो तथा</p>	<p>पत्रावली संख्या-XXV-12(14-II)A/2021</p>
<p>स: लोक सूचना अधिकारी के लिए निर्धारित पंजिका-</p>	<p>विभागीय अपील पंजिका के पृष्ठ संख्या-66 क्रमांक 245 पर दर्ज</p>
<p>द: लोक सूचना अधिकारी द्वारा अनुरोधकर्ता को उपलब्ध कराये गये सूचना की प्रतियां</p>	<p>पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 मय संलग्नकों सहित।</p>
<p>ध: विभागीय अपीलीय अधिकारी द्वारा प्रथम अपील में पारित आदेश की प्रति</p>	<p>आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 प्रति संलग्न</p>
<p>नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना नय साक्ष्य के</p>	<p>प्रारूप "क" संलग्न है।</p>

मा0आयोग के नोटिस दिनांक-30.04.2024 में प्रदत्त निर्देशों के अनुपालन में सादर अवगत कराना है कि प्रथम अपील के कम में इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 द्वारा अपील का निस्तारण किया गया है, तथा लोक सूचना अधिकारी द्वारा प्रथम अपील के निस्तारण आदेश के अनुपालन में अपीलकर्ता/अनुरोधकर्ता को कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा सूचना उपलब्ध करायी गयी है।

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अतः अपीलकर्ता द्वारा अपीलीय प्रार्थना पत्र में वर्णित तथ्यों से स्पष्ट है कि उक्त अपील बलहीन एवं निराधार होने के कारण पोषणीय न होने से निरस्त किये जाने योग्य है। मा० आयोग से सादर अनुरोध है कि अपीलकर्ता की दायर अपील खारिज करने का कष्ट करें।

संलग्नक-उपरोक्तानुसार।

**Signed by Basant Singh
Rawat**

Date: 09-05-2024 14:59:53

भवदीय,

(बसन्त सिंह रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड, देहरादून।
मो० न०-9411740189

द्वितीय अपील के सुनवाई के समय लोक सूचना अधिकारी आवेदक के द्वितीय अपीलीय पत्र में की गई आपत्तियों के साथ-साथ निम्नलिखित बिन्दुओं पर मय साक्ष्य के अपना लिखित अभिकथन आयोग के समक्ष प्रस्तुत करेंगे

(प्रारूप-“क”)

1	सूचना के लिए अनुरोधकर्ता का अनुरोध पत्र उनके कार्यालय को प्राप्त होने की दिनांक	दिनांक-20.01.2024
2	लोक सूचना अधिकारी के स्तर पर धारित पत्रिका का क्रमांक जिस स्थान पर पंजीकृत किया गया है	पत्रिका के पृष्ठ संख्या-66, क्रमांक-245
3	मांगी गयी सूचनाओं के कुल बिन्दुओं की संख्या	03
4	यदि मांगी गयी सूचना से संबंधित अनुरोध पत्र अंतरित होकर प्राप्त हुआ है तब- (क) अंतरितकर्ता का नाम, पदनाम, पूर्ण पता (ख) अंतरित बिन्दु (ग) पत्रांक व दिनांक जिसके माध्यम से अनुरोध पत्र अंतरित किया गया है	-
5	यदि अनुरोध पत्र के माध्यम से मांगी गयी सूचना किसी अन्य लोक सूचना अधिकारी से संबंधित है तब- (क) संबंधित बिन्दु जिसे अंतरित किया गया है (ख) अंतरित बिन्दु (ग) जिस पत्रांक व दिनांक के माध्यम से अनुरोध पत्र अंतरित किया गया है। (घ) पत्र जिस माध्यम से प्रेषित किया गया तथा पत्र डाक/दस्ती/अन्य माध्यम से प्रेषित करने की दिनांक	हाँ 1-केन्द्रीय लोक सूचना अधिकारी भारत निर्वाचन आयोग, नई दिल्ली। कार्यालय पत्र संख्या- 434/XXV-12 दिनांक 30 जनवरी, 2024 द्वारा हस्तान्तरित स्पीड पोस्ट दिनांक 02 फरवरी, 2024
6	यदि मांगी गयी सूचना हेतु कोई अतिरिक्त शुल्क मांगा गया है तब- (क) अतिरिक्त शुल्क की मांग जिस पत्र संख्या व दिनांक के माध्यम से की गई (ख) कुल मांगी गयी धनराशि (ग) अतिरिक्त शुल्क का मांग पत्र जिस माध्यम से प्रेषित किया गया (घ) अतिरिक्त शुल्क के प्राप्त की तिथि व धनराशि (ङ) अतिरिक्त शुल्क मांगने में यदि विलम्ब हुआ है तब विलम्ब का औचित्यपूर्ण कारण	नहीं
7	यदि मांगी गयी सूचना तृतीय पक्ष से संबंधित है अथवा किसी की निजी सूचना है तब- (क) तृतीय पक्ष को अपना पक्ष प्रस्तुत किए जाने हेतु प्रेषित पत्रांक व दिनांक (ख) तृतीय पक्ष का प्रतिउत्तर प्राप्त होने की तिथि (ग) लोक सूचना अधिकारी द्वारा तृतीय पक्ष को अपने निर्णय से अवगत कराए जाने संबंधी पत्रांक व दिनांक का विवरण	नहीं
8	आवेदक को सूचना प्रेषित किए जाने की दिनांक पत्र जिस माध्यम से आवेदक को प्रेषित किया गया	पत्र संख्या-434 दिनांक 30.01.2024 व 1227 दिनांक 13.03.2024
9	आवेदक जिसके द्वारा सूचना मांगी गयी को 30 दिन के अन्दर यदि सूचना प्रेषित नहीं की गयी है तब प्रेषित न किए जाने का औचित्यपूर्ण कारण	नहीं
10	आवेदन प्राप्त होने की तिथि से आयोग में द्वितीय अपील सुनवाई के मध्य यदि लोक सूचना अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तब संबंधित लोक सूचना अधिकारी के नाम, पदनाम, कब से कब तक लोक सूचना अधिकारी के दायित्वों का निर्वहन किया गया वर्तमान में किस पद व स्थान पर कार्यरत हैं	-

/2,10085/2024

लोक सूचना अधिकारी के हस्ताक्षर.....
नाम-श्री बसन्त सिंह रावत,
पदनाम-लोक सूचना अधिकारी/अनुभाग अधिकारी,
पूर्ण पता-कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड देहरादून।
दूरभाष/फैक्स न०/मो०न०- 0135-2713552
ई-मेल आईडी.....election09@gmail.com

Signed by Basant Singh
Rawat
Date: 09-05-2024 15:11:

नोट- उपरोक्त विवरण का साक्ष्य की सुनवाई के समय आयोग के समक्ष अवश्य प्रस्तुत किए जाएं। साक्ष्य प्रस्तुत न किये जाने पर उपरोक्त विवरण स्वीकार नहीं किया जाएगा।



उत्तराखण्ड सूचना आयोग

सूचना का अधिकार भवन, लाडपुर, रिग रोड, देहरादून
दूरभाष न०- 0135-2682021, फैक्स न०- 0135-2682180
ईमेल : secy-uic@gov.in वेब : <https://uic.uk.gov.in>

पत्रांक : 1429

/उ.सू.आ./2024-25


दिनांक :


16/05/2024

मा० राज्य मुख्य सूचना आयुक्त श्री अनिल चन्द्र पुनेठा के दिनांक 09.05.2024 को सेवा निवृत्त होने एवं मा० मुख्य सूचना आयुक्त के पद रिक्त होने के फलस्वरूप दिनांक 13.05.2024 को मा० आयोग में योजित समस्त अपीलें/शिकायतों की सुनवाई की तिथि निम्नानुसार परिवर्तित की जाती है।

क्र. सं.	वाद संख्या	अपीलकर्ता/शिकायतकर्ता का नाम	प्रतिवादी	पूर्व नियत तिथि	परिवर्तित तिथि
1	अ.स. 39968	डा० सतीश चन्द्र छाबड़ा	लो.सू.अ./नगर निगम, रुद्रपुर, जिला ऊधमसिंह नगर। वि.अ.अ./नगर आयुक्त रुद्रपुर, ऊधमसिंह नगर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
2	अ.स. 39969	श्री गोपाल सिंह सैनी	लो.सू.अ./सहायक नगर आयुक्त, नगर निगम, काशीपुर, जिला ऊधमसिंह नगर। वि.अ.अ./सहायक नगर आयुक्त नगर निगम, काशीपुर, जिला ऊधमसिंह नगर	13.05.2024	पीठ-4 01/07/2024
3	अ.स. 39971	श्री अर्जुन सिंह चौहान	लो.सू.अ./अधिसासी अधिकारी, नगर पालिका परिषद खटीमा, ऊधमसिंह नगर, जिला ऊधमसिंह नगर। वि.अ.अ./उप जिला अधिकारी, खटीमा, ऊधमसिंह नगर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
4	अ.स. 39970	श्री आसिम अजहर	लो.सू.अ./अधिसासी अधिकारी, नगर पालिका जसपुर, जिला ऊधमसिंह नगर। वि.अ.अ./उप जिलाधिकारी, जसपुर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
5	अ.स. 39972	श्री आसिम अजहर	लो.सू.अ./अधिसासी अधिकारी, नगर पालिका जसपुर, ऊधमसिंह नगर, जिला ऊधमसिंह नगर। वि.अ.अ./उप जिलाधिकारी, जसपुर, ऊधमसिंह नगर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-4 01/07/2024
6	अ.स. 39886	श्री विशाल सिंह	लो.सू.अ./उप नगर आयुक्त नगर निगम, देहरादून/डीम्ड लो.सू.अ./सहायक नगर आयुक्त(नामांतरण) नगर निगम देहरादून, जिला देहरादून। वि.अ.अ./उप नगर आयुक्त	13.05.2024	पीठ-4 01/07/2024

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			नगर निगम, देहरादून, जिला देहरादून।		
7	अ.स. 39888	श्री अमित कुमार जाटव	लो.सू.अ./नगर निगम, ऋषिकेश, जिला देहरादून। वि.अ.अ/नगर आयुक्त नगर निगम, ऋषिकेश, जिला देहरादून।	13.05.2024	पीठ-4 01/07/2024
8	अ.स. 38719	श्रीमती कमला आहूजा	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, तहसील सदर, देहरादून जिला देहरादून/डीम्ड लो.सू.अ./राजस्व लिपिक तहसील सदर, जिला देहरादून वि.अ.अ./तहसीलदार तहसील देहरादून जिला देहरादून	13.05.2024	पीठ-4 01/07/2024
9	अ.स. 39983	श्री नरेन्द्र कुमार पाठक	लो.सू.अ./संयुक्त निदेशक, प्रारम्भिक शिक्षा निदेशालय, उत्तराखण्ड देहरादून, जिला देहरादून। वि.अ.अ/अपर निदेशक, प्रारम्भिक शिक्षा निदेशालय, उत्तराखण्ड देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 01/07/2024
10	अ.स. 39986	श्री सी० सिंह	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, कार्यालय, जिला शिक्षा अधिकारी, (माध्यमिक शिक्षा) देहरादून, जिला देहरादून। वि.अ.अ/जिला शिक्षाधिकारी(माध्यमिक शिक्षा) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 01/07/2024
11	अ.स. 39987	श्री परशुराम भट्ट	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, कार्यालय, जिला शिक्षा अधिकारी,(माध्यमिक शिक्षा) पिथौरागढ़/वित्त अधिकारी, विद्यालयी शिक्षा पिथौरागढ़, जिला पिथौरागढ़। वि.अ.अ/जिला शिक्षाधिकारी (माध्यमिक) पिथौरागढ़,जिला पिथौरागढ़।	13.05.2024	पीठ-2 01/07/2024
12	अ.स. 39709	श्री रमेश चन्द्र शर्मा	लो.सू.अ./सहायक अभियन्ता, हरिद्वार, रुड़की विकास प्राधिकरण, हरिद्वार, जिला हरिद्वार। वि.अ.अ./सचिव, हरिद्वार, रुड़की विकास प्राधिकरण, हरिद्वार, जिला हरिद्वार।	13.05.2024	पीठ-2 01/07/2024
13	अ.स. 39710	श्री रमेश चन्द्र शर्मा	लो.सू.अ./सहायक अभियन्ता, हरिद्वार रुड़की विकास प्राधिकरण, हरिद्वार जिला हरिद्वार। वि.अ.अ./सचिव, हरिद्वार, रुड़की विकास प्राधिकरण	13.05.2024	पीठ-2 01/07/2024 

			हरिद्वार, जिला हरिद्वार।		
14	अ.स. 39711	श्री रमेश चन्द्र शर्मा	लो.सू.अ./सहायक अभियन्ता, हरिद्वार रुड़की, विकास प्राधिकरण, हरिद्वार, जिला हरिद्वार। वि.अ.अ./सचिव, हरिद्वार रुड़की, विकास प्राधिकरण, हरिद्वार, हरिद्वार।	13.05.2024	पीठ-2 01/07/2024
15	अ.स. 40231	श्री एडवोकेट अविनारा अग्रवाल	लो.सू.अ./कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड सचिवालय परिसर, देहरादून, जिला देहरादून वि.अ.अ./सहायक मुख्य निर्वाचन अधिकारी, उ० सचिवालय परिसर दे.दून	13.05.2024	पीठ-2 02/07/2024
16	अ.स. 39399	श्रीमती कमला आहूजा	लो.सू.अ./मुख्य प्रशासनिक अधिकारी, कलेक्ट्रेट देहरादून, जिला देहरादून। वि.अ.अ./अपर जिलाधिकारी, (वित्त/राजस्व) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 02/07/2024
17	अ.स. 39584	श्री दसौंघी	लो.सू.अ./उप जिलाधिकारी, विकासनगर जिला देहरादून। लो.सू.अ./उप निबंधक प्रथम विकासनगर, नायब तहसीलदार, विकासनगर, जिला देहरादून। लो.सू.अ./उप निबंधक, द्वितीय विकासनगर, जिला देहरादून। लो.सू.अ./नायब तहसीलदार, विकासनगर, जिला देहरादून। वि.अ.अ./अपर जिलाधिकारी(वित्त/राजस्व) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 02/07/2024
18	अ.स. 39585	श्री सरफराजुद्दीन	लो.सू.अ./उप जिलाधिकारी, सदर देहरादून, जिला देहरादून। वि.अ.अ./अपर जिलाधिकारी, (वित्त/राजस्व) देहरादून, जिला देहरादून।	13.05.2024	पीठ-2 02/07/2024
19	अ.स. 39121	श्री रोहित गोयल पुत्र श्री जी.डी. गोयल, निवासी हॉटस नंबर-424, खुडबुडा देहरादून- 248197	लो.सू.अ./हिमगिरी जी युनिवर्सिटी, पोस्ट शेरपुर, चकराता रोड, देहरादून। वि.अ. अ./हिमगिरी जी युनिवर्सिटी, पोस्ट शेरपुर, चकराता, रोड, देहरादून।	13.05.2024	पीठ-3 08/07/2024
20	अ.स. 39743	श्री नामित कुमार गर्ग, एन.आई.सी. अनुभाग, कैम्पस कान्फ्रेंसिंग हाल, जिलाधिकारी, नैनीताल	लो.सू.अ./प्रधानाचार्य, भातखण्डे हिन्दुस्तानी संगीत, महाविद्यालय, समीप जाखनदेवी, अल्मोड़ा। वि.अ.अ./निदेशक, संस्कृति निदेशालय उत्तराखण्ड एम.डी.	13.05.2024	पीठ-3 08/07/2024 

			डी.ए.कालोनी, चन्द्र रोड देहरादून, जिला देहरादून।		
21	अ.स. 38999	श्री हरीशंकर पाण्डेय, 129 ए/56, मधवापुर बैरहना प्रयागराज, उ०प्र०- 211003	लो.सू.अ./सहायक निदेशक, (कृषि रक्षा) कृषि निदेशालय, उत्तराखण्ड देहरादून। वि.अ.अ./संयुक्त कृषि निदेशक, (नियोजन) कृषि निदेशालय उत्तराखण्ड देहरादून।	13.05.2024	पीठ-3 08/07/2024
22	अ.स. 39122	श्री शिवनन्दन पुत्र स्व.श्री महेशपुरा वाल्मीकी बस्ती तहसील काशीपुर जिला उधमसिंह- नगर -244713	लो.सू.अ./नगर स्वास्थ्य अधिकारी, नगर निगम काशीपुर, जिला ऊधमसिंह नगर। तत्कालीन लोक सूचना अधिकारी/नगर स्वास्थ्य अधिकारी, नगर निगम काशीपुर, जिला ऊधमसिंह नगर। वि.अ.अ./सहायक नगर आयुक्त नगर निगम, काशीपुर, जिला ऊधमसिंह नगर।	13.05.2024	पीठ-3 08/07/2024
23	अ.स. 39514	श्री गोपाल, कबीर आश्रम ऋषिकेश, जिला देहरादून।	लो.सू.अ./नगर निगम, ऋषिकेश, जिला देहरादून। वि.अ.अ./नगर आयुक्त नगर निगम, ऋषिकेश, जिला देहरादून।	13.05.2024	पीठ-3 08/07/2024
24	अ.स. 39515	श्री अमित कुमार जाटव, निकट वराह मन्दिर, त्रिवेणी घाट, ऋषिकेश जिला देहरादून- 249201	लो.सू.अ./नगर निगम, ऋषिकेश, जिला देहरादून। वि.अ.अ./नगर आयुक्त नगर निगम, ऋषिकेश, जिला देहरादून।	13.05.2024	पीठ-3 08/07/2024
25	शि.स. 15636	श्री विनोद कुमार जैन, एल-79, ऋषिलोक कालोनी देहरादून-249201	लो.सू.अ./नगर निगम, ऋषिकेश, जिला देहरादून।	13.05.2024	पीठ-3 08/07/2024

(हीरा रावत)
अनु सचिव

प्रतिलिपि -

1. निजी सचिव, मा. मुख्य सूचना आयुक्त जी/मा० राज्य सूचना आयुक्त जी के अवलोकनार्थ प्रेषित।
2. सचिव, उत्तराखण्ड सूचना आयोग को सूचनार्थ प्रेषित।
3. निजी सचिव को आयोग की वेबसाईट में अपलोड करने हेतु।
4. निजी स्टॉफ, मा. मुख्य सूचना आयुक्त / मा० राज्य सूचना आयुक्त को इस आशय से कि सम्बन्धित वादी प्रतिवादियों को उपलब्ध दूरभाष नम्बर/ई-मेल के माध्यम से अगली सुनवाई की तिथि से अवगत कराना सुनिश्चित करें। दूरभाष नम्बर ई-मेल उपलब्ध न होने की स्थिति में डाक के माध्यम से उक्त पत्र प्रेषित करना सुनिश्चित करें।
5. नोटिस बोर्ड पर चस्पा हेतु।

(हीरा रावत)
अनु सचिव

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

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फैक्स नं (0135) - 2713724

संख्या: 2945/XXV-12(P-14)/2024

देहरादून

दिनांक 13 मई, 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर, रिंग रोड, देहरादून।



विषय:-

अपील संख्या-40231 अपीलकर्ता : एडवोकेट श्री अविनाश अग्रवाल/चैम्बर नं0-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता : एडवोकेट श्री अविनाश अग्रवाल/चैम्बर नं0-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में नोटिस दिनांक-30.04.2024 का संदर्भ ग्रहण करने का कष्ट करें।

उपरोक्त के क्रम में अवगत कराना है कि अधोहस्ताक्षरी लोक सभा सामान्य निर्वाचन, 2024 के दृष्टिगत निर्वाचन कार्यों में व्यस्त होने के कारण आज दिनांक-13 मई, 2024 को उपरोक्त अपील में सुनवाई हेतु श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को नामित किया जा रहा है।

भवदीय,

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

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संख्या: 2945/XXV-12(P-14)/2024

देहरादून

दिनांक 13 मई, 2024

सेवा में

सचिव,

उत्तराखण्ड सूचना आयोग,

सूचना का अधिकार भवन,

लाडपुर, रिंग रोड, देहरादून।



विषय:-

अपील संख्या-40231 अपीलकर्ता : एडवोकेट श्री अविनाश अग्रवाल/चैम्बर नं०-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता : एडवोकेट श्री अविनाश अग्रवाल/चैम्बर नं०-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में नोटिस दिनांक-30.04.2024 का संदर्भ ग्रहण करने का कष्ट करें।

उपरोक्त के क्रम में अवगत कराना है कि अघोहस्ताक्षरी लोक सभा सामान्य निर्वाचन, 2024 के दृष्टिगत निर्वाचन कार्यों में व्यस्त होने के कारण आज दिनांक-13 मई, 2024 को उपरोक्त अपील में सुनवाई हेतु श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को नामित किया जा रहा है।

भवदीय,

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2945/XXV-12(P-14)/2024 देहरादून

दिनांक 13 मई, 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर, रिंग रोड, देहरादून।



विषय:- अपील संख्या-40231 अपीलकर्ता : एडवोकेट श्री अविनाश अग्रवाल/चैम्बर नं०-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता : एडवोकेट श्री अविनाश अग्रवाल/चैम्बर नं०-10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून के सम्बन्ध में नोटिस दिनांक-30.04.2024 का संदर्भ ग्रहण करने का कष्ट करें।

उपरोक्त के क्रम में अवगत कराना है कि अधोहस्ताक्षरी लोक सभा सामान्य निर्वाचन, 2024 के दृष्टिगत निर्वाचन कार्यों में व्यस्त होने के कारण आज दिनांक-13 मई, 2024 को उपरोक्त अपील में सुनवाई हेतु श्री बसन्त सिंह रावत, अनुभाग अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय को नामित किया जा रहा है।

भवदीय,

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सुभाष रोड़, सचिवालय परिसर, देहरादून- 248001

फोन नं० (0135) - 2713760, 2713551 & फैक्स नं० (0135) - 2713724

संख्या 2933/XXV-06/2024 देहरादून : दिनांक 09 मई 2024

सेवा में,

सचिव,

उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर रिंग रोड़, देहरादून।

विषय-

अपील संख्या-40231 अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, / चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी, एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में प्राप्त नोटिस का प्रत्युत्तर का प्रेषण।

महोदय,

उपरोक्त विषयक कृपया मा० उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता: श्री अविनाश अग्रवाल, एडवोकेट, चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में निर्गत नोटिस दिनांक 30.04.2024 का सन्दर्भ ग्रहण करने का कष्ट करें।

उपरोक्त सन्दर्भित अपीलीय प्रकरण में मा० आयोग द्वारा दिनांक 13.05.2024 को समय-11:15 बजे सुनवाई हेतु तिथि नियत कर अपीलकर्ता/प्रार्थी के मूल प्रार्थना-पत्र पर बिन्दुवार लिखित प्रतियुत्तर एक सप्ताह अन्दर उपलब्ध कराये जाने के निर्देश प्राप्त हैं। मा० आयोग से प्राप्त निर्देशों के अनुपालन में लिखित प्रत्युत्तर सादर निम्नवत प्रेषित है:-

<p>अ: अपीलकर्ता/प्रार्थी के मूल प्रार्थना पत्र पर बिन्दुवार लिखित उत्तर-</p>	<p>01-अपीलकर्ता के अपीलीय प्रार्थना पत्र में बिन्दु सं०-01 से 04 तक प्रत्युत्तर अपेक्षित नहीं है।</p> <p>02-अपील के बिन्दु संख्या-05 में अपीलार्थी का अनुरोध पत्र दिनांक 25.10.2023 इस कार्यालय को प्राप्त न होने के कारण सूचना उपलब्ध कराया जाना सम्भव नहीं था। उक्त सूचना उपलब्ध न होने की दशा में अपीलार्थी द्वारा प्रथम विभागीय अपील प्रार्थना-पत्र दिनांक 30.11.2023 प्रस्तुत किया गया। इस अपीलीय प्रार्थना पत्र पर दिनांक 09 दिसम्बर, 2023 को अपीलार्थी के साथ गूगल मीट के माध्यम से सुनवाई सम्पन्न हुई।</p> <p>उक्त अपील का निस्तारण इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 (प्रति संलग्न) से किया गया उक्त आदेश के अनुपालन में अपीलार्थी को वांछित सूचना कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा प्रेषित की गयी है, जो मा० आयोग के अवलोकनार्थ संलग्नक-क के रूप प्रस्तुत है</p> <p>उक्त के अतिरिक्त अपीलार्थी का एक सूचना का अनुरोध पत्र दिनांक 20.01.2024 जो ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। उक्त प्रार्थना पत्र में 03 बिन्दुओं की सूचना चाही गयी थी। अनुरोध पत्र में वांछित सूचना, कार्यालय केन्द्रीय लोक सूचना अधिकारी, भारत निर्वाचन आयोग दिल्ली से सम्बन्धित होने के कारण अनुरोध पत्र इस कार्यालय के पत्र संख्या-434 दिनांक 30 जनवरी, 2024 के द्वारा सम्बन्धित लोक सूचना अधिकारी को हस्तान्तरित की गयी। संलग्नक-(ख)</p>
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	<p>यह भी उल्लेखनीय है कि अपीलार्थी का पुनः एक अपीलीय प्रार्थना पत्र दिनांक 12 मार्च, 2024 को ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। अपीलार्थी के उक्त अपीलीय प्रार्थना पत्र के क्रम में इस कार्यालय के पत्र संख्या-1227 दिनांक 13 मार्च, 2024 द्वारा वांछित अनुरोध के हस्तान्तरण की सूचना से पुनः अनुरोध कर्ता को अवगत कराया गया है। (संलग्नक-ग)</p> <p>उपरोक्त प्रकरण के सम्बन्ध में यह भी उल्लेखनीय है कि अपीलार्थी का NGRS Poratal शिकायत संख्या-NG6053070501 दिनांक 28.07.2023 शिकायती प्रकरण भारत निर्वाचन आयोग से सम्बन्धित होने से इस कार्यालय के पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 के द्वारा प्रकरण भारत निर्वाचन आयोग को निस्तारण हेतु प्रेषित किया गया है। (संलग्नक-घ)</p> <p>अपीलार्थी द्वारा प्रकरण भारत निर्वाचन आयोग को प्रेषित किये जाने से क्षुब्ध होकर अपने अपील प्रार्थना पत्र में उल्लेख किया गया है कि प्रकरण नियम विरुद्ध भारत निर्वाचन आयोग को प्रेषित किया गया एवं प्रथम विभागीय अपील अधिकारी द्वारा सूचना उपलब्ध न करवाने पर लोक सूचना अधिकारी का समर्थन किया है।</p> <p>मा0 आयोग को अवगत कराना है कि संविधान के अनुच्छेद-324 में प्रदत्त शक्तियों के आलोक में लोक प्रतिनिधित्व अधिनियम 1951 तथा निर्वाचनों के संचालन नियम-1961 के सुसंगत नियमों के अन्तर्गत निहित प्राविधानों के अनुसार अथवा किसी सक्षम न्यायालय द्वारा निर्गत निर्देशों के अनुपालन में किसी भी विधान सभा व लोक सभा की रिक्तियों के लिए उप निर्वाचन हेतु कार्यक्रम निर्धारित किये जाने के सर्वाधिकार भारत निर्वाचन आयोग में निहित हैं। मुख्य निर्वाचन अधिकारी स्तर पर आयोग के निर्देशानुसार ही अनुपालन सुनिश्चित किया जाता है।</p> <p>अपीलार्थी द्वारा उल्लिखित तथ्य मनगढ़ंत प्रतीत होता है जो सूचना अधिकार अधिनियम-2005 के प्राविधानों के अन्तर्गत पोषणीय न होकर निराधार है।</p> <p>3-अपील के बिन्दु संख्या-06 से 11 में उल्लिखित तथ्य जिस भाँति वर्णित हैं, निराधार होने के कारण स्वीकार योग्य नहीं है।</p>
ब: पत्रावली जिसमें इस प्रकरण में सम्बन्धित मूल आवेदन पत्र व्यवहृत की गयी हो तथा	पत्रावली संख्या-XXV-12(14-II)A/2021
स: लोक सूचना अधिकारी के लिए निर्धारित पंजिका-	विभागीय अपील पंजिका के पृष्ठ संख्या-66 क्रमांक 245 पर दर्ज
द: लोक सूचना अधिकारी द्वारा अनुरोधकर्ता को उपलब्ध कराये गये सूचना की प्रतियां	पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 मय संलग्नकों सहित।
घ: विभागीय अपीलीय अधिकारी द्वारा प्रथम अपील में पारित आदेश की प्रति	आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 प्रति संलग्न
नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के	प्रारूप "क" संलग्न है।

मा0आयोग के नोटिस दिनांक-30.04.2024 में प्रदत्त निर्देशों के अनुपालन में सादर अवगत कराना है कि प्रथम अपील के क्रम में इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 द्वारा अपील का निस्तारण किया गया है, तथा लोक सूचना अधिकारी द्वारा प्रथम अपील के निस्तारण आदेश के अनुपालन में अपीलकर्ता/अनुरोधकर्ता को कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा सूचना उपलब्ध करायी गयी है।

/210081/2024

अतः अपीलकर्ता द्वारा अपीलीय प्रार्थना पत्र में वर्णित तथ्यों से स्पष्ट है कि उक्त अपील बलहीन एवं निराधार होने के कारण पोषणीय न होने से निरस्त किये जाने योग्य है। मा0 आयोग से सादर अनुरोध है कि अपीलकर्ता की दायर अपील खारिज करने का कष्ट करें।

संलग्नक-उपरोक्तानुसार।

**Signed by Basant Singh
Rawat**

Date: 09-05-2024 14:59:53

भवदीय,

(बसन्त सिंह रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड, देहरादून।
मो0 न0-9411740189

द्वितीय अपील के सुनवाई के समय लोक सूचना अधिकारी आवेदक के द्वितीय अपीलीय पत्र में की गई आपत्तियों के साथ-साथ निम्नलिखित बिन्दुओं पर मय सक्षम के अपना लिखित अभिकथन आयोग के समक्ष प्रस्तुत करेंगे

(प्रारूप-"क")

1	सूचना के लिए अनुरोधकर्ता का अनुरोध पत्र उनके कार्यालय को प्राप्त होने की दिनांक	दिनांक-20.01.2024
2	लोक सूचना अधिकारी के स्तर पर धारित पंजिका का क्रमांक जिस स्थान पर पंजीकृत किया गया है	पंजिका के पृष्ठ संख्या-66, क्रमांक-245
3	मांगी गयी सूचनाओं के कुल बिन्दुओं की संख्या	03
4	यदि मांगी गयी सूचना से संबंधित अनुरोध पत्र अंतरित होकर प्राप्त हुआ है तब- (क) अंतरितकर्ता का नाम, पदनाम, पूर्ण पता (ख) अंतरित बिन्दु (ग) पत्रांक व दिनांक जिसके माध्यम से अनुरोध पत्र अंतरित किया गया है	-
5	यदि अनुरोध पत्र के माध्यम से मांगी गयी सूचना किसी अन्य लोक सूचना अधिकारी से संबंधित है तब- (क) संबंधित बिन्दु जिसे अंतरित किया गया है (ख) अंतरित बिन्दु (ग) जिस पत्रांक व दिनांक के माध्यम से अनुरोध पत्र अंतरित किया गया है। (घ) पत्र जिस माध्यम से प्रेषित किया गया तथा पत्र डाक/दस्ती/अन्य माध्यम से प्रेषित करने की दिनांक	हैं 1-केन्द्रीय लोक सूचना अधिकारी भारत निर्वाचन आयोग, नई दिल्ली। कार्यालय पत्र संख्या- 434/XXV-12 दिनांक 30 जनवरी, 2024 द्वारा हस्तान्तरित स्पीड पोस्ट दिनांक 02 फरवरी, 2024
6	यदि मांगी गयी सूचना हेतु कोई अतिरिक्त शुल्क मांगा गया है तब- (क) अतिरिक्त शुल्क की मांग जिस पत्र संख्या व दिनांक के माध्यम से की गई (ख) कुल मांगी गयी धनराशि (ग) अतिरिक्त शुल्क का मांग पत्र जिस माध्यम से प्रेषित किया गया (घ) अतिरिक्त शुल्क के प्राप्त की तिथि व धनराशि (ङ) अतिरिक्त शुल्क मांगने में यदि विलम्ब हुआ है तब विलम्ब का औचित्यपूर्ण कारण	नहीं
7	यदि मांगी गयी सूचना तृतीय पक्ष से संबंधित है अथवा किसी की निजी सूचना है तब- (क) तृतीय पक्ष को अपना पक्ष प्रस्तुत किए जाने हेतु प्रेषित पत्रांक व दिनांक (ख) तृतीय पक्ष का प्रतिउत्तर प्राप्त होने की तिथि (ग) लोक सूचना अधिकारी द्वारा तृतीय पक्ष को अपने निर्णय से अवगत कराए जाने संबंधी पत्रांक व दिनांक का विवरण	नहीं
8	आवेदक को सूचना प्रेषित किए जाने की दिनांक पत्र जिस माध्यम से आवेदक को प्रेषित किया गया	पत्र संख्या-434 दिनांक 30.01.2024 व 1227 दिनांक 13.03.2024
9	आवेदक जिसके द्वारा सूचना मांगी गयी को 30 दिन के अन्दर यदि सूचना प्रेषित नहीं की गयी है तब प्रेषित न किए जाने का औचित्यपूर्ण कारण	नहीं
10	आवेदन प्राप्त होने की तिथि से आयोग में द्वितीय अपील सुनवाई के मध्य यदि लोक सूचना अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तब संबंधित लोक सूचना अधिकारी के नाम, पदनाम, कब से कब तक लोक सूचना अधिकारी के दायित्वों का निर्वहन किया गया वर्तमान में किस पद व स्थान पर कार्यरत हैं	-

लोक सूचना अधिकारी के हस्ताक्षर.....
नाम-श्री बसन्त सिंह रावत,
पदनाम-लोक सूचना अधिकारी/अनुभाग अधिकारी
पूर्ण पता-कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड देहरादून।
दूरभाष/फैक्स नं०/मो०नं०- 0135-2713552
ई-मेल आईडी.....election09@gmail.com

Signed by Basant Singh
Rawat
Date: 09-05-2024 15:11:14

नोट- उपरोक्त विवरण का साक्ष्य की सुनवाई के समय आयोग के समक्ष अवश्य प्रस्तुत किए जाएं। साक्ष्य प्रस्तुत न किये जाने पर उपरोक्त विवरण स्वीकार नहीं किया जाएगा।

10026/2024

विश्वकर्मा भवन, प्रथम तल, सुभाष रोड, सचिवालय परिसर, देहरादून- 248001
फोन नं० (0135) - 2713760, 2713651 फैक्स नं० (0135) - 2713724

संख्या 2934/XXV-12(P&14-II)/2021 देहरादून : दिनांक 09 मई, 2024

सेवा में,

सचिव,
उत्तराखण्ड सूचना आयोग,
सूचना का अधिकार भवन,
लाडपुर रिंग रोड, देहरादून।

विषय-

अपील संख्या-40231 अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, /चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी, एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में प्राप्त नोटिस का प्रत्युत्तर का प्रेषण।

महोदय,

उपरोक्त विषयक कृपया मा० उत्तराखण्ड सूचना आयोग, देहरादून में दायर अपील संख्या-40231 अपीलकर्ता: श्री अविनाश अग्रवाल, एडवोकेट, चैम्बर नंबर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून बनाम लोक सूचना अधिकारी एवं विभागीय अपीलीय अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, देहरादून में निर्गत नोटिस दिनांक 30.04.2024 का सन्दर्भ ग्रहण करने का कष्ट करें।

उपरोक्त सन्दर्भित अपीलीय प्रकरण में मा० आयोग द्वारा दिनांक 13.05.2024 के समय-11:15 बजे सुनवाई हेतु तिथि नियत कर अपीलकर्ता/प्रार्थी के मूल प्रार्थना-पत्र पर बिन्दुवार लिखित प्रत्युत्तर एक सप्ताह अन्दर उपलब्ध कराये जाने के निर्देश प्राप्त हैं। मा० आयोग से प्राप्त निर्देशों व अनुपालन में लिखित प्रत्युत्तर सादर निम्नवत प्रेषित है:-

अ: अपीलपर बिन्दुवार लिखित उत्तर-

01-अपीलकर्ता के अपीलीय प्रार्थना पत्र में बिन्दु सं०-01 से 04 तक प्रत्युत्तर अपेक्षित नहीं है।

02-अपील के बिन्दु संख्या-05 में अपीलार्थी का अनुरोध पत्र दिनांक 25.10.2023 इस कार्यालय को प्राप्त न होने के कारण सूचना उपलब्ध कराया जाना सम्भव नहीं था। उक्त सूचना उपलब्ध न होने की दशा में अपीलार्थी द्वारा प्रथम विभागीय अपील प्रार्थना-पत्र दिनांक 30.11.2023 प्रस्तुत किया गया। इस अपीलीय प्रार्थना पत्र पर दिनांक 01 दिसम्बर, 2023 को अपीलार्थी के साथ गूगल मीट के माध्यम सुनवाई सम्पन्न हुई।

उक्त अपील का निस्तारण इस कार्यालय के आदेश संख्या-244 दिनांक 12 दिसम्बर, 2023 (प्रति संलग्न) से किया गया। अपील निस्तारण के उक्त आदेश के अनुपालन में लोक सूचना अधिकारी द्वारा अपीलार्थी को वांछित सूचना कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा प्रेषित की गयी है जो मा० आयोग के अवलोकनार्थ संलग्नक-क के रूप प्रस्तुत है।

उक्त के अतिरिक्त अपीलार्थी का एक सूचना का अनुरोध पत्र दिनांक 20.01.2024 जो ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। उक्त प्रार्थना पत्र में 03 बिन्दुओं की सूचना चाही गयी थी। अनुरोध पत्र में वांछित सूचना, कार्यालय केन्द्रीय लोक सूचना अधिकारी, भारत निर्वाचन आयोग दिल्ली से सम्बन्धित होने के कारण अनुरोध पत्र इस कार्यालय के पत्र संख्या-434 दिनांक 30 जनवरी 2024 के द्वारा सम्बन्धित लोक सूचना अधिकारी को हस्तान्तरित की गयी। (संलग्नक-(ख))

यह भी उल्लेखनीय है कि अपीलार्थी का पुनः एक अपीलीय प्रार्थना पत्र दिनांक 12 मार्च, 2024 को ई-मेल के माध्यम से इस कार्यालय को प्राप्त हुआ है। अपीलार्थी के उक्त अपीलीय प्रार्थना पत्र में...

2024 द्वारा घोषित अनुरोध के हस्तान्तरण की सूचना हेतु पुनः अनुरोध कर्ता को अवगत कराया गया है। (संलग्नक-ग)

उपरोक्त प्रकरण के सम्बन्ध में यह भी उल्लेखनीय है कि अपीलार्थी का NGRS Poratal शिकायत संख्या-NG6053070501 दिनांक 28.07.2023 शिकायती प्रकरण भारत निर्वाचन आयोग से सम्बन्धित होने से इस कार्यालय के पत्र संख्या-2448 दिनांक 12 दिसम्बर, 2023 के द्वारा प्रकरण भारत निर्वाचन आयोग को निस्तारण हेतु प्रेषित किया गया है। (संलग्नक-घ)

अपीलार्थी द्वारा प्रकरण भारत निर्वाचन आयोग को प्रेषित किये जाने से क्षुब्ध होकर अपने अपील प्रार्थना पत्र में उल्लेख किया गया है कि प्रकरण नियम विरुद्ध भारत निर्वाचन आयोग को प्रेषित किया गया एवं प्रथम विभागीय अपील अधिकारी द्वारा सूचना उपलब्ध न करवाने पर लोक सूचना अधिकारी का समर्थन किया है।

मा0 आयोग को अवगत कराना है कि संविधान के अनुच्छेद-324 में प्रदत्त शक्तियों के आलोक में लोक प्रतिनिधित्व अधिनियम 1951 तथा निर्वाचनों के संचालन नियम-1961 के सुसंगत नियमों के अन्तर्गत निहित प्राविधानों के अनुसार अथवा किसी सक्षम न्यायालय द्वारा निर्गत निर्देशों के अनुपालन में किसी भी विधान सभा व लोक सभा की शक्तियों के लिए उप निर्वाचन हेतु कार्यक्रम निर्धारित किये जाने के सर्वाधिकार भारत निर्वाचन आयोग में निहित है। मुख्य निर्वाचन अधिकारी स्तर पर आयोग के निर्देशानुसार ही अनुपालन सुनिश्चित किया जाता है।

अपीलार्थी द्वारा उल्लिखित तथ्य मनगढ़ंत प्रतीत होता है जो सूचना अधिकार अधिनियम-2005 के प्राविधानों के अन्तर्गत पोषणीय न होकर निराधार है।

3-अपील के बिन्दु संख्या-06 से 11 में उल्लिखित तथ्य जिस भाँति वर्णित हैं, निराधार होने के कारण स्वीकार योग्य नहीं है।

ब: पत्रावली जिसमें इस प्रकरण में सम्बन्धित मूल आवेदन पत्र व्यवहृत की गयी हो तथा

पत्रावली संख्या-XXV-12(14-II)A/2021

स: निर्धारित विभागीय अपील पंजिका

विभागीय अपील पंजिका के पृष्ठ संख्या-25 क्रमांक -09 पर दर्ज

द: नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के

प्रारूप "ख" संलग्न है।

मा0 आयोग के नोटिस दिनांक-30.04.2024 में प्रदत्त निर्देशों के अनुपालन में सादर अवगत कराना है कि प्रथम अपील के क्रम में इस कार्यालय के आदेश संख्या-2447 दिनांक 12 दिसम्बर, 2023 द्वारा अपील का निस्तारण किया गया है, तथा लोक सूचना अधिकारी द्वारा प्रथम अपील के निस्तारण आदेश के अनुपालन में अपीलकर्ता/अनुरोधकर्ता को कार्यालय पत्र संख्या-2507 दिनांक 18 दिसम्बर, 2023 के द्वारा सूचना उपलब्ध करायी गयी है।

अतः अपीलकर्ता के अपीलीय प्रार्थना पत्र में वर्णित तथ्यों से स्पष्ट है कि उक्त अपील बलहीन एवं निराधार होने के कारण पोषणीय न होने से निरस्त किये जाने योग्य है। मा0 आयोग से सादर अनुरोध है कि अपीलकर्ता की दायर अपील खारिज करने का कष्ट करें।

भवदीय,

संलग्न यथोपरि।

Signed by Mastu Das

Date: 09-05-2024 14:53:02

प्रथम विभागीय अपीलीय अधिकारी/
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

:: प्रारूप-ख ::

1	प्रथम अपील/विभागीय अपीलीय पत्र विभागीय अपीलीय अधिकारी को प्राप्त होने की दिनांक	दिनांक-12 मार्च, 2024
2.	प्रथम अपील/विभागीय अपीलीय पत्र पर सुनवाई हेतु नियत की गई सुनवाई की तिथि	-
3.	लोक सूचना अधिकारी तथा अपीलकर्ता को सुनवाई का नोटिस प्रेषित किये जाने का पत्रांक व दिनांक	-
4.	सुनवाई का नोटिस प्रेषित किए जाने का माध्यम	-
5.	प्रथम अपील/विभागीय अपील के आदेश के घोषित होने की दिनांक तथा अपीलीय और लोक सूचना अधिकारी को आदेश प्रेषित करने की दिनांक	1.-केंद्रीय लोक सूचना अधिकारी भारत निर्वाचन आयोग, नई दिल्ली । कार्यालय पत्र संख्या- 634/XXV- 12 दिनांक 30 जनवरी, 2024 द्वारा हस्ताक्षरित स्पीड पोस्ट दिनांक 02 फरवरी, 2024
6.	यदि प्रथम अपील का निस्तारण नहीं किया गया है या विलम्ब से किया गया है तब प्रथम अपील का निस्तारण न करने या विलम्ब से करने का औचित्यपूर्ण कारण	समय अन्दर निस्तारण किया गया है
7.	प्रथम अपीलीय पत्र प्राप्त होने की तिथि से आयोग में द्वितीय सुनवाई के मध्य यदि विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तो संबंधित विभागीय अपीलीय अधिकारी का नाम, पदनाम, कब से कब तक विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन किया गया, वर्तमान में किस पद व स्थान पर कार्यरत हैं	एक ही अपीलीय अधिकारी

विभागीय अपीलीय अधिकारी के हस्ताक्षर.....

Signed by Mastu Das

Date: 09-05-2024 14:51:56

नाम- श्री मस्तू दास

पदनाम-प्रथम अपीलीय अधिकारी/

सहायक मुख्य निर्वाचन अधिकारी

उत्तराखण्ड देहरादून।

दूरभाष/फैक्स न०/मो०न०- 0135-2713551

ई-मेलआई०डी०- election09@gmail.com

उत्तराखण्ड सूचना आयोग
सूचना का अधिकार भवन, लाइपुर, रिंग रोड, देहरादून
दूरभाष- 0135-2662021, 0135-2662180, ईमेल- secy-ulc@gov.in

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पत्र प्रार्थना का दिनांक-01/05/24
विचार क्रमांक-1549 पत्रावली संख्या-

अपील संख्या: 40231

अपील अंतर्गत धारा: 19 (3) सू० का० अधि० अधिनियम 2005

अपीलकर्ता: श्री एडवोकेट अविनाश अग्रवाल, / चेंबर नंबर -10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून, 249201

बनाम

प्रत्युत्तरदाता

- 1: लोक सूचना अधिकारी / कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, सचिवालय परिसर देहरादून, जिला देहरादून /
- 2: विभागीय अपीलीय अधिकारी / सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड सचिवालय परिसर देहरादून /

नोटिस

अपीलकर्ता श्री एडवोकेट अविनाश अग्रवाल, के द्वारा प्रेषित अपीलीय प्रार्थना पत्र दिनांक 01-04-2024 आयोग में दिनांक 10-04-2024 को प्राप्त हुआ है। आयोग द्वारा प्रार्थना पत्र को अपील के रूप में सुनवायी हेतु विचार करने के उद्देश्य से दिनांक 13-05-2024 की तिथि नियत की गयी है। अपील की सुनवायी आयोग के कार्यालय, सूचना का अधिकार भवन, लाइपुर, रिंग रोड, देहरादून में वाद सूची के क्रम के अनुसार 11:15 AM बजे से की जाएगी।

2. अपीलार्थी द्वारा राज्य सूचना आयोग (अपील प्रक्रिया) नियम 2005 के द्वारा नियम-3 और नियम-4 के अंतर्गत प्राविधानित प्रस्तुत सामग्री को नियम छ: के अनुसार प्रत्युत्तरदाताओं को अपीलार्थी द्वारा प्रस्तुत अपीलीय प्रार्थना पत्र की प्रति तथा संलग्न अभिलेखों को पंजीकृत डाक से / विशेष पत्र वाहक के माध्यम से प्रेषित किया जा रहा है।

3. अपीलार्थी द्वारा प्रस्तुत अपीलीय प्रार्थना पत्र की प्रति तथा संलग्न अभिलेखों को प्रत्युत्तरदाताओं को इस आशय से प्रेषित किया जा रहा है कि वे दिनांक 13-05-2024 को सुनवायी के समय व्यक्तिगत रूप से अथवा प्रतिनिधि के माध्यम से उपस्थित रहें। प्रत्युत्तरदाताओं से यह भी अपेक्षित है कि वे इस अपील-मेमोरैंडम के सापेक्ष निम्नलिखित मूल अभिलेखों के साथ स्वयं अथवा उनके प्रतिनिधि जो विभाग के राजपत्रित / वरिष्ठ अधिकारी हों उपस्थित रहें।

लोक सूचना अधिकारी

- अ: अपीलकर्ता/प्रार्थी के मूल प्रार्थनापत्र पर बिंदुवार लिखित उत्तर (सुनवाई से एक सप्ताह पूर्व आयोग को प्रेषित करें)
- ब: पत्रावली जिसमें इस प्रकरण से सम्बंधित मूल आवेदन पत्र व्यवहृत किया गया हो तथा
- स: लोक सूचना अधिकारी के लिए निर्धारित पंजिका
- द: लोक सूचना अधिकारी द्वारा अनुरोधकर्ता को उपलब्ध कराये गए सूचना की प्रतियाँ
- ध: विभागीय अपीलीय अधिकारी द्वारा प्रथम अपील में पारित आदेश की प्रति
- न: नोटिस के साथ संलग्न प्रारूप "क" पर सुस्पष्ट सूचना मय साक्ष्य के

विभागीय अपीलीय अधिकारी

- अ: अपील पर बिंदुवार लिखित उत्तर (सुनवाई से एक सप्ताह पूर्व आयोग को प्रेषित करें)
- ब: पत्रावली जिसमें इस प्रकरण से सम्बंधित मूल आवेदन पत्र व्यवहृत की गयी हो तथा
- स: निर्धारित विभागीय अपील पंजिका
- द: नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के

Signed by Arvind Kumar
Pandey

आयोग की ओर से

Date: 30-04-2024 15:31:08

(ए. के. पाण्डेय)
सचिव

संख्या 962 /उ०सू०आ०/अपील/2024-25/(UIC)

दिनांक 01/05/24

प्रतिलिपि

1: लोक सूचना अधिकारी / कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड, सचिवालय परिसर देहरादून, जिला देहरादून /

2: विभागीय अपीलीय अधिकारी / सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड सचिवालय परिसर देहरादून /

3: अपीलकर्ता श्री एडवोकेट अविनाश अग्रवाल, / चेंबर नंबर -10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश जिला देहरादून, 249201 को अपना पक्ष प्रस्तुत करने हेतु

4. विभागीय पत्रावली

S.O/P.O.
@P.S.

(ए. के. पाण्डेय)
सचिव

-:आवश्यक निर्देश:-

- आयोग के अंतरिम आदेशों की प्रतियां डाक द्वारा या अन्य माध्यम से आयोग के द्वारा प्रेषित नहीं की जाएंगी। आयोग के अंतरिम आदेश/आदेश आयोग की वेबसाइट UIC.UK.GOV.IN से डाउन लोड किए जा सकते हैं। डाउन लोड की सरल प्रक्रिया आयोग की वेबसाइट पर उपलब्ध है। किसी भी असुविधा के लिए आयोग के फोन नम्बर 0135-2662021, 2662180 या ई-मेल आई.डी. secy-uic@gov.in पर भी श्री राजेश नैथानी से सम्पर्क किया जा सकता है।
- सूचना का अधिकार अधिनियम 2005 के तहत आयोग के द्वारा यदि किसी लोक प्राधिकारियों/सहायक लोक सूचना अधिकारियों/लोक सूचना अधिकारियों तथा विभागीय अपीलीय अधिकारियों से कोई पृच्छा की गयी हो, तभी आयोग को पत्राचार किया जाए और ऐसे समस्त पत्राचार मा० मुख्य सूचना आयुक्त या सचिव उत्तराखण्ड सूचना आयोग के पदनाम से सम्बोधित कर किये जाएं। किसी भी द्वितीय अपील/शिकायत की सुनवाई के संदर्भ में अथवा अंतिम आदेश की अनुपालन आख्या या अनुपालन में, किसी भी प्रकार का कोई पत्राचार मा० राज्य सूचना आयुक्त, जिनके द्वारा सुनवाई की गयी है, को नहीं किया जाएगा। किसी पदाधिकारी को या किसी व्यक्ति को किये गये आंतरिक पत्राचार की प्रतिलिपि मा० मुख्या सूचना आयुक्त, मा० राज्य सूचना आयुक्त या सचिव उत्तराखण्ड सूचना आयोग को न किया जाए। किसी मामलों में कोई कार्यवाही करने की आख्या या आयोग के आदेशों की अनुपालन आख्या मा० मुख्य सूचना आयुक्त अथवा सचिव, उत्तराखण्ड सूचना आयोग को सम्बोधित करते हुए प्रेषित कि जाएं। ऐसे पत्राचार में अपने पदनाम के साथ-साथ अपना नाम व दूरभाष/मोबाईल नम्बर, ई०मेल आई.डी. का अवश्य उल्लेख करें।
- सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत श्रापत अनुरोध पत्र/अपीलीय पत्र पर किये जाने वाले समस्त पत्राचार में सहायक लोक सूचना अधिकारी/लोक सूचना अधिकारी /विभागीय अपीलीय अधिकारी अपने पद नाम के साथ-साथ अपना नाम व दूरभाष/मोबाईल नम्बर, ई०मेल आई.डी. का अवश्य उल्लेख करें।

द्वितीय अपील की सुनवाई के समय विभागीय अपीलीय अधिकारी आवेदक के द्वितीय अपीलीय पत्र के ली गई शान्तियों के साथ-साथ निम्नलिखित बिन्दुओं पर मय साक्ष्य के अपना लिखित अभिकथन आयोग के समक्ष प्रस्तुत करेंगे ।

(प्रारूप-“ख”)

1	प्रथम अपील/विभागीय अपीलीय पत्र विभागीय अपीलीय अधिकारी को प्राप्त होने की दिनांक	
2	प्रथम अपील/विभागीय अपीलीय पत्र सुनवाई हेतु नियत की गयी सुनवाई की तिथि	
3	लोक सूचना अधिकारी तथा अपीलकर्ता को सुनवाई का नोटिस प्रेषित किये जाने का पत्रांक व दिनांक	
4	सुनवाई का नोटिस प्रेषित किये जाने का माध्यम	
5	प्रथम अपील/विभागीय अपील के आदेश के घोषित होने की दिनांक तथा अपीलार्थी और लोक सूचना अधिकारी को आदेश प्रेषित करने का दिनांक	
6	यदि प्रथम अपील का निस्तारण नहीं किया गया है या विलम्ब से किया गया है तथा प्रथम अपील का निस्तारण न करने या विलम्ब से करने का औचित्यपूर्ण कारण ।	
7	प्रथम अपीलीय पत्र प्राप्त होने की तिथि से आयोग में द्वितीय सुनवाई के मध्य यदि विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन एक से अधिक अधिकारियों के द्वारा किया गया है तो संबंधित विभागीय अपीलीय अधिकारी का नाम, पदनाम कब से कब तक विभागीय अपीलीय अधिकारी के दायित्वों का निर्वहन किया गया, वर्तमान में किस पद व स्थान पर कार्यरत है ।	

विभागीय अपीलीय अधिकारी के हस्ताक्षर.....
नाम.....
पदनाम
पूर्ण पता.....
दूरभाष/फैक्स नं०/मो०नं०.....
ई-मेल आई.डी.....

घ.	लोक सूचना अधिकारी द्वारा अनुरोधकर्ता को उपलब्ध कराये गये सूचना की प्रतियाँ	घ.	विभागीय अपीलीय अधिकारी द्वारा प्रथम अपील में पारित आदेश की प्रति
घ.	नोटिस के साथ संलग्न प्रारूप "क" पर सुस्पष्ट सूचना मय साक्ष्य के पूर्व	घ.	नोटिस के साथ संलग्न प्रारूप "ख" पर सुस्पष्ट सूचना मय साक्ष्य के

Link for selecting Participation Mode
सुनवाई में प्रतिभाग करने हेतु मोड के चयन हेतु लिंक

<https://uic.uk.gov.in>
Hybrid Hearing Mode Selector

Link for Hybrid Mode
हाईब्रिड मोड से प्रतिभाग करने हेतु लिंक

<https://uic.uk.gov.in>
Hybrid Hearing Links

Hybrid (Video Call) रूप से द्वितीय अपील/शिकायत में प्रतिभाग करने की प्रक्रिया

- Hybrid रूप से सुनवायी स्मार्टफोन/टैबलेट/लैपटॉप/कम्प्यूटर के प्रयोग से Google Meet के प्रयोग से की जा सकती है।
- Google Meet सभी android smartphone पर उपलब्ध होता है। यदि आपके smartphone पर यह नहीं उपलब्ध हो तो Google Play Store अथवा Apple Store (आईफोन हेतु) से डाउनलोड कर सकते हैं।
- Hybrid रूप से सुनवायी में प्रतिभाग करने हेतु सुनवायी की तिथि से एक दिन पूर्व अप. 2:30 बजे तक आयोग की वेबसाइट uic.uk.gov.in पर जा कर तथा Hybrid Hearing Mode Selector पर क्लिक कर सुनवायी हेतु Hybrid Video Call माध्यम से अपनी उपस्थिति करने के संबंध में अपना चुनाव अंकित करें।
- यदि आप smartphone का प्रयोग नहीं करते हैं तो Hybrid Hearing Mode Selector पर Hybrid Audio Call क्लिक कर सुनवायी में माध्यम से अपनी उपस्थिति करने

अपीलकर्ता/शिकायतकर्ता के द्वारा अपना पक्ष प्रस्तुत करने के सम्बन्ध में निर्देश

अपीलकर्ता/शिकायतकर्ता आयोग में स्वयं उपस्थित होकर अथवा हाईब्रिड मोड (Hybrid Mode) से नीचे दिये गये लिंक के माध्यम से सुनवाई में प्रतिभाग कर अपना पक्ष प्रस्तुत कर सकते हैं।

अपीलकर्ता/शिकायतकर्ता से यह भी अपेक्षित है कि सुनवायी में भाग लेने हेतु उनके द्वारा घयनित मोड (Hybrid व अन्य) के सम्बन्ध में अपना चयन नीचे दिये गये लिंक पर इंगित करना सुनिश्चित करें, उक्त लिंक पर सुनवाई की तिथि से एक दिन पूर्व चयन अंकित करना आवश्यक है।

द्वितीय अपील/शिकायत से सम्बन्धित जिस अभिलेख को मा10 आयोग के समक्ष प्रस्तुत करना चाहते हों, उसे ईमेल के माध्यम से सुनवायी की तिथि से एक सप्ताह पूर्व आयोग को उपलब्ध करायें।

प्रत्युरदाताओं के द्वारा अपना पक्ष प्रस्तुत करने के सम्बन्ध में निर्देश

प्रत्युरदाता व्यक्तिगत रूप से अथवा प्रतिनिधि के माध्यम से या तो आयोग में स्वयं उपस्थित होकर अथवा हाईब्रिड मोड (Hybrid Mode) से नीचे दिये गये लिंक के माध्यम से सुनवाई में प्रतिभाग करें।

प्रत्युरदाताओं से अपेक्षित है कि वे इस अपील-मेमोरेण्डम के सापेक्ष नीचे वर्णित मूल अभिलेखों के साथ स्वयं अथवा प्रतिनिधि जो विभाग के राजपत्रित/वरिष्ठ अधिकारी हों सुनवाई में प्रतिभाग करें।

सुनवायी में भाग लेने हेतु उनके द्वारा घयनित मोड (Hybrid व अन्य) के सम्बन्ध में अपना चयन नीचे दिये लिंक पर इंगित करना सुनिश्चित करें, उक्त लिंक पर सुनवाई की तिथि से एक दिन पूर्व चयन अंकित करना आवश्यक है।

अपीलार्थी द्वारा राज्य सूचना आयोग (अपील प्रक्रिया) नियम 2005 के द्वारा नियम-3 और नियम-4 के अन्तर्गत प्राविधानित प्रस्तुत सामग्री को लिंक <<Click here to search your case>> में संबंधित द्वितीय अपील/शिकायत की संख्या दे कर <<View Documents>> के माध्यम से देखा/download किया जा सकता है

लोक सूचना अधिकारी / विभागीय अपीलीय अधिकारी द्वारा सुनवाई की तिथि से एक सप्ताह पूर्व आयोग को प्रस्तुत किये जाने वाले अभिलेख		विभागीय अपीलीय अधिकारी	
लोक सूचना अधिकारी		विभागीय अपीलीय अधिकारी	
क.	अपीलकर्ता/प्रार्थी के मूल प्रार्थना पत्र पर बिंदुवार लिखित उत्तर (सुनवाई से एक सप्ताह पूर्व आयोग को प्रेषित करें)।	क.	अपील पर बिंदुवार लिखित उत्तर, (सुनवाई से एक सप्ताह पूर्व आयोग को प्रेषित करें)।
	पत्रावली जिसमें इस प्रकरण से संबंधित मूल आवेदन पत्र व्यवहृत किया गया हो, तथा	ख.	पत्रावली जिसमें इस प्रकरण से संबंधित मूल आवेदन पत्र व्यवहृत की गयी हो, तथा
	लोक सूचना अधिकारी के लिए निर्धारित पंजिका में दर्ज सम्बन्धित अनुरोध पत्र की छाया प्रति	ग.	निर्धारित विभागीय अपील पंजिका में दर्ज सम्बन्धित प्रथम अपीलीय पत्र की छायाप्रति

के संबंध में अपना चुनाव अंकित करते हुये अपना फोन नम्बर अंकित करें।
ऐसी स्थिति में सुनवायी की तिथि पर आयोग आपके दिये फोन नम्बर पर
आयोग से कॉल की जायेगी।

- Hybrid Video Call से सुनवायी किये जाने हेतु सुनवायी की तिथि पर प्रातः 10 बजे आयोग की वेबसाईट के मुख्य पृष्ठ के ऊपरी दायी ओर स्थित लिंक Hybrid Hearing पर क्लिक करें।
- स्क्रीन पर आयोग की विभिन्न बेंच के Hybrid Hearing लिंक दर्शाये जायेंगे।
- आयोग की जिस बेंच में आपकी द्वितीय अपील/शिकायत सुनवायी हेतु नोटिस आपको प्राप्त हुआ हो, उस बेंच के लिंक पर क्लिक करें।
- दर्शाये गये पृष्ठ पर Ask to Join क्लिक करें तथा अपनी द्वितीय अपील/शिकायत का कम आने का इंतजार करें।
- चयनित बेंच द्वारा वाद-सूची के अनुसार यथासमय आपकी द्वितीय अपील/शिकायत की सुनवायी की जायेगी।
- उक्त के संबंध में अधिक जानकारी हेतु श्री राजेश नैथानी से दूरभाष नम्बर 9412052000 पर संपर्क कर प्राप्त की जा सकती है।

IN THE UTTARAKHAND STATE INFORMATION COMMISSION

Second Appeal No. Year 2024
Avinash Agarwal VERSUS PIO, Office of the CEO - Uttarakhand
U/S 19(3) of the RTI Act 2005

SECOND APPEAL APPLICATION UNDER SECTION 19(3) OF THE RIGHT TO INFORMATION ACT, 2005

Hon'ble Sir,

The undersigned hereby submits a Second Appeal Application with the following details as per the prescribed rules:

1. Name and Address of the Appellant:

Adv. Avinash Agarwal
Chamber No. 10, Tehsil Court Compound
Rishikesh, District- Dehradun
Uttarakhand (Pin Code: 249201)
Mobile: +91-7906289438
Email: adv.avinashagarwal@gmail.com

2. Name and Address of the Public Information Officer:

Shri Basant Singh Rawat
Public Information Officer
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

3. Name and Address of the First Appellate Authority

Shri Mastu Das
Asst. Chief Electoral Officer/
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

4. Particulars of the Application

It was requested to provide the law that permits 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.

5. Particulars of the Order against which the Appeal is Preferred

The Public Information Officer transferred the RTI Application to the Election Commission of India U/s 6(3) of the Right to Information Act in gross

violation of the provisions of the Right to Information Act 2005. The First Appellate Authority, Office of the Chief Electoral Officer – Uttarakhand didn't pass the First Appellate Order and supported the act of the Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand.

6. Brief Facts Leading to the Appeal

The Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand transferred the RTI Application to the Election Commission of India U/s 6(3) of the Right to Information Act in gross violation of the provisions of the Right to Information Act 2005. The First Appellate Authority, Office of the Chief Electoral Officer – Uttarakhand supported the act of the Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand. On the one hand, the Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand informed that Asst. Chief Electoral Officer, Office of the Chief Electoral Officer – Uttarakhand is the First Appellate Authority under the RTI Act 2005. And on the other hand, Asst. Chief Electoral Officer, Office of the Chief Electoral Officer – Uttarakhand by his act denied to perform his duty in the capacity of the First Appellate Authority under the Right to Information Act 2005. Such implied denial was made via letter dated 13.03.2024 i.e., after more than one month of filing the First Appeal Application. This is a delaying tactic by the CEO's Office, Uttarakhand to prolong the matter. Such delaying acts shall make the purpose of the requested information inefficacious. It is the most serious matter where the basic principle of democracy to conduct the election/bye-election on time is at stake. Hence, to ensure the law of the land must prevail in all conditions, I am filing a Second Appeal.

7. Prayer or Relief Sought

Kindly order the Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand to provide the requested information immediately. Kindly order the PIO to upload my RTI Application and First Appeal Application, all enclosures, and all related communications on its website as per mandatory guidelines/instructions mentioned in Office Memorandum Number No. 1/6/2011-IR Dated 15.04.2013 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension. Kindly impose the maximum penalty on the Public Information Officer for misleading and withholding information in adherence to provisions embodied in Section 20 of the RTI Act 2005.

8. Grounds for the Prayer

Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand transferred the RTI Application to the Election Commission of India U/s 6(3) of the Right to Information Act in gross violation of the provisions of the Right to Information Act 2005. The First Appellate Authority,

Office of the Chief Electoral Officer – Uttarakhand by his act supported the (law violated) act of the Public Information Officer and passed no order.

9. Any Other Information Relevant to the Appeal

In the absence of any law that permits "stay/suspension of Conviction" or Acquittal shall reinstate a person back in the legislature without his being re-elected.", not conducting the By-Poll not only violates the mandatory provisions of Constitutional and Statutory Laws but also violates the Constitutional and Statutory rights of citizens to choose their legislature/representative by casting votes. Therefore, in the absence of such a law, it violates the basic principle of democracy and also violates the basic structure of the Constitution.

The Election Commission of India vide Letter No. 464/INST/2023-EPS Dated 6th June 2023 to the Chief Electoral Officers of all States and UTs stated that "As soon as the information is received about death, resignation, **disqualification of any sitting member** or setting aside election of a sitting member under an election petition that causes vacancy of a seat in the House, the CEO shall pursue the issue and find out whether the Lok Sabha/Legislative Assembly has notified the vacancy, whether any Court has passed order in the context of disqualification etc., and ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India."

Hence, it is the legally bound mandatory duty of the Chief Electoral Officer to find out and inform the Election Commission of India regarding vacancies of a seat in the House. In my RTI Application, I have provided the Judgment of the Hon'ble Supreme Court of India from which it is clarified that on the acquisition of the disqualification by a legislator, he ceases to be a legislator forthwith by operation of law and the cessation of the disqualifying factor cannot put such a person back in the legislature without his being elected once again. Therefore, it is correct to say that on the acquisition of disqualification by a legislature due to conviction, he ceases to be a legislator and a stay on conviction cannot put such person in the legislature without his being elected once again.

It is seen in many cases that the Election Commission of India is not conducting by-polls on those constituencies where a legislature acquired the disqualification due to conviction and where thereafter the Hon'ble Court stays the conviction. From the Election Commission of India's Letter No. 464/INST/2023-EPS Dated 6th June 2023, it is the legally bound duty of the Chief Electoral Officer to ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India. If the Chief Electoral

Officer does not know the law that permits 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected, then he has to inform the Election Commission of India regarding such vacancy and the Election Commission of India has to conduct the By-Polls in compliance to mandatory provisions embodied in Section 151A of the Representation of the People Act 1951.

As stated, there are many cases where after the stay on conviction, no by-poll is conducted by the Election Commission of India. I have provided the Judgment of the Hon'ble Supreme Court of India from where it can be seen that on the acquisition of the disqualification by a legislator, he ceases to be a legislator forthwith by operation of law, and the cessation of the disqualifying factor cannot put such a person back in the legislature without his being elected once again. And, therefore, in the preview of the letter No. 464/INST/2023-EPS Dated 6th June 2023 issued by the Election Commission of India, the Office of the Chief Electoral Officer cannot deny providing the sought information under any circumstances.

10. Further Information Relevant to the Appeal

Public Information Officer, Office of the Chief Electoral Officer – Uttarakhand vide letter Dated 30.01.2024 transferred the RTI Application to the Election Commission of India U/s 6(3) of the Right to Information Act in gross violation of the provisions of the Right to Information Act 2005. Thereafter, CPIO, Election Commission of India vide his response No. 4/RTI/43/LET/ECI/FUNC/2024/333 Dated 16.02.2024 responded to RTI Application Dated 20.01.2024 and referred to the Commission's letter No. 4/RTI/04/2023/RCC/1457,1458 dated 28.08.2023:

ECI's Supra letter Dated 28.08.2023 was CPIO's response concerning to my RTI Application Registration No. 24189 Dated 21.07.2023 where I sought similar information from the Election Commission of India. From the CPIO-ECI response dated 28.08.2023, it can be seen that he failed to provide the information and preferred to mislead.

Through Point No. 1 of the Supra referred RTI Application Dated 31.07.2023 to the Election Commission of India, I sought the details of the Judgment/Order of the Hon'ble Supreme Court of India passed between 10.07.2013 and 31.07.2023 in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected. CPIO, Election Commission of India through its Supra referred response dated 28.08.2023 stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the

details of the case are specially provided and the same is available with the Commission."

I have provided the Judgment of the Hon'ble Supreme Court of India from which it is clarified that on the acquisition of the disqualification by a legislator, he ceases to be a legislator forthwith by operation of law, and the cessation of the disqualifying factor cannot put such a person back in the legislature without his being elected once again. It is the Election Commission of India that is not conducting the By-polls in adherence to mandatory statutory provisions of Section 151A of the Representation of the People Act 1951. Therefore, it must have information on the law under which it is not conducting the by-polls. Especially when I have provided the Judgment of the Hon'ble Supreme Court of India in support of conducting the by-poll. Under the preview of Election Commission of India's Letter No. 464/INST/2023-EPS Dated 6th June 2023, it is not expected from the PIO of the CEO Office to transfer the RTI Application to any other Public Authority u/s 6(3) of the RTI Act on a matter of disqualification of any sitting member of the House i.e., Lok Sabha/Legislative Assembly.

It is required to clarify that it is the Election Commission of India that is not conducting the By-Polls after a stay on conviction. Therefore, to show that the decision of ECI or the CEO not to conduct by-polls is in adherence to provisions of law, the burden of proof lies with the Chief Electoral Officer and the Election Commission of India. Despite my best research, I could not find any Judgment of the Hon'ble Apex Court that favours the act of ECI/CEO not to conduct by-polls after a stay on conviction.

11. Ground for Urgent Hearing


The General Election for Lok Sabha has been announced by the Election Commission of India and the ECI is conducting it in 7 Phases. In a case, if it is found that the law doesn't permit reinstate a person back in the legislature without his being re-elected after a stay of Conviction, then by-polls for those legislative assemblies can be conducted with the General Election where by-polls were not conducted by the Election Commission of India after the stay on conviction. And it shall save a huge amount/expenses of Government.

The date for the issuance of Notification for Phase-3 is 12th April 2024 and for Phase-7 is 7th May 2024. Therefore, an early/urgent hearing may help in conducting by-polls for the Legislative Assembly with the general election of the related/associated Lok Sabha Constituency. Further, in otherwise cases, if any, a By-poll can be conducted during the Moral Code of Conduct for the Lok Sabha Elections so that no development work shall be adversely affected due to the Moral Code of Conduct.

Atul

12. List of Appellant's Documents


- RTI Application Dated 20.01.2024
- PIO's letter Dated 30.01.2024 informing transfer of RTI Application U/s 6(3) of the RTI Application to the Election Commission of India
- Tracking Report of India Post Speed Post Consignment Number EV87055671SEN
- First Appeal Application Dated 09.02.2024
- Early Hearing Application Dated 14.02.2024 to the First Appellate Authority, Office of the Chief Electoral Officer – Uttarakhand
- Early Hearing Application Dated 20.02.2024 to the First Appellate Authority, Office of the Chief Electoral Officer – Uttarakhand
- CPIO, ECI response dated 16.02.2024 [Received on 20.02.2024 after submitting Early Hearing Application on same day]
- Urgent Hearing Application Dated 12.03.2024 to the First Appellate Authority, Office of the Chief Electoral Officer – Uttarakhand
- First Appellate Authority's letter Dated 13.03.2024 advising to request a First Appeal through the Central Public Information Officer/Election Commission of India.
- Tracking Report of India Post Speed Post Consignment Number EV870552532IN
- Urgent Hearing Application Dated 14.03.2024 to the First Appellate Authority, Office of the Chief Electoral Officer – Uttarakhand
- Letter No. 464/INST/2023-EPS Dated 6th June 2023 issued by the Election Commission of India.


Avinash Agarwal
Appellant

VERIFICATION

I, Adv. Avinash Agarwal, do declare that the particulars furnished in the appeal are to the best of my knowledge and belief, true and correct.

Place: Rishikesh
Date: 01.04.2024


Avinash Agarwal
Appellant



Avinash Agarwal <adv.avinashagarwal@gmail.com>

Application u/s 6 of the Right to Information Act 2005

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

20 January 2024 at 15:31

Date: 20.01.2024

To,
Public Information Officer under RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6 of the Right to Information Act 2005

Sir,


Kindly see the attachment for the RTI Application Dated 20.01.2024. RTI Application Fee is paid vide online Challan No. 00700124E0036297 (Copy Enclosed).


Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

2 attachments

 RTI Application Dated 20012024 (CEO-UK).pdf
1945K

 RTI Fee Challan Number 00700124E0036297.pdf
187K

अविनाश

॥ श्री गणेशाय नमः ॥

AVINASH AGARWAL
ADVOCATE

MBA, LL.M

Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 20.01.2024

To,
The Public Information Officer under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6(3) of the Right to Information Act 2005

Sir/Ma'am,

Hon'ble Supreme Court of India in the Case of Election Commission of India VS Bajrang Bahadur Singh & Others WITH Bajrang Bahadur Singh VS His Excellency, the Governor of U.P. & Others on its Judgement Dated 09.04.2015 clearly noticed that "38. ... Nonetheless on the acquisition of the disqualification by a legislator, he ceases to be a legislator forthwith by operation of law. However, the cessation of the disqualifying factor cannot put such a person back in the legislature without his being elected once again, of course such person is entitled to contest any election under the R.P. Act, the moment the disqualifying factor ceases to exist as the disqualification is co-terminus with the disqualifying EVENT."

Further to this, the Election Commission of India in its counter affidavit filed in the **Hon'ble Supreme Court of India** in the case of Lok Prahari, through its General Secretary S.N. Shukla VERSUS Election Commission of India & Ors. [WRIT PETITION (CIVIL) No. 330 OF 2016] stated that "In the decision of this Court in Lily Thomas v Union of India² it was observed that there is an automatic disqualification upon conviction and there is no question of postponing the effect of the disqualification on the ground of giving the member of the legislature an opportunity to exhaust the remedy of appeal and a subsequent stay of conviction cannot retrospectively cure the disqualification." ² (2013) 7 SCC 653 [Kindly see the Paragraph Number 6 of the Judgment. Copy of Judgment Enclosed.]

The Election Commission of India issued a Letter No. 464/INST/2023-EPS Dated 6th June 2023 to the Chief Electoral Officers of all States and UTs and it was stated that "As soon as the information is received about death, resignation, disqualification of any sitting member or setting aside election of a sitting member under an election petition that causes vacancy of a seat in the House, the CEO shall pursue the issue and find out whether the Lok

Avinash

Page 1 of 3

Sabha/Legislative Assembly has notified the vacancy, whether any Court has passed order in the context of disqualification etc., and ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India."

It is seen that EC/Office of CEO is not performing its role to conduct by-polls after stay on conviction despite MP/MLA having acquired disqualification due to conviction and his removal was automatic by operation of law. This has compelled me to know certain information concerning law/position of law. Therefore, I hereby most humbly requesting you kindly provide the following information under the provisions of the RTI Act, 2005:

1. Detail of the Judgment/Order of the Hon'ble Supreme Court of India passed since date 10.07.2013 in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.
2. Detail of the Law passed/amended by the Parliament since date 10.07.2013 which permits that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.
3. Detail of the Ordinance issued in the last 6 Months in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.

Kindly Note that:

- a) Through Point Number 1, I am requesting the Judgment/Order of the Hon'ble Supreme Court of India only. Further to this, through Point Number 2, I am requesting information on the law passed/amended by the Parliament (i.e., passed/amended by the Lok Sabha and Rajya Sabha and thereafter assented by the Hon'ble President of India) and it doesn't include any decision taken by the Lok Sabha Secretariat or Rajya Sabha Secretariat.
- b) Through Point Number 1 and 2, I am seeking information on the "Judgment/Order and law passed/amended" which was passed/amended post 10.07.2013. The Hon'ble Apex Court declared Section 8(4) of the Representation of People Act 1951 ultra-vires the constitution in the case of Lily Thomas vs Union Of India & Ors WRIT PETITION (CIVIL) NO. 490 OF 2005 on 10.07.2013.
- c) When I stated, "It is seen that EC/Office of CEO is not performing its role to conduct by-polls after stay on conviction despite MP/MLA having acquired disqualification due to conviction and his removal was automatic by operation of law", I am not talking about Office of CEO, Uttarakhand in particular.
- d) Information stated before seeking information was provided for clarity of information sought. I am not seeking any clarification or justification. I am simply seeking the information under the Provisions of RTI Act 2005.

Anish

Purpose of requesting the above information: I need the above-sought information for preparing the WRIT/PIL Petition.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the PIO to provide the information at the earliest.

Date: 20.01.2024

Place: Rishikesh

Sincerely,


Avinash Agarwal
Advocate

Enclosures: Judgment of Hon'ble Supreme Court of India in WRIT PETITION (CIVIL) No. 330 OF 2016.

• RTI Application fee paid via Challan

No. - 00700124E0036297 dt: 20/01/2024.





**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) No. 330 OF 2016

Lok Prahari, through its General Secretary

S.N. Shukla

.... Petitioner

Versus

Election Commission of India & Ors.

.....Respondents

J U D G M E N T

Dr Dhananjaya Y Chandrachud, J

1 The petitioner, Lok Prahari, is a society registered under the Societies' Registration Act, 1860 with objects pertaining to public governance and administration. It has invoked the jurisdiction of this

Signature Not Verified

Digitally signed by Dr Dhananjaya Y Chandrachud, J, DN: cn=Dr Dhananjaya Y Chandrachud, j, o=Supreme Court of India, email=DrDhananjaya.Chandrachud@scj.nic.in, c=IN

Court under Article 32 of the Constitution, in the present Public Interest Litigation through its General Secretary, who appeared in person. The

following amongst other reliefs have been sought:

- 1 "Declare that since the law does not provide for stay of conviction, even in case of stay of conviction by the appellate court for an offence attracting disqualification under Section 8 of RP Act, 1951, any such stay order does not have the effect of wiping out the disqualification and reviving the membership with retrospective effect and consequently, the seat of the concerned member is deemed to have become vacant with effect from the date of conviction in terms of Article 101(3)(a) and 190(3)(a) of the Constitution.
- 2 Declare that as a consequence of the declaration as per 1 above, any member of Parliament or State legislature who becomes subject to disqualification mentioned in Article 102(1)(e) or 190(1)(e) shall be liable to penalty under Article 104/193 notwithstanding any order of the appellate/ revisional court purporting to stay his conviction for an offence attracting disqualification mentioned in Section 8 of RP Act, 1951....
- 3 Issue a writ, order of direction in the nature of Mandamus to the respondent no. 1 to issue within 24 hours of receipt of certified copy of the judgment and order regarding sentence the notification regarding disqualification and consequent vacancy of the seat of the concerned MP/MLA/MLC with effect from the date of his/her conviction as a result of his/her disqualification for an offence under Section 8(1)(2) and (3) of the Representation of the People Act, 1951.
- 4 Issue a writ, order or direction in the nature of Mandamus to the respondent no. 1 to ensure action for filling the vacancy of the seat of a member of Parliament/State legislature as per Section 151 of the RP Act, 1951 disregarding any order of the appellate/ revisional court purporting to stay of conviction for an offence attracting disqualification mentioned in Section 8 of RP Act, 1951...."

2 An erstwhile member of the Legislative Assembly in the State of Uttar Pradesh was convicted of offences under Sections 353, 504 and 506 of the Penal Code and was sentenced to imprisonment. In appeal, the District Court stayed the execution of the sentence and of the conviction.

3 The petitioner instituted a Public Interest Litigation before the Lucknow Bench of the High Court of Allahabad, seeking a declaration that the MLA stood disqualified notwithstanding the stay granted by the Sessions Judge. The PIL was dismissed by the High Court on the ground that since the appellate court stayed the conviction, the disqualification, which would otherwise stand attracted, would not operate from the date on which the conviction has been stayed.

4 The petitioner urges that the seat held by a Member of Parliament or of the State legislature becomes vacant upon a disqualification being incurred under Article 102 or Article 191, respectively. According to the petitioner, once the disqualification is incurred under Section 8 of the Representation of the People Act 1951 read with Article 102(1)(e) or Article 191(1)(e), the seat becomes vacant effective from the date of conviction. Relying on the decision of this Court in **B R Kapur v State of Tamil Nadu**¹, the petitioner contends that under Section 389 of Cr.P.C. the appellate court does not have the power to stay conviction and can stay only the execution of sentence.

Article 102 of the Constitution provides thus:

"102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—
(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

¹ (2001) 7 SCC 231

- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

[Explanation.—For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State. 2 [(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.]

Article 191 of the Constitution provides a disqualification in similar terms for membership of a legislative assembly or legislative council of a state.

The relevant provision in Section 8 of the Representation of the People Act 1951 reads thus:

***8. Disqualification on conviction for certain offences.—**

[(1) A person convicted of an offence punishable under—

- (a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly

engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of section 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; 1 [or]

[(j) section 6 (offence of conversion of a place or worship) of the Places of Worship (Special Provisions) Act 1991], [or]

[(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971) 4 [or];

[(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002),]

[shall be disqualified, where the convicted person is sentenced to—

- (i) only fine, for a period of six years from the date of such conviction;
- (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(2) A person convicted for the contravention of—

- (a) any law providing for the prevention of hoarding or profiteering; or
- (b) any law relating to the adulteration of food or drugs; or
- (c) any provisions of the Dowry Prohibition Act, 6 [1961 (28 of 1961)],

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]"

5 It has been contended by the petitioner that there is no provision in the Constitution or in the Representation of the People Act 1951 to the effect that upon a subsequent stay of conviction by the appellate or revisional court, the disqualification shall stand wiped out retrospectively and that the membership of a convicted Member of Parliament or of the Legislative Assembly or Council shall get revived despite the vacancy having occurred from the date of conviction. It has been urged that in the absence of any constitutional or statutory provision, stay of

conviction can only operate prospectively to enable a person to contest an election again since membership of the legislature terminates instantly from the date of conviction.

6 In response to the present proceedings, a counter affidavit dated 10 April, 2015 has been filed on behalf of the Election Commission of India stating that:

- i) The Election Commission of India supports the first prayer in the present Public Interest Litigation;
- ii) The Election Commission of India has issued instructions on 13 October 2015 by which it has required the Chief Secretaries to issue appropriate instructions to the department dealing with prosecutions in States and Union Territories to ensure that cases of conviction of sitting Members of Parliament or of the State legislature are brought to the notice of the Speaker or Chairman of the House and the Chief Electoral Officer of the State along with the order of conviction within seven days of the order;
- iii) In the decision of this Court in **Lily Thomas v Union of India**² it was observed that there is an automatic disqualification upon conviction and there is no question of postponing the effect of the disqualification on the ground of giving the member of the legislature an opportunity to exhaust the remedy of appeal and a

² (2013) 7 SCC 653

subsequent stay of conviction cannot retrospectively cure the disqualification; and

- iv) For the purpose of filling the seat which has fallen vacant, it would not be necessary to await the decision of the President or Governor under Articles 103 and 192. No decision by the President or Governor is required on the question of disqualification arising out of conviction. In view of the decision in **P V Narasimha Rao v State (CBI/SPE)**³, only a 'disputed' question of disqualification is to be referred to the President or Governor.

7 The Union government has opposed the petition. In the counter affidavit which has been filed on behalf of the Union of India through the Secretary in the Department of Justice, Ministry of Law and Justice, it has been submitted that the issues raised in the present petition have already been considered and decided in the decision of this Court in **Lily Thomas** (supra). Moreover, it has been submitted that no challenge has been addressed in the present petition to any provision of the Act or the Rules made under it. The petitioner has only relied on the provisions of law and on judicial pronouncements on the subject of disqualification on conviction.

³ (1998) 4 SCC 626

8 In response to the Counter affidavit filed by the first Respondent, a Rejoinder dated 20 February 2017 has been filed by the petitioner stating that:

- i) The role of the Election Commission commences immediately with the conviction of a sitting legislator. The EC need not await the receipt of a notification regarding the disqualification and of the vacancy in the seat by the Secretariat of the legislative body; and
- ii) There exists no legal requirement of a notification regarding the vacancy in the seat in view of the categorical provision in Article 101(3)(2) and Article 190(3)(a) of the Constitution that the seat becomes vacant upon conviction.

9 In response to the Counter affidavit filed by the second Respondent, a Rejoinder dated 10 November 2017 has been filed by petitioner submitting that revival of membership retrospectively after a conviction is stayed, will open a floodgate with convicted MPs/ MLAs/ MLCs approaching the appellate/ revisional court to get a stay on conviction enabling them to continue even without the protection of Section 8(4) of the Representation of the People Act 1951.

10 Section 389⁴ of the Code of Criminal Procedure, 1973, empowers the appellate court, pending an appeal by a convicted person and for reasons to be recorded in writing to order that the execution of a sentence or order appealed against, be suspended. In the decision in **Rama Narang v Ramesh Narang**⁵, a Bench of three judges of this Court examined the issue as to whether the court has the power to suspend a conviction under Section 389 (1). This Court held that an order of conviction by itself is not capable of execution under the Code of Criminal Procedure, 1973. But in certain situations, it can become executable in a limited sense upon it resulting in a disqualification under other enactments. Hence, in such a case, it was permissible to invoke the power under Section 389 (1) to stay the conviction as well. This Court held:

"19. That takes us to the question whether the scope of Section 389(1) of the Code extends to conferring power on the Appellate Court to stay the operation of the order of conviction. As stated earlier, if the order of conviction is to result in some disqualification of the type mentioned in

⁴ Section 389 provides as follows :

"Suspension of sentence pending the appeal; release of appellant on bail.

(1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail, or on his own bond.

(2) The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of an appeal by a convicted person to a Court subordinate thereto.

(3) Where the convicted person satisfies the Court by which he is convicted that he intends to present an appeal, the Court shall,-

(i) where such person, being on bail, is sentenced to imprisonment for a term not exceeding three years, or

(ii) where the offence of which such person has been convicted is a bailable one, and he is on bail, order that the convicted person be released on bail, unless there are special reasons for refusing bail, for such period as will afford sufficient time to present the appeal and obtain the orders of the Appellate Court under sub-section (1); and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.

(4) When the appellant is ultimately sentenced to imprisonment for a term or to imprisonment for life, the time during which he is so released shall be excluded in computing the term for which he is so sentenced."

⁵ (1995) 2 SCC 513

Section 267 of the Companies Act, we see no reason why we should give a narrow meaning to Section 389(1) of the Code to debar the court from granting an order to that effect in a fit case. The appeal under Section 374 is essentially against the order of conviction because the order of sentence is merely consequential thereto; albeit even the order of sentence can be independently challenged if it is harsh and disproportionate to the established guilt. Therefore, when an appeal is preferred under Section 374 of the Code the appeal is against both the conviction and sentence and therefore, we see no reason to place a narrow interpretation on Section 389(1) of the Code not to extend it to an order of conviction, although that issue in the instant case recedes to the background because High Courts can exercise inherent jurisdiction under Section 482 of the Code if the power was not to be found in Section 389(1) of the Code."

11 In **Navjot Singh Sidhu v State of Punjab**⁶ a Bench of two learned judges of this Court held that a stay of the order of conviction by an appellate court is an exception, to be resorted to in a rare case, after the attention of the appellate court is drawn to the consequences which may ensue if the conviction is not stayed. The court held:

"The legal position is, therefore, clear that an appellate Court can suspend or grant stay of order of conviction. But the person seeking stay of conviction should specifically draw the attention of the appellate Court to the consequences that may arise if the conviction is not stayed. Unless the attention of the Court is drawn to the specific consequences that would follow on account of the conviction, the person convicted cannot obtain an order of stay of conviction. Further, grant of stay of conviction can be resorted to in rare cases depending upon the special facts of the case."

⁶ AIR 2007 SC 1003

12 The above position was reiterated by a Bench of three judges of this Court in **Ravikant S Patil v Sarvabhuma S Bagali**⁷, after advertent to the earlier decisions on the issue, viz. **Rama Narang v Ramesh Narang** (supra), **State of Tamil Nadu v A. Jaganathan**⁸, **K.C. Sareen v CBI, Chandigarh**⁹, **B.R. Kapur v State of T.N.** (supra) and **State of Maharashtra v Gajanan**.¹⁰ This Court concluded as follows:-

"It deserves to be clarified that an order granting stay of conviction is not the rule but is an exception to be resorted to in rare cases depending upon the facts of a case. Where the execution of the sentence is stayed, the conviction continues to operate. But where the conviction itself is stayed, the effect is that the conviction will not be operative from the date of stay. An order of stay, of course, does not render the conviction non-existent, but only non-operative. Be that as it may. Insofar as the present case is concerned, an application was filed specifically seeking stay of the order of conviction specifying that consequences if conviction was not stayed, that is, the appellant would incur disqualification to contest the election. The High Court after considering the special reason, granted the order staying the conviction. As the conviction itself is stayed in contrast to a stay of execution of the sentence, it is not possible to accept the contention of the respondent that the disqualification arising out of conviction continues to operate even after stay of conviction."

13 In **Lily Thomas** (supra), it was urged that in the absence of Section 8(4), a Member of Parliament or of the State Legislature would be left without a remedy even if the conviction was "frivolous". Rejecting the submission, this Court held (relying on **Ravi Kant Patil** (supra):

"In the aforesaid case, a contention was raised by the respondents that the appellant was disqualified from contesting the election to the Legislative Assembly under sub-

⁷ (2007) 1 SCC 673

⁸ (1996) 5 SCC 329

⁹ (2001) 6 SCC 584

¹⁰ (2003) 12 SCC 432

section (3) of Section 8 of the Act as he had been convicted for an offence punishable under Sections 366 and 376 of the Penal Code and it was held by the three-Judge Bench that as the High Court for special reasons had passed an order staying the conviction, the disqualification arising out of the conviction ceased to operate after the stay of conviction. Therefore, the disqualification under sub-sections (1), (2) or (3) of Section 8 of the Act will not operate from the date of order of stay of conviction passed by the appellate court under Section 389 of the Code or the High Court under Section 482 of the Code."¹¹

14 These decisions have settled the position on the effect of an order of an appellate court staying a conviction pending the appeal. Upon the stay of a conviction under Section 389 of the Cr.P.C., the disqualification under Section 8 will not operate. The decisions in **Ravi Kant Patil** and **Lily Thomas** conclude the issue. Since the decision in **Rama Narang**, it has been well-settled that the appellate court has the power, in an appropriate case, to stay the conviction under Section 389 besides suspending the sentence. The power to stay a conviction is by way of an exception. Before it is exercised, the appellate court must be made aware of the consequence which will ensue if the conviction were not to be stayed. Once the conviction has been stayed by the appellate court, the disqualification under sub-sections 1, 2 and 3 of Section 8 of the Representation of the People Act 1951 will not operate. Under Article 102(1)(e) and Article 191(1)(e), the disqualification operates by or under any law made by Parliament. Disqualification under the above provisions of Section 8 follows upon a conviction for one of the listed offences.

¹¹ Id at page 673

Once the conviction has been stayed during the pendency of an appeal, the disqualification which operates as a consequence of the conviction cannot take or remain in effect. In view of the consistent statement of the legal position in **Rama Narang** and in decisions which followed, there is no merit in the submission that the power conferred on the appellate court under Section 389 does not include the power, in an appropriate case, to stay the conviction. Clearly, the appellate court does possess such a power. Moreover, it is untenable that the disqualification which ensues from a conviction will operate despite the appellate court having granted a stay of the conviction. The authority vested in the appellate court to stay a conviction ensures that a conviction on untenable or frivolous grounds does not operate to cause serious prejudice. As the decision in **Lily Thomas** has clarified, a stay of the conviction would relieve the individual from suffering the consequence *inter alia* of a disqualification relating to the provisions of sub-sections 1, 2 and 3 of Section 8.

15 Finally, we may address the relief which has been sought in prayer clause 5 by which a direction has been sought to the Union Government through the Secretary in the Department of Justice, Ministry of Law and Justice, the second Respondent. Prayer clause 5 reads as follows :

"5. Issue a writ, order or direction in the nature of the Mandamus to the respondent no. 2 to-
(i) Issue a circular to the Registrar General/Registrars of

all High Courts to issue suitable instructions to all District and Sessions Judges to ensure that 2 certified copies of the judgments in cases attracting disqualification of a sitting MP/MLA/MLC under Article 102/191 of the Constitution are made available to the state counsel within 24 hours from the delivery of order regarding sentence for submission to the concerned District Magistrate,

(ii) issue a circular to the Chief Secretaries of the States/Union Territories for issuing suitable instructions to District Magistrates and the District Government Counsel to send by speed post/special messenger one certified copy of the judgment and order regarding sentence to the Chief Election Officer of the state and the other certified copy to the Secretary General/Principal Secretary/Secretary of the concerned House (Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council."

16 No such direction can be issued by the Secretary in the Department of Justice to the Registrars General of the High Courts. Moreover, following the implementation of the e-courts project, certified copies of judgments are made available across all courts in a streamlined manner. The affidavit filed by the Election Commission of India indicates that the Commission has already issued instructions on 13 October 2015 to the Chief Secretaries of all states to ensure that necessary steps are taken to bring to the notice of the Speaker or Chairman as the case may be of the House and the Chief Electoral Officer of the state, an order of conviction within a period of seven days of the passing of the order. The Election Commission is sufficiently empowered to take appropriate steps in accordance with law. No further directions are necessary in that regard.

17 The writ petition shall accordingly stand dismissed. Pending application, if any, is accordingly disposed of. There shall be no order as to costs.

.....CJI
[DIPAK MISRA]

.....J
[A M KHANWILKAR]

.....J
[Dr Dhananjaya Y Chandrachud]

**New Delhi;
September 26, 2018.**

Treasury Form-209(1)
 Financial Handbook Vol. V, Part-II
 Form No. 43A(1)
 (See Paragraph 417 and 478)
 Challan form for depositing amount


Name of the Treasury/Sub-Treasury/Bank/Bank Branch - State Bank Of India (Payment Gateway)

Status : (S) Completed successfully.

1	Name of the person (designation if necessary or Organization on whose behalf amount is being paid.	ADVOCATE AVINASH AGARWAL
2	Address	Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun
3	Registration Number (if necessary)	
4	Full details of amount to be deposited (for which purpose and in favour of)	RTI Application Fee
5	Gross value of Challan	10
6	Net value of Challan	10
7	Department	Chief Electoral Officer
8	Related office for which challan is to be deposit	Chief Election Officer Dehradun
9	Full details of Head of Account	0070 - Other Administrative Services
10	13 Digit code of Head of A/c	As per details below

SL No.	Services	Detail Head	Amount
1	Under Right to Information Act 2005	0070601180100	10
Total Challan Amount-			10

Amount (in words) - Rs. Ten only

Signature of departmental officer with seal

ADVOCATE AVINASH AGARWAL

Challan No- 00700124E0036297	Amount in Figure(Rs.) - 10
Date - 20-JAN-2024	Amount in words - Rs. Ten only
Received Through	
Bank Ref. No. - CPADLMGVO3	
State Bank Of India (Payment Gateway)	

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सचिवालय परिसर 4-सुभाष रोड, देहरादून- 248001

Email id-ecq_uttaranchal@eci.gov.in फोन नं(0135)- 2713551

संख्या-434/xxv-12(P-14)/2021 देहरादून : दिनांक 30 जनवरी, 2024

सूचना के अनुरोध को दूसरे प्राधिकारी को हस्तांतरण के लिए प्रपत्र

सेवा में,

पंजीकृत

केन्द्रीय लोक सूचना अधिकारी/
भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड
नई दिल्ली।

विषय- सूचना के अधिकार अधिनियम-2005 के तहत सूचना के सम्बन्ध में।

महोदय

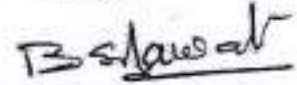
उपरोक्त विषयक श्री अवनीश अग्रवाल एडवोकेट चैम्बर न0-10 तहसील कोर्ट कम्पाउन्ड ऋषिकेश जिला देहरादून उत्तराखण्ड, का अनुरोध पत्र दिनांक 20.01.2024 जो इस कार्यालय में ई-मेल के माध्यम से प्राप्त हुआ है, की प्रति संलग्न कर इस आशय से प्रेषित की जा रही है कि अनुरोध पत्र में वांछित सूचनाएँ आपके कार्यालय से सम्बन्धित है।

अतः अनुरोध पत्र सूचना का अधिकार अधिनियम-2005 की धारा 6(3) के अन्तर्गत अग्रतः कार्यवाही हेतु आपको हस्तान्तरित किया जा रहा है। कृपया अनुरोधकर्ता को अपने कार्यालय से सम्बन्धित वांछित सूचना नियमानुसार उपलब्ध कराने का कष्ट करें।

संलग्न-यथोपरि।

अपीलीय अधिकारी का पता
सहायक मुख्य निर्वाचन अधिकारी,
विश्वकर्मा भवन, प्रथम तल,
सचिवालय परिसर 4-सुभाष रोड,
देहरादून-248001
मो0न0-9897995591

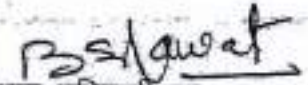
भवदीय,



(बसन्त सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी
मो0न0-9411740189

पु0संख्या-434/xxv-12(P-14)/2021, तददिनांक।

प्रतिलिपि- श्री अवनीश अग्रवाल एडवोकेट चैम्बर न010 तहसील कोर्ट कम्पाउन्ड ऋषिकेश जिला देहरादून उत्तराखण्ड, को सूचनार्थ प्रेषित। (पंजीकृत)



अनुभाग अधिकारी एवं
लोक सूचना अधिकारी
मो0न0-9411740189

UPPER

॥ श्री गणेशाय नमः ॥

AVINASH AGARWAL
ADVOCATE

MBA, LL.M

Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 09.02.2024

To,
Asst. Chief Electoral Officer/
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

I refer to the RTI Application Dated 20.01.2024 filed/submitted via email. First of all, I clarify that my name is Avinash Agarwal (अविनाश अग्रवाल). In the PIO response, it is incorrectly mentioned अमनीश अग्रवाल. PIO has transferred the RTI Application u/s 6(3) of the RTI Act 2005 to the Election Commission of India in violation of the provisions of the law. PIO failed to adhere to the provisions of Section 6(3) of the RTI Act 2005. Under the RTI Act, the PIO had the right to transfer the RTI application to the other Public Authority as soon as practicable but in no case later than five days from the date of receipt of the application. RTI Application Dated 20.01.2024 was received by PIO on 20.01.2024. PIO transferred the RTI Application to the Election Commission of India vide letter dated 30.01.2024. PIO sent the intimation of such transfer to me vide India Post Registration Number EV870556715IN and it was booked on 03.02.2024 (i.e., on the 14th Day of filing RTI Application). I received it on 05.02.2024. Based on concerning information sought in the RTI Application, it shall be correct to say that such transfer of RTI Application to other public authority raises serious questions on the transparency of the basic principle of democracy.

I refer to Letter No 464/INST/2023-EPS Dated 6th June 2023 having the subject "Advance preparation for Bye-elections to Lok Sabha/ Assembly Constituencies in the States/UTs -reg." issued the Election Commission of India to The Chief Electoral Officers of all States and UTs. The Election Commission of India has clearly instructed CEOs of all States and UTs that CEOs shall make the preparative arrangements whenever a bye-election is likely to be held in any State: - (i) As soon as the information is received about death, resignation, **disqualification of any sitting member** or setting aside election of a sitting member under an election petition

Avinash
Page 1 of 3

that causes vacancy of a seat in the House, the CEO shall pursue the issue and find out whether the Lok Sabha/Legislative Assembly has notified the vacancy, whether any Court has passed order in the context of disqualification etc., and ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India.

From the above instruction, it is crystal clear that it is the legal and mandatory duty of the Chief Electoral Officer to find out whether any Court has passed the order in the context of disqualification, ascertain the vacancy position, and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India regarding such vacancy.

In a case, if the Chief Election Officer doesn't have the information regarding the law/position of law concerning the disqualification of the MLA/MP, then any MLA/MP, who acquired the disqualification and was removed by operation of law, shall continue to hold the position. If the concerned Assembly doesn't issue the vacancy notification, then the provisions of Section 151A of the Representation of People Act 1951 shall continuously be violated. It is the legal and mandatory duty of the Election Commission of India and the Chief Election Officer of the concerned state to ensure that provisions of the RPA Act 1951 are followed strictly.

Hence, transferring the RTI Application u/s 6(3) of the RTI Act 2005 is done in gross violation of law. Even if the CEO-Uttarakhand didn't possess the information, it is the legally bound duty of the CEO-Uttarakhand to approach appropriate authorities to acquire the information. Such transferring of RTI Application to the Election Commission of India is raising great concern on what steps the Office of CEO, Uttarakhand shall take if any MLA/MP belonging to Uttarakhand acquired disqualification on conviction and thereafter succeeds in getting the stay on conviction.

Whether the Office of CEO Uttarakhand shall follow the law defined/note by the Hon'ble Supreme Court of India in the case of Election Commission of India VS Bajrang Bahadur Singh & Others WITH Bajrang Bahadur Singh VS His Excellency, the Governor of U.P. & Others on its Judgement Dated 09.04.2015? If the Office of CEO, Uttarakhand shall inform the vacancy information to the Election Commission of India in adherence to the Supra Letter No 464/INST/2023-EPS Dated 6th June 2023, it shall clarify that there is no such law. And if the Office of CEO, Uttarakhand decides not to inform the casual vacancy, what law does it possess? I asked the same.

Dehradun Zila Nirvachan Karyalaya, which is a sub-branch of the Office of CEO Uttarakhand, has already disposed of files related to the same law without having any territorial jurisdiction and authority. The Office of CEO Uttarakhand has full knowledge of the acts of its sub-ordinate office. In any case, it is the legal duty of the office of CEO Uttarakhand to hold the knowledge of the election-related law. Especially when it has dealt with such matters in the past. The information sought is not merely an academic exercise. It is a practical situation which has already arisen.


Alison

Hence, based on all explained above and the sensitivity of the information sought, which is self-explanatory, I hereby most humbly request the First Appellate Authority to instruct/order the PIO to provide the information at the earliest and in any case within 7 days. I request the First Appellate Authority to provide the First Appellate Order via email and instruct/order the PIO to send the information via email at adv.avinashagarwal@gmail.com. I request the First Appellate Authority to kindly conduct the First Appellate Hearing online at the earliest.

Date: 09.02.2024

Place: Rishikesh

Sincerely,


Avinash Agarwal
Advocate

Application to Conduct Early Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

14 February 2024 at 15:04

Date: 14.02.2024

To,
Asst. Chief Electoral Officer/
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application to Conduct Early Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

Sir,

I refer to the captioned subject. As you know through the RTI Application Dated 20.01.2024, I requested for the law that permits 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected. RTI Application was transferred to the Election Commission of India and I filed the First Appeal Application against such transfer.

In the past, I have raised the matter before you where the disqualified MLA is continuously holding the position in violation of the law. The matter was not related to Uttarakhand. Zila Nirvachan Karyalay Dehradun disposed of the cases without having territorial jurisdiction and authority. Therefore, I had to raise the matter before you during the First Appeal Hearing on another RTI case.

The information sought in said RTI Application Dated 20.01.2024 may help in ensuring the basic principles of democracy must be followed. Any delay shall result in unrecoverable losses. Hence, in the interest of democratic values and protection of the law of the land, I hereby most humbly request you to kindly conduct the First Appeal Hearing as soon as possible.

I thank you for your positive consideration in advance.

Sincerely,

Adv. Avinash Agarwal
M: +91-7906289438

Application No. 2 to Conduct Early Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

20 February 2024 at 15:05

Date: 20.02.2024

To,
Asst. Chief Electoral Officer/
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application No. 2 to Conduct Early Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

Sir,

I refer to the captioned subject. I have filed the First Application to conduct an early hearing on 14.02.2024. Due to the urgent nature of the information sought, I am submitting a Second Application to conduct an early hearing on the First Appeal Application Dated 09.02.2024 concerning the RTI Application Dated 20.01.2024.

As per instruction issued by ECI vide Letter No 464/INST/2023-EPS Dated 6th June 2023, it is the mandatory legal duty of the CEO to inform the Election Commission of India regarding the disqualification of any sitting member as soon as the information is received by it. It is seen that the Election Commission of India is not conducting by-polls in adherence to provisions of law embodied in Section 151A of the Representation of the People Act 1951 after a stay on conviction.

Hon'ble Supreme Court of India in the case of People's Union for Civil Liberties and another VERSUS Union of India and another [WP(Civil) No. 161 of 2004] Judgment Dated 23.02.2009 stated that "Democracy is a part of the basic structure of our Constitution and rule of law and free and fair election are basic features of democracy."

As you know through the RTI Application Dated 20.01.2024, I requested for the law that permits 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected. In the absence of such a law, not conducting the by-poll shall not only violate the statutory provisions mentioned in Section 151A of the Representation of the People Act 1951 but also violate the basic features of democracy and the basic structure of the Constitution.

It is requested to hold a hearing on an urgent basis due to the immense public interest in the matter and the need for immediate public scrutiny. Hence, in the interest of democratic values and protection of the law of the land, I hereby most humbly request you to kindly conduct the First Appeal Hearing as soon as possible.

I thank you for your positive consideration in advance.

Sincerely,

Adv. Avinash Agarwal
M: +91-7906289438

File no 47 m filed



भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.4/RTI/43/LET/ECI/FUNC/2024/333

Dated: 16.02.2024

To
Advocate Shri Avinash,
Chamber No. 10, Tehsil Court Compound,
Rishikesh, Dist. Dehradun,
Uttarakhand a
E-mail: adv.avinashagarwal@gmail.com

Sub: Right to Information Act, 2005- Regarding.

Sir,

Please refer to your RTI application dated 20.01.2024 transferred through Chief Electoral Officer, Uttarakhand under Section 6(3) of the RTI Act, 2005 and received in the Commission under the RTI Act, 2005. The point wise information/comments are as under:-

Item No. 01 to 03:- You may refer to the Commission's letter No. 4/RTI/04/2023/RCC/1457, 1458 dated 28.08.2023 (copy enclosed) in this regard.

2. First appeal, if any, may be filed within 30 days from the date of receipt of this letter.

3. The details of First Appellate Authority are as under: -
Shri T. C. KOM,
Principal Secretary & FAA,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110001
Email: tckom@eci.gov.in

Yours faithfully,

(NARESH KUMAR)
UNDER SECRETARY &
CENTRAL PUBLIC INFORMATION OFFICER

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
विश्वकर्मा भवन, प्रथम तल सुभाष रोड, सचिवालय परिसर, देहरादून - 248001

फोन नं० (0135) - 2713760, 2713551
फैक्स नं० (0135) - 2713724

संख्या: 1227 /XXV-12(P-14)/2021 देहरादून : दिनांक 13 मार्च, 2024
सेवा में,

श्री अविनाश अग्रवाल,
एडवोकेट,
चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

पंजीकृत

विषय:- Application to Conduct an Urgent Hearing on First Appeal Application Dated 09-02-2024
Concerning RTI Application Dated 20-01-2024 Submitted by Adv. Avinash Agarwal.
महोदय,

उपरोक्त विषयक अपने ई-मेल पत्र दिनांक 12 मार्च, 2024 का संदर्भ ग्रहण करने का कष्ट करें, जिसमें आपके द्वारा सूचना अधिकार अधिनियम 2005 के अन्तर्गत प्रथम अपील लगाये जाने हेतु आवेदन किया है, के क्रम में अवगत कराना है कि आपके अनुरोध पत्र दिनांक 20.01.2024 के द्वारा चाही गई सूचनार्थे जो केन्द्रीय लोक सूचना अधिकारी/भारत निर्वाचन आयोग निर्वाचन सदन, अशोक रोड नई दिल्ली से सम्बन्धित थी जिसे इस कार्यालय के पत्र संख्या 434/XXV-12 (P-14)/2021 दिनांक 30 जनवरी, 2024 के द्वारा सूचना का अधिकार अधिनियम-6 (3) के द्वारा हस्तान्तरित की गई थी। जिसकी प्रति आपको भी पृष्ठांकित की गई थी।

अतः उपरोक्त के क्रम में प्रथम अपील केन्द्रीय लोक सूचना अधिकारी/भारत निर्वाचन आयोग निर्वाचन सदन, अशोक रोड नई दिल्ली के माध्यम से अनुरोध करने का कष्ट करें।

भवदीय,


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

पू०संख्या-1227/XXV-12(P-14)/2021, तद् दिनांकित।

प्रतिलिपि- केन्द्रीय लोक सूचना अधिकारी/भारत निर्वाचन आयोग निर्वाचन सदन, अशोक रोड नई दिल्ली को इस आशय से कि श्री अविनाश अग्रवाल, एडवोकेट से सम्बन्धित सूचना आपके कार्यालय से सम्बन्धित है। अतः आप अपने स्तर से नियमानुसार आवश्यक कार्यवाही करने का कष्ट करें।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

12/03/24
96**Application to Conduct an Urgent Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal**

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

12 March 2024 at 14:35

To,
Asst. Chief Electoral Officer/
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पत्र प्राप्ति का दिनांक-12/03/24
रजिस्टर क्रमांक-223 पत्रावली संख्या-

Date: 12.03.2024

Application to Conduct an Urgent Hearing on First Appeal Application Dated 09.02.2024 Concerning RTI Application Dated 20.01.2024 submitted by Adv. Avinash Agarwal

Sir,

I refer to the captioned subject. Due to the urgent nature of the information sought, I filed the First Application to conduct an early hearing on 14.02.2024 and thereafter I filed the Second Application to conduct an early hearing on 20.02.2024. No order has been passed on said Applications dated 14.02.2024 and 20.02.2024.

Section 19(6) of the RTI Act 2005 states that an appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing. In the current case, the disposal limit of 30 days for the first appeal has elapsed, and no hearing notice has been received by me so far.

As per instruction issued by ECI vide Letter No 464/INST/2023-EPS Dated 6th June 2023, it is the mandatory legal duty of the CEO to inform the Election Commission of India regarding the disqualification of any sitting member as soon as the information is received by it. Hon'ble Supreme Court of India in the case of People's Union for Civil Liberties and another VERSUS Union of India and another [WP(Civil) No. 161 of 2004] Judgment Dated 23.02.2009 stated that "Democracy is a part of the basic structure of our Constitution and rule of law and free and fare election are basic features of democracy."

As you know through the RTI Application Dated 20.01.2024, I requested for the law that permits 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected. In the absence of such a law, not conducting the by-poll shall not only violate the statutory provisions mentioned in Section 151A of the Representation of the People Act 1951 but also violate the basic features of democracy and the basic structure of the Constitution.

Hence, it is requested to kindly hold a hearing on an urgent basis due to the immense public interest in the matter and the need for immediate public scrutiny. Hence, I hereby most humbly request you to kindly conduct the First Appeal Hearing as soon as possible.

I thank you for your positive consideration in advance.

Sincerely,

Adv. Avinash Agarwal
M: +91-7906289438

ROA(S)

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, सचिवालय परिसर 4-सुभाष रोड, देहरादून- 248001

Email id-ceo_uttaranchal@eci.gov.in

फोन नं(0135) - 2713551

95

संख्या-434/xxv-12(P-14)/2021 देहरादून : दिनांक 30 जनवरी, 2024

सूचना के अनुरोध को दूसरे प्राधिकारी को हस्तांतरण के लिए प्रपत्र

सेवा में,

पंजीकृत

केन्द्रीय लोक सूचना अधिकारी /
भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड
नई दिल्ली।

विषय- सूचना के अधिकार अधिनियम-2005 के तहत सूचना के सम्बन्ध में।

महोदय

उपरोक्त विषयक श्री अवनीश अग्रवाल एडवोकेट चैम्बर न0-10 तहसील कोर्ट कम्पाउन्ड ऋषिकेश जिला देहरादून उत्तराखण्ड, का अनुरोध पत्र दिनांक 20.01.2024 जो इस कार्यालय में ई-मेल के माध्यम से प्राप्त हुआ है, की प्रति संलग्न कर इस आशय से प्रेषित की जा रही है कि अनुरोध पत्र में वांछित सूचनायें आपके कार्यालय से सम्बन्धित है।

अतः अनुरोध पत्र सूचना का अधिकार अधिनियम-2005 की धारा 6(3) के अन्तर्गत अग्रेत्तर कार्यवाही हेतु आपको हस्तान्तरित किया जा रहा है। कृपया अनुरोधकर्ता को अपने कार्यालय से सम्बन्धित वांछित सूचना नियमानुसार उपलब्ध कराने का कष्ट करें।

संलग्न-यथोपरि।

अपीलीय अधिकारी का पता
सहायक मुख्य निर्वाचन अधिकारी,
विश्वकर्मा भवन, प्रथम तल,
सचिवालय परिसर 4-सुभाष रोड,
देहरादून-248001
मो0न0-9897995591

भवदीय,

B. S. Lawat

(बसन्त सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी
मो0न0-9411740189

पू0संख्या-434/xxv-12(P-14)/2021, तददिनांक।

प्रतिलिपि- श्री अवनीश अग्रवाल एडवोकेट चैम्बर न010 तहसील कोर्ट कम्पाउन्ड ऋषिकेश जिला देहरादून उत्तराखण्ड, को सूचनार्थ प्रेषित। (पंजीकृत)

B. S. Lawat

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी
मो0न0-9411740189

20/01/24
93

Application u/s 6 of the Right to Information Act 2005

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: CEO Uttarakhand <election09@gmail.com>

20 January 2024 at 15:31

Date: 20.01.2024

To,
Public Information Officer under RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6 of the Right to Information Act 2005

Sir,

Kindly see the attachment for the RTI Application Dated 20.01.2024. RTI Application Fee is paid vide online Challan No. 00700124E0036297 (Copy Enclosed).

Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पत्र प्राप्ति का दिनांक- / /
रजिस्टर क्रमांक- पत्रावली संख्या-

2 attachments

- RTI Application Dated 20012024 (CEO-UK).pdf
1945K
- RTI Fee Challan Number 00700124E0036297.pdf
187K

ACEO
lu
25/01.

ACEO
29.1.24
उत्तराखण्ड

S.O
@mas
29/1/24
ACEO

Treasury Form-209(1)
Financial Handbook Vol. V, Part-II
Form No. 43A(1)
(See Paragraph 417 and 478)
Challan form for depositing amount

**Name of the Treasury/Sub-Treasury/Bank/Bank Branch - State Bank Of India (Payment Gateway)**

Status : (S) Completed successfully.

1	Name of the person (designation if necessary or Organization on whose behalf amount is being paid.	ADVOCATE AVINASH AGARWAL
2	Address	Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun
3	Registration Number (if necessary)	
4	Full details of amount to be deposited (for which purpose and in favour of)	RTI Application Fee
5	Gross value of Challan	10
6	Net value of Challan	10
7	Department	Chief Electoral Officer
8	Related office for which challan is to be deposit	Chief Election Officer Dehradun
9	Full details of Head of Account	0070 - Other Administrative Services
10	13 Digit code of Head of A/c	As per details below

SL No.	Services	Detail Head	Amount
1	Under Right to Information Act 2005	0070601180100	10
Total Challan Amount-			10

Amount (in words) - Rs. Ten only

Signature of departmental officer with seal

ADVOCATE AVINASH AGARWAL

Challan No- 00700124E0036297	Amount in Figure(Rs.) - 10
Date - 20-JAN-2024	Amount in words - Rs. Ten only
Received Through	
Bank Ref. No. - CPADLMGVO3	
State Bank Of India (Payment Gateway)	

॥ श्री गणेशाय नमः ॥

AVINASH AGARWAL
ADVOCATE

MBA, LL.M

Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 20.01.2024

To,
The Public Information Officer under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6(3) of the Right to Information Act 2005

Sir/Ma'am,

Hon'ble Supreme Court of India in the Case of Election Commission of India VS Bajrang Bahadur Singh & Others WITH Bajrang Bahadur Singh VS His Excellency, the Governor of U.P. & Others on its Judgement Dated 09.04.2015 clearly noticed that "38. ... Nonetheless on the acquisition of the disqualification by a legislator, he ceases to be a legislator forthwith by operation of law. However, the cessation of the disqualifying factor cannot put such a person back in the legislature without his being elected once again, of course such person is entitled to contest any election under the R.P. Act, the moment the disqualifying factor ceases to exist as the disqualification is co-terminus with the disqualifying EVENT."

Further to this, the Election Commission of India in its counter affidavit filed in the **Hon'ble Supreme Court of India** in the case of Lok Prahari, through its General Secretary S.N. Shukla VERSUS Election Commission of India & Ors. [WRIT PETITION (CIVIL) No. 330 OF 2016] stated that "In the decision of this Court in Lily Thomas v Union of India² it was observed that there is an automatic disqualification upon conviction and there is no question of postponing the effect of the disqualification on the ground of giving the member of the legislature an opportunity to exhaust the remedy of appeal and a subsequent stay of conviction cannot retrospectively cure the disqualification." ² (2013) 7 SCC 653 [Kindly see the Paragraph Number 6 of the Judgment. Copy of Judgment Enclosed.]

The Election Commission of India issued a Letter No. 464/INST/2023-EPS Dated 6th June 2023 to the Chief Electoral Officers of all States and UTs and it was stated that "As soon as the information is received about death, resignation, **disqualification of any sitting member** or setting aside election of a sitting member under an election petition **that causes vacancy of a seat in the House, the CEO shall pursue the issue and find out** whether the Lok

Avinash

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Sabha/Legislative Assembly has notified the vacancy, **whether any Court has passed order in the context of disqualification etc., and ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India.**"

It is seen that ECI/Office of CEO is not performing its role to conduct by-polls after stay on conviction despite MP/MLA having acquired disqualification due to conviction and his removal was automatic by operation of law. This has compelled me to know certain information concerning law/position of law. Therefore, I hereby most humbly requesting you kindly provide the following information under the provisions of the RTI Act, 2005:

1. Detail of the Judgment/Order of the Hon'ble Supreme Court of India passed since date 10.07.2013 in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.
2. Detail of the Law passed/amended by the Parliament since date 10.07.2013 which permits that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.
3. Detail of the Ordinance issued in the last 6 Months in which it is stated that the 'stay/suspension of Conviction' or Acquittal shall reinstate a person back in the legislature without his being re-elected.

Kindly Note that:

- a) Through Point Number 1, I am requesting the Judgment/Order of the Hon'ble Supreme Court of India only. Further to this, through Point Number 2, I am requesting information on the law passed/amended by the Parliament (i.e., passed/amended by the Lok Sabha and Rajya Sabha and thereafter assented by the Hon'ble President of India) and it **doesn't include** any decision taken by the Lok Sabha Secretariat or Rajya Sabha Secretariat.
- b) Through Point Number 1 and 2, I am seeking information on the "Judgment/Order and law passed/amended" which was passed/amended post 10.07.2013. The Hon'ble Apex Court declared Section 8(4) of the Representation of People Act 1951 ultra-vires the constitution in the case of Lily Thomas vs Union Of India & Ors WRIT PETITION (CIVIL) NO. 490 OF 2005 on 10.07.2013.
- c) When I stated, "It is seen that ECI/Office of CEO is not performing its role to conduct by-polls after stay on conviction despite MP/MLA having acquired disqualification due to conviction and his removal was automatic by operation of law", I am not talking about Office of CEO, Uttarakhand in particular.
- d) Information stated before seeking information was provided for clarity of information sought. I am not seeking any clarification or justification. I am simply seeking the information under the Provisions of RTI Act 2005.

Avinash

Purpose of requesting the above information: I need the above-sought information for preparing the WRIT/PIL Petition.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the PIO to provide the information at the earliest.

Date: 20.01.2024
Place: Rishikesh

Sincerely,
Avinash
Avinash Agarwal
Advocate

Enclosure: Judgment of Hon'ble Supreme Court of India in WRIT PETITION (CIVIL) No. 330 OF 2016.

• RTI Application fee paid via Challen
No.- 00700124E0036297 dt: 20/01/2024.

Avinash

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REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) No. 330 OF 2016

**Lok Prahari, through its General Secretary
S.N. Shukla**

.... Petitioner

Versus

Election Commission of India & Ors.

....Respondents

J U D G M E N T

Dr Dhananjaya Y Chandrachud, J

1 The petitioner, Lok Prahari, is a society registered under the Societies' Registration Act 1860 with objects pertaining to public governance and administration. It has invoked the jurisdiction of this Court under Article 32 of the Constitution, in the present Public Interest Litigation through its General Secretary, who appeared in person. The



following amongst other reliefs have been sought:

- 1 "Declare that since the law does not provide for stay of conviction, even in case of stay of conviction by the appellate court for an offence attracting disqualification under Section 8 of RP Act, 1951, any such stay order does not have the effect of wiping out the disqualification and reviving the membership with retrospective effect and consequently, the seat of the concerned member is deemed to have become vacant with effect from the date of conviction in terms of Article 101(3)(a) and 190(3)(a) of the Constitution.
- 2 Declare that as a consequence of the declaration as per 1 above, any member of Parliament of State legislature who becomes subject to disqualification mentioned in Article 102(1)(e) or 190(1)(e) shall be liable to penalty under Article 104/193 notwithstanding any order of the appellate/ revisional court purporting to stay his conviction for an offence attracting disqualification mentioned in Section 8 of RP Act, 1951....
- 3 issue a writ, order of direction in the nature of Mandamus to the respondent no. 1 to issue within 24 hours of receipt of certified copy of the judgment and order regarding sentence the notification regarding disqualification and consequent vacancy of the seat of the concerned MP/MLA/MLC with effect from the date of his/her conviction as a result of his/her disqualification for an offence under Section 8(1)(2) and (3) of the Representation of the People Act, 1951.
- 4 issue a writ, order or direction in the nature of Mandamus to the respondent no. 1 to ensure action for filling the vacancy of the seat of a member of Parliament/State legislature as per Section 151 of the RP Act, 1951 disregarding any order of the appellate/ revisional court purporting to stay of conviction for an offence attracting disqualification mentioned in Section 8 of RP Act, 1951...."

2 An erstwhile member of the Legislative Assembly in the State of Uttar Pradesh was convicted of offences under Sections 353, 504 and 506 of the Penal Code and was sentenced to imprisonment. In appeal, the District Court stayed the execution of the sentence and of the conviction.

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3 The petitioner instituted a Public Interest Litigation before the Lucknow Bench of the High Court of Allahabad, seeking a declaration that the MLA stood disqualified notwithstanding the stay granted by the Sessions Judge. The PIL was dismissed by the High Court on the ground that since the appellate court stayed the conviction, the disqualification, which would otherwise stand attracted, would not operate from the date on which the conviction has been stayed.

4 The petitioner urges that the seat held by a Member of Parliament or of the State legislature becomes vacant upon a disqualification being incurred under Article 102 or Article 191, respectively. According to the petitioner, once the disqualification is incurred under Section 8 of the Representation of the People Act 1951 read with Article 102(1)(e) or Article 191(1)(e), the seat becomes vacant effective from the date of conviction. Relying on the decision of this Court in **B R Kapur v State of Tamil Nadu**¹, the petitioner contends that under Section 389 of Cr.P.C. the appellate court does not have the power to stay conviction and can stay only the execution of sentence.

Article 102 of the Constitution provides thus:

"102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—
(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

¹ (2001) 7 SCC 231

- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

[Explanation.—For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State. 2 [(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.]”

Article 191 of the Constitution provides a disqualification in similar terms for membership of a legislative assembly or legislative council of a state.

The relevant provision in Section 8 of the Representation of the People Act 1951 reads thus:

“8. Disqualification on conviction for certain offences.—

[(1) A person convicted of an offence punishable under—

- (a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly

engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of section 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; 1 [or]

[(j) section 6 (offence of conversion of a place or worship) of the Places of Worship (Special Provisions) Act 1991], [or]

[(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971) 4 [or];]

[(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002),]

[shall be disqualified, where the convicted person is sentenced to—

- (i) only fine, for a period of six years from the date of such conviction;
- (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(2) A person convicted for the contravention of—

- (a) any law providing for the prevention of hoarding or profiteering; or
- (b) any law relating to the adulteration of food or drugs; or
- (c) any provisions of the Dowry Prohibition Act, 6 [1961 (28 of 1961)];

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

5 It has been contended by the petitioner that there is no provision in the Constitution or in the Representation of the People Act 1951 to the effect that upon a subsequent stay of conviction by the appellate or revisional court, the disqualification shall stand wiped out retrospectively and that the membership of a convicted Member of Parliament or of the Legislative Assembly or Council shall get revived despite the vacancy having occurred from the date of conviction. It has been urged that in the absence of any constitutional or statutory provision, stay of

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conviction can only operate prospectively to enable a person to contest an election again since membership of the legislature terminates instantly from the date of conviction.

6 In response to the present proceedings, a counter affidavit dated 10 April, 2015 has been filed on behalf of the Election Commission of India stating that:

- i) The Election Commission of India supports the first prayer in the present Public Interest Litigation;
- ii) The Election Commission of India has issued instructions on 13 October 2015 by which it has required the Chief Secretaries to issue appropriate instructions to the department dealing with prosecutions in States and Union Territories to ensure that cases of conviction of sitting Members of Parliament or of the State legislature are brought to the notice of the Speaker or Chairman of the House and the Chief Electoral Officer of the State along with the order of conviction within seven days of the order;
- iii) In the decision of this Court in **Lily Thomas v Union of India**² it was observed that there is an automatic disqualification upon conviction and there is no question of postponing the effect of the disqualification on the ground of giving the member of the legislature an opportunity to exhaust the remedy of appeal and a

² (2013) 7 SCC 653

subsequent stay of conviction cannot retrospectively cure the disqualification; and

- iv) For the purpose of filling the seat which has fallen vacant, it would not be necessary to await the decision of the President or Governor under Articles 103 and 192. No decision by the President or Governor is required on the question of disqualification arising out of conviction. In view of the decision in **P V Narasimha Rao v State (CBI/SPE)**³, only a 'disputed' question of disqualification is to be referred to the President or Governor.

7 The Union government has opposed the petition. In the counter affidavit which has been filed on behalf of the Union of India through the Secretary in the Department of Justice, Ministry of Law and Justice, it has been submitted that the issues raised in the present petition have already been considered and decided in the decision of this Court in **Lily Thomas** (supra). Moreover, it has been submitted that no challenge has been addressed in the present petition to any provision of the Act or the Rules made under it. The petitioner has only relied on the provisions of law and on judicial pronouncements on the subject of disqualification on conviction.

³ (1998) 4 SCC 626

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8 In response to the Counter affidavit filed by the first Respondent, a Rejoinder dated 20 February 2017 has been filed by the petitioner stating that:

- i) The role of the Election Commission commences immediately with the conviction of a sitting legislator. The EC need not await the receipt of a notification regarding the disqualification and of the vacancy in the seat by the Secretariat of the legislative body; and
- ii) There exists no legal requirement of a notification regarding the vacancy in the seat in view of the categorical provision in Article 101(3)(2) and Article 190(3)(a) of the Constitution that the seat becomes vacant upon conviction.

9 In response to the Counter affidavit filed by the second Respondent, a Rejoinder dated 10 November 2017 has been filed by petitioner submitting that revival of membership retrospectively after a conviction is stayed, will open a floodgate with convicted MPs/ MLAs/ MLCs approaching the appellate/ revisional court to get a stay on conviction enabling them to continue even without the protection of Section 8(4) of the Representation of the People Act 1951.

10 Section 389⁴ of the Code of Criminal Procedure, 1973, empowers the appellate court, pending an appeal by a convicted person and for reasons to be recorded in writing to order that the execution of a sentence or order appealed against, be suspended. In the decision in **Rama Narang v Ramesh Narang**⁵, a Bench of three judges of this Court examined the issue as to whether the court has the power to suspend a conviction under Section 389 (1). This Court held that an order of conviction by itself is not capable of execution under the Code of Criminal Procedure, 1973. But in certain situations, it can become executable in a limited sense upon it resulting in a disqualification under other enactments. Hence, in such a case, it was permissible to invoke the power under Section 389 (1) to stay the conviction as well. This Court held:

"19. That takes us to the question whether the scope of Section 389(1) of the Code extends to conferring power on the Appellate Court to stay the operation of the order of conviction. As stated earlier, if the order of conviction is to result in some disqualification of the type mentioned in

⁴ Section 389 provides as follows :
 "Suspension of sentence pending the appeal; release of appellant on bail.
 (1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail, or on his own bond.
 (2) The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of an appeal by a convicted person to a Court subordinate thereto.
 (3) Where the convicted person satisfies the Court by which he is convicted that he intends to present an appeal, the Court shall,-
 (i) where such person, being on bail, is sentenced to imprisonment for a term not exceeding three years, or
 (ii) where the offence of which such person has been convicted is a bailable one, and he is on bail, order that the convicted person be released on bail, unless there are special reasons for refusing bail, for such period as will afford sufficient time to present the appeal and obtain the orders of the Appellate Court under sub-section (1); and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.
 (4) When the appellant is ultimately sentenced to imprisonment for a term or to imprisonment for life, the time during which he is so released shall be excluded in computing the term for which he is so sentenced."

⁵ (1995) 2 SCC 513

Section 267 of the Companies Act, we see no reason why we should give a narrow meaning to Section 389(1) of the Code to debar the court from granting an order to that effect in a fit case. The appeal under Section 374 is essentially against the order of conviction because the order of sentence is merely consequential thereto; albeit even the order of sentence can be independently challenged if it is harsh and disproportionate to the established guilt. Therefore, when an appeal is preferred under Section 374 of the Code the appeal is against both the conviction and sentence and therefore, we see no reason to place a narrow interpretation on Section 389(1) of the Code not to extend it to an order of conviction, although that issue in the instant case recedes to the background because High Courts can exercise inherent jurisdiction under Section 482 of the Code if the power was not to be found in Section 389(1) of the Code."

11 In **Navjot Singh Sidhu v State of Punjab**⁶ a Bench of two learned judges of this Court held that a stay of the order of conviction by an appellate court is an exception, to be resorted to in a rare case, after the attention of the appellate court is drawn to the consequences which may ensue if the conviction is not stayed. The court held:

"The legal position is, therefore, clear that an appellate Court can suspend or grant stay of order of conviction. But the person seeking stay of conviction should specifically draw the attention of the appellate Court to the consequences that may arise if the conviction is not stayed. Unless the attention of the Court is drawn to the specific consequences that would follow on account of the conviction, the person convicted cannot obtain an order of stay of conviction. Further, grant of stay of conviction can be resorted to in rare cases depending upon the special facts of the case."

⁶ AIR 2007 SC 1003

12 The above position was reiterated by a Bench of three judges of this Court in **Ravikant S Patil v Sarvabhuma S Bagali**⁷, after advertng to the earlier decisions on the issue, viz. **Rama Narang v Ramesh Narang** (supra), **State of Tamil Nadu v A. Jaganathan**⁸, **K.C. Sareen v CBI, Chandigarh**⁹, **B.R. Kapur v State of T.N.** (supra) and **State of Maharashtra v Gajanan**.¹⁰ This Court concluded as follows:-

"It deserves to be clarified that an order granting stay of conviction is not the rule but is an exception to be resorted to in rare cases depending upon the facts of a case. Where the execution of the sentence is stayed, the conviction continues to operate. But where the conviction itself is stayed, the effect is that the conviction will not be operative from the date of stay. As order of stay, of course, does not render the conviction non-existent, but only non-operative. Be that as it may. Insofar as the present case is concerned, an application was filed specifically seeking stay of the order of conviction specifying that consequences if conviction was not stayed, that is, the appellant would incur disqualification to contest the election. The High Court after considering the special reason, granted the order staying the conviction. As the conviction itself is stayed in contrast to a stay of execution of the sentence, it is not possible to accept the contention of the respondent that the disqualification arising out of conviction continues to operate even after stay of conviction."

13 In **Lily Thomas** (supra), it was urged that in the absence of Section 8(4), a Member of Parliament or of the State Legislature would be left without a remedy even if the conviction was "frivolous". Rejecting the submission, this Court held (relying on **Ravi Kant Patil** (supra):

"In the aforesaid case, a contention was raised by the respondents that the appellant was disqualified from contesting the election to the Legislative Assembly under sub-

⁷ (2007) 1 SCC 673

⁸ (1996) 5 SCC 329

⁹ (2001) 6 SCC 584

¹⁰(2003) 12 SCC 432

section (3) of Section 8 of the Act as he had been convicted for an offence punishable under Sections 366 and 376 of the Penal Code and it was held by the three-Judge Bench that as the High Court for special reasons had passed an order staying the conviction, the disqualification arising out of the conviction ceased to operate after the stay of conviction. Therefore, the disqualification under sub-sections (1), (2) or (3) of Section 8 of the Act will not operate from the date of order of stay of conviction passed by the appellate court under Section 389 of the Code or the High Court under Section 482 of the Code."¹¹

14 These decisions have settled the position on the effect of an order of an appellate court staying a conviction pending the appeal. Upon the stay of a conviction under Section 389 of the Cr.P.C., the disqualification under Section 8 will not operate. The decisions in **Ravi Kant Patil** and **Lily Thomas** conclude the issue. Since the decision in **Rama Narang**, it has been well-settled that the appellate court has the power, in an appropriate case, to stay the conviction under Section 389 besides suspending the sentence. The power to stay a conviction is by way of an exception. Before it is exercised, the appellate court must be made aware of the consequence which will ensue if the conviction were not to be stayed. Once the conviction has been stayed by the appellate court, the disqualification under sub-sections 1, 2 and 3 of Section 8 of the Representation of the People Act 1951 will not operate. Under Article 102(1)(e) and Article 191(1)(e), the disqualification operates by or under any law made by Parliament. Disqualification under the above provisions of Section 8 follows upon a conviction for one of the listed offences.

¹¹ Id at page 673

Once the conviction has been stayed during the pendency of an appeal, the disqualification which operates as a consequence of the conviction cannot take or remain in effect. In view of the consistent statement of the legal position in **Rama Narang** and in decisions which followed, there is no merit in the submission that the power conferred on the appellate court under Section 389 does not include the power, in an appropriate case, to stay the conviction. Clearly, the appellate court does possess such a power. Moreover, it is untenable that the disqualification which ensues from a conviction will operate despite the appellate court having granted a stay of the conviction. The authority vested in the appellate court to stay a conviction ensures that a conviction on untenable or frivolous grounds does not operate to cause serious prejudice. As the decision in **Lily Thomas** has clarified, a stay of the conviction would relieve the individual from suffering the consequence *inter alia* of a disqualification relating to the provisions of sub-sections 1, 2 and 3 of Section 8.

15 Finally, we may address the relief which has been sought in prayer clause 5 by which a direction has been sought to the Union Government through the Secretary in the Department of Justice, Ministry of Law and Justice, the second Respondent. Prayer clause 5 reads as follows :

- "5. Issue a writ, order or direction in the nature of the Mandamus to the respondent no. 2 to-
- (i) issue a circular to the Registrar General/Registrars of

all High Courts to issue suitable instructions to all District and Sessions Judges to ensure that 2 certified copies of the judgments in cases attracting disqualification of a sitting MP/MLA/MLC under Article 102/191 of the Constitution are made available to the state counsel within 24 hours from the delivery of order regarding sentence for submission to the concerned District Magistrate,

(ii) issue a circular to the Chief Secretaries of the States/Union Territories for issuing suitable instructions to District Magistrates and the District Government Counsel to send by speed post/special messenger one certified copy of the judgment and order regarding sentence to the Chief Election Officer of the state and the other certified copy to the Secretary General/Principal Secretary/Secretary of the concerned House (Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council."

16 No such direction can be issued by the Secretary in the Department of Justice to the Registrars General of the High Courts. Moreover, following the implementation of the e-courts project, certified copies of judgments are made available across all courts in a streamlined manner. The affidavit filed by the Election Commission of India indicates that the Commission has already issued instructions on 13 October 2015 to the Chief Secretaries of all states to ensure that necessary steps are taken to bring to the notice of the Speaker or Chairman as the case may be of the House and the Chief Electoral Officer of the state, an order of conviction within a period of seven days of the passing of the order. The Election Commission is sufficiently empowered to take appropriate steps in accordance with law. No further directions are necessary in that regard.

17 The writ petition shall accordingly stand dismissed. Pending application, if any, is accordingly disposed of. There shall be no order as to costs.

.....CJI
[DIPAK MISRA]

.....J
[A M KHANWILKAR]

.....J
[Dr Dhananjaya Y Chandrachud]

New Delhi;
September 26, 2018.



कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं (0135) - 2713760, 2713551

फैक्स नं (0135) -2713724

संख्या: 2507/XXV-12/2021

देहरादून

दिनांक 19 दिसम्बर, 2023

सेवा में,

श्री अविनाश अग्रवाल,

एडवोकेट,

चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,

देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

महोदय,

कृपया उपरोक्त विषय के संबंध में अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड के आदेश संख्या 2447 दिनांक 12 दिसम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, उक्त के अनुपालन में अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से आप द्वारा वांछित सूचना निम्नानुसार संलग्न कर प्रेषित की जा रही है :-

बिन्दु संख्या-1	NGRS पर निम्न NGSP पोर्टल पर प्राप्त हुई है :- (1) NGS2533011945, (2) NGS1019152959, (3) NGS3111100255, (4) NGS6053070501, (5) NGS6053070501, (6) NGS3822873308, (7) NGS3556118892	
बिन्दु संख्या-2	श्री मनीष कुमार, सहायक प्रोग्रामर, 839491121	
बिन्दु संख्या-3	उपरोक्तानुसार NGSP पोर्टल पर प्राप्त शिकायतों की डाउनलोड प्रति सत्यापित कर संलग्न कर प्रेषित की जा रही है। (संलग्नक-1, पृष्ठ संख्या-01 से 20 तक)	
बिन्दु संख्या-4 एवं 5	NGSP पोर्टल पर प्राप्त शिकायतों/आगे भेजी गयी शिकायतों को पृथक करने का कोई प्राविधान नहीं है, इस कारण बिन्दु संख्या-4 व 5 की सूचना बिन्दु संख्या-3 पर समाहित है।	
बिन्दु संख्या-6	मुख्य निर्वाचन अधिकारी कार्यालय द्वारा जिला निर्वाचन अधिकारी, देहरादून से प्राप्त सन्दर्भ दिनांक 02 अगस्त, 2023 को इस कार्यालय के पत्र संख्या 2448 दिनांक 12 दिसम्बर, 2023 के माध्यम से प्रधान सचिव, भारत निर्वाचन आयोग, नई दिल्ली व मुख्य निर्वाचन अधिकारी, नई दिल्ली को आवश्यक कार्यवाही हेतु सन्दर्भित किया गया है, जिसकी प्रति संलग्न है। (संलग्नक-2 पृष्ठ संख्या-21 से 27 तक, कुल 7 पृष्ठ)	
बिन्दु संख्या-7	उक्त बिन्दुओं से सम्बन्धित सूचना बिन्दु संख्या 4 व 6 पर समाहित है।	
बिन्दु संख्या-8	https://ceo.uk.gov.in	
बिन्दु संख्या-9	श्री बंसत सिंह रावत, अनुभाग अधिकारी, एवं लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, देहरादून। दूरभाष : 0135-2713724 मो.नं. 9411740189	श्री मस्तू दास, अपीलीय अधिकारी एवं सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड। दूरभाष : 0135-2713551 मो.नं. 989795591

भवदीय

संलग्नक : यथोपरि। कुल 28 पृष्ठ।

Bansawat
(बंसत सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

संख्या-2507/XXV-12/2021 तददिनांकित।
प्रतिलिपि:-

अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

Bansawat
(बंसत सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

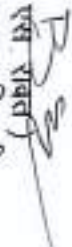


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Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS2533011945
 : Oct 10 2023 11:56AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS


 (बी एस रावत)
 लोक सूचना अधिकारी
 भारतीय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड।

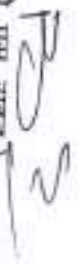
: I refer to Complaint ID NGS1019152959 Dated 18.09.2023 and its disposal dated 04.10.2023 and other grievances mentioned and referred to in said Complaint Dated 18.09.2023. Initially, said Complaint Dated 18.09.2023 was forwarded with a request "Kindly resolve the issue at the earliest." on 19.09.2023 and thereafter, it was disposed of with Disposal Status "Resolved" on 04.10.2023 and it was stated "sir, इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। आपको पूर्व में अवगत कराया गया है कि आप अपनी शिकायत मुख्य निर्वाचन अधिकारी की मेल आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।" I am again raising strong objection on the way the said Complaint Dated 18.09.2023 was disposed of. Initially, it was forwarded with a request to resolve the issue at the earliest, and, thereafter it was disposed of while stating that the complaint is not related to this office. Concerned Officer, who closed the Complaint, didn't inform to who the said Complaint Dated 18.09.2023 was forwarded. It is also not informed to me what action has been taken by the CEO, Uttarakhand on my Complaint despite my complaint was forwarded to the CEO, Uttarakhand on 02.08.2023. I am really shocked to see this behaviour on such a sensitive matter. It is not me who is filing/submitting my Complaint to the Zila Nirvachan Karyalaya, Dehradun. And if the concerned officer considered that Zila Nirvachan Karyalaya, Dehradun is not an appropriate authority, it is expected from him to transfer the Complaint to the appropriate authority of the Election Commission of India. Zila Nirvachan Karyalaya, Dehradun has absolutely failed to inform under what authority or jurisdiction, it is

disposing of my Grievances. Despite, it is the internal matter of the Election Commission of India where to forward the Grievance of Citizen, my grievances are continuously closed by claiming that your complaint is not related to this office. Instead of transferring/forwarding the complaint to the appropriate authority, my complaints are continuously disposed of with a disposal status "Resolved". I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and thereafter changes it to "Closed". Disposal Status showing "Resolved" is clearly a misleading statement. My Grievance is still unresolved. My Grievances are continuously disposed of without resolving. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 32 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/4/7/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Utarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 32 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to

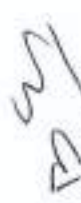
(श्री एस. रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

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acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgement of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. Against the response of CPIO, I filed a First Appeal Application and requested the First Appellate Authority that "Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to conduct a virtual/online hearing as soon as possible before passing the First Appellate Order. I most humbly request not call in Physically and conduct the hearing online only." Despite my expressed request to conduct the hearing, the First Appellate Authority didn't conduct the hearing and passed the First Appellate Order. Here, I would like to clarify that the Central Information Commission in the Case of Mr R.K. Jain v. Department of Legal Affairs Second Appeal Number CIC/S/A/2014/000254 observed that "Passing orders in first appeal without hearing or sending hearing notice is illegal and will render the order invalid." The Election Commission of India vide Press Note No. ECI/PN/57/2023 Dated 09.10.2023 announced the General Election to Legislative Assemblies of Chhatisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana. Further, the Election Commission of India vide Press Note No. ECI/PN/58/2023 Dated 09.10.2023 announced the Schedule for Bye-election in 43-Tapsi (ST) Assembly Constituency of Nagaland. The election Commission of India remained absolutely silent for conducting the Bye-election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 32 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. It is expected from the Grievance Handling Officer to ensure the law of the land prevails in all conditions. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. It is


 (श्री एम यादव)
 लोक सूचना अधिकारी
 कर्नाटक राज्य विधान सभिकारी
 बंगलूरु

a very sensitive matter and it is expected from the Election Commission of India to resolve the matter at the earliest while keeping in mind its gravity and the principle of natural justice. The more delay it takes, the more complicated the matter shall become. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filling the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission is dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance. If Zila Nirvachan Karyalaya Dehradun again decides to dispose of the current Grievance/Complaint and decides to repeat its statement, being a complainant, I request the concerned officer of Zila Nirvachan Karyalaya Dehradun to provide the following information: 1) Whether the Zila Nirvachan Karyalaya Dehradun has the Jurisdiction to deal with the current Complaint? 2) Under what Authority Zila Nirvachan Karyalaya Dehradun is dealing with the current Complaint? 3) Does the CEO Uttarakhand have the jurisdiction or authority to deal with the matter of disqualification of a Member of the Legislative Assembly of Delhi State? 4) What is the reason for not forwarding the Grievance to the Election Commission of India despite my request for the same. 5) What is the reason for stating disposal status "Resolved" despite none of the grievances have been resolved? 6) To who the Zila Nirvachan Karyalaya Dehradun Escalated the Grievances at a higher level? 7) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the Higher level to whom it Escalated the Grievances? 8) To whom the Zila Nirvachan Karyalaya Dehradun forwarded the Grievance Dated 18.09.2023? 9) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the authority to whom it forwarded the Grievance Dated 18.09.2023? 10) Details of the Officer of Zila Nirvachan Karyalaya Dehradun who dealt with my grievances including the current Grievance? 11) When being a complainant, I am not submitting the complaint to the Zila Nirvachan Karyalaya Dehradun, why it is disposing of the grievances at its level? It must be noted that being a complainant, I have the right to know the sought information. In adherence to the Principle of the Natural (Article 14 of the Indian Constitution), it is expected that the Zila Nirvachan Karyalaya Dehradun provide the sought information. Through Applications Dated 30.06.2023 and 24.07.2023, I conveyed my wish that in the event of any (legal) doubts arising regarding my request, I am willing and prepared to provide any additional information or clarification necessary to assist the Election Commission of India in making a fully informed decision on this matter. I requested to do the online/virtual communication only to ensure fast and secure communications. I repeat this message


 (बी एस रावत)
 लोक सूचना अधिकारी
 काशीलय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड ।

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to resolve the current grievance. I ensure full cooperation from my side. Regarding this, I request to do the online/virtual communication only to ensure fast and secure communications. I believe this time my grievance shall be resolved and the concerned authority/officer shall act in accordance with the provisions of law.]

Redressal Time Period (max.)

: 2

Disposal Status

: Closed

Complainant Details

Full Name

: Adv. Avinash

Location

: State: Uttarakhand

District :: Dehradun

AC :: Rishikesh

Mobile No.

: 7906289438

Valid Email ID : adv.avinashagarwal@gmail.com

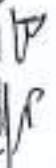
Back

Action Date	Action Taken	Action Taken User	Action Taken User	Disposal Status
Oct 18 2023 1 :08PM	नगरीय, आवासीय निगम/पंचायत द्वारा कार्यालय से संपर्कित नहीं है।	DMO	Mrs. Sonika	Resolved

Disposed type --Select--

Action Taken

Action Submit


 (श्री प्रसाद सिंघ)
 लोक सूचना अधिकारी
 वाराणसी नगर निगम अधिकारी
 वाराणसी - 221001



Complaint Details

Print

Complainant Type
Complaint ID
Date of Lodging Complaint
State
District :
AC :
Complaint Level
Subject
Complaint Against Political Party
Brief Description about complaint

: NGS Website
: NGS1019152959
: Sep 18 2023 2:36PM
: Utarakhand
: Dehradun
: Rishikesh
: SINGLE-AC
: PARTY RELATED COMPLAINTS

: I refer to Complaint ID NGS3111100255 Dated 29.08.2023 and its disposal dated 12.09.2023 and other grievances mentioned and referred to in said Complaint Dated 29.08.2023. Initially, said Complaint Dated 29.08.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 12.09.2023 while stating that "sir, appki shikayat इस कार्यालय के पर संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kashh karre." It is not clear to me when the Complaint was sent to the Chief Electoral Officer, Utarakhand on 02.08.2023, why I need to send the Complaint again. Further, when my Complaint is not resolved, why it is showing "Resolved" status? I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and therefore changes it to "Closed". Currently, the Status for Complaint ID NGS3111100255 is "Resolved". I have filed many Complaints on the same matter and it clearly indicates that the Election Commission of India closed the Grievances without resolving them. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar,

(श्री एस रावत)
लोक सचिवा आधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

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New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 31 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election

Prashant Kumar
 (बी. एस. रावत)
 लोक सूचना अधिकारी
 राज्य निर्वाचन अधिकारी
 दिल्ली

Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filling the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission of India. I am dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance.]

Redressal Time Period (max.) : 2
 Disposal Status : Closed

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

(श्री. एम. रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड।

Action Date	Action Taken	Action User	Action Taken	Disposal Status
Oct 4 2023 11:17AM	सि. इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आर्यकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को भेजित की गई है। आर्यको पूर्ण में अंतरा करार्य रणु डी फि अनु आर्यी शिकायत मुख्य निर्वाचन अधिकारी की वेब आर्यडी election09@gmail.com पर भेजने का कर्य करे, आर्यकी शिकायत दत कार्यालय से संबधित नहीं है।	DR V SHANNMUGAM	Mrs. Sonika	Resolved
Sep 19 2023 10:24AM	Kindly resolve the issue at the earliest.	DR V SHANNMUGAM		Forward
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.	DR V SHANNMUGAM		Forward
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.	DR V SHANNMUGAM		Forward
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.	DR V SHANNMUGAM		Forward
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.	DR V SHANNMUGAM		Forward

Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.	CEO	DR V SHANMUGAM	Forward
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.	CEO	DR V SHANMUGAM	Forward

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Disposed type

Action Taken

Action Submit

B S Nand
(बी एस रावत)
लोक सूचना अधिकारी
राज्य लोक सूचना निदेशक अधिकारी

68

Complaint Details

65

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGSS3111100255
 : Aug 29 2023 3:11PM
 : Uttarakhnad
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

(श्री एस. वागत)
 लोक सूचना अधिकारी
 कार्यलय मुख निवर्तन अधिकारी

: I refer to Complaint ID NGSS6053070501 Dated 28.07.2023 and its disposal dated 03.08.2023 and other grievances mentioned and referred to in said Complaint Dated 28.07.2023. Initially, said Complaint Dated 28.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 03.08.2023 while stating that "इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निवर्तन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।" I would like to clarify that my Grievance is still unresolved and I heard nothing post 03.08.2023 dated response so far. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGSS633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and

Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023. [Kindly Note: Dispose of the Current Grievance only when it is really resolved, don't dispose of it like Complaint IDs NGS5633146846, NGS3556118892, NGS3822873306 and NGS6053070501.]

Redressal Time Period (max.) : 2

Disposal Status : Closed

Complainant Details

Full Name : Adv. Avinash

Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh

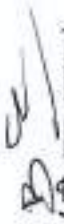
Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

[Back](#)

Action Date	Action Taken	Action Taken User	Action Taken User	Disposal Status
Sep 12 2023 10:17 AM	श्री. अप्पल शिकायत ईस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kashi karne.	DEO	Mrs. Sonika	Resolved

Disposed type --Select--

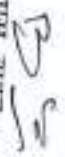
Action Taken


(बी. एस. रावत)
लोक सूचना अधिकारी
अखिल भारतीय निर्वाचन अधिकारी

Complaint Details

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS6053070501
 : Jul 28 2023 10:14AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS


 (श्री एच रावत)
 लोक सूचना अधिकारी
 अरवलिय मूख्य निर्वाचन अधिकारी
 (उत्तराखण्ड)

: I refer to Complaint ID NGS3822873306 Dated 15.07.2023 and its disposal dated 27.07.2023 and other grievances mentioned in said Complaint Dated 15.07.2023. Initially, said Complaint Dated 15.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 27.07.2023 while stating that "सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करे। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।" I repeat that I didn't file said Complaint Dated 15.07.2023 and other complaints at Zila Nirvachan Karayala, Dehradun. I filed Complaints at the "National Grievance Services" Portal of the "Election Commission of India". Online Grievance Portal doesn't ask the Complainant where to file the Grievance and therefore, to state that filing the Complaint at a Particular Portal is a vague & misleading statement. I cannot appreciate this behavior of the Grievance Handling Team. It is the internal matter of the Election Commission of India to which portal it submits my Complaint. I am enclosing a Screenshot of the Complaint Registering Page & it confirms that National Grievance Portal doesn't ask the Complainant where to file the complaint. Even if the Complaint is assigned to the Dehradun Portal by the Election Commission of India, it could transfer the Complaint internally to the Delhi Portal. I am shocked to see this behavior on such a serious matter where the Bye-Election is overdue for over 29 Months (now 30 Months). In continuation of the Application Dated 30.06.2023, I have already sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30

Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India on November 2021. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023.

: 2

Redressal Time Period (max.)


: Closed

Disposal Status

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

Action Date	Action Taken	Action Taken User	Disposal Status
Aug 3 2023 11:57AM	इस कार्यलय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।	DEO	Resolved

File Name	Uploaded Date	Download Scanned Document
Screenshot of the Complaint Registering Page.jpg	Jul 28 2023 10:14AM	

Disposed type --Select--

Action Taken

SD
 (बी. एस. रायत)
 लोक सूचना अधिकारी
 न्यायलय मुख्य निर्वाचन अधिकारी

56

55

Complainant Details

Print

Complainant Type
Complaint ID
Date of Lodging Complaint
State
District :
AC :
Complaint Level
Subject
Complaint Against Political Party
Brief Description about complaint

: NGS Website
: NGS3822873306
: Jul 15 2023 4:35PM
: Uttarakhand
: Dehradun
: Rishikesh
: SINGLE-AC
: PARTY RELATED COMPLAINTS

(श्री एस रावत)
लोक सूचना अधिकारी
भारतीय मूल्य निर्धारण अधिकारी
सम्पूर्णतः।

: I refer to Complaint ID NGS3556118892 Dated 14.07.2023 and its disposal dated 15.07.2023. I further refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaints ID NGS5633146846 and NGS3556118892, under what authority it dealt with both complaints. I registered my complaints at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaints dated 10.07.2023 and 14.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. It is a very serious matter and I raise a serious objection to the disposal of said complaints by the Zila Nirvachan Karyalaya, Dehradun without having any jurisdiction or authority. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen

of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

: 2

: Closed

Redressal Time Period (max.)

Disposal Status

Complainant Details

: Adv. Avinash

: State: Uttarakhand

District :: Dehradun AC :: Rishikesh

: 7906289438

Valid Email ID : adv.avinashgarwal@gmail.com

Back

Action Date	Action Taken	Action Taken User	Disposal Status
Jul 27 2023 4:13PM	सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने काट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबन्धित है।	DEO	Resolved

Disposed type --Select--

Action Taken

Action Submit

(बी. एस. रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड

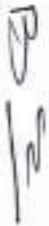
54

Complaint Details

53

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGSS3556118892
 : Jul 14 2023 1:08AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS


 (श्री एस शर्मा)
 लोक सभा अधिकारी
 भारतीय राज्या निर्वाचन अधिकारी
 नया दिल्ली

I refer to Complaint ID NGSS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvaachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaint ID NGSS5633146846, under what authority it dealt with the complaint? I registered my complaint at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaint dated 10.07.2023 at the Zila Nirvaachan Karyalaya, Dehradun. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

Redressal Time Period (max.) : 2

Disposal Status : Closed

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

Back

Action Date	Action Taken	Action Taken User	Action Taken User	Disposal Status
Jul 15 2023 4:16PM	सर, आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकारण जिला निर्वचन कार्यालय, देहरादून से नहीं है।	DEO	Mrs. Souka	Resolved

Disposed type --Select--

Action Taken

Action Submit

RS
 (श्री एस रावत)
 लोक सूचना अधिकारी
 कायालय मुख्य निर्वचन अधिकारी
 उत्तराखण्ड

S2

Complaint Details

5

Complainant Type
 Complaint ID
 Date of Lodging Complaint
 State
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGSS633146846
 : Jul 10 2023 12:33PM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-AC
 : PARTY RELATED COMPLAINTS

13

(श्री. एस. रावत)
 लोक सभा निर्वाचन
 कार्यसूचि प्र. सं. 44/1993, 30.06.2023
 अंतर्गत प्रश्न।

I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law, Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023. [Kindly Note that: Based on my previous experiences, I consider it proper to mention here that I am filling the Current Grievance in Subject "Election Related Complaint" and Particular "Others". Therefore, I am filling the current Grievance at the correct place/forum (I am attaching the screenshot of the website which clears that I am filling this grievance at the appropriate place).]

Redressal Time Period (max.)
 Disposal Status


: 2
 : Closed

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

Back

Action Date	Action Taken	Action Taken User	Disposal Status
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	DEO	Resolved
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	Mrs. Sonika	Resolved

File Name	Uploaded Date	Download Scanned Document
Grievance Webpage.jpg	Jul 10 2023 12:33PM	 Download

Disposed type --Select--

Action Taken

Action Submit

(बी एस रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 उत्तराखण्ड।

50

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

42

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2507/XXV-12/2021

देहरादून

दिनांक 18 दिसम्बर, 2023

सेवा में,

श्री अविनाश अग्रवाल,

एडवोकेट,

चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,

देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

महोदय,

कृपया उपरोक्त विषय के संबंध में अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड के आदेश संख्या 2447 दिनांक 12 दिसम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, उक्त के अनुपालन में अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से आप द्वारा वांछित सूचना निम्नानुसार संलग्न कर प्रेषित की जा रही है :-

बिन्दु संख्या-1	NGRS पर निम्न NGSP पोर्टल पर प्राप्त हुई है :- (1) NGS2533011945, (2) NGS1019152959, (3) NGS3111100255, (4) NGS6053070501, (5) NGS6053070501, (6) NGS3822873306, (7) NGS3556118892	
बिन्दु संख्या-2	श्री मनीष कुमार, सहायक प्रोग्रामर, 839491121	
बिन्दु संख्या-3	उपरोक्तानुसार NGSP पोर्टल पर प्राप्त शिकायतों की डाउनलोड प्रति सत्यापित कर संलग्न कर प्रेषित की जा रही है। (संलग्नक-1, पृष्ठ संख्या-01 से 20 तक)	
बिन्दु संख्या-4 एवं 5	NGSP पोर्टल पर प्राप्त शिकायतों/आगे भेजी गयी शिकायतों को पृथक करने का कोई प्राविधान नहीं है, इस कारण बिन्दु संख्या-4 व 5 की सूचना बिन्दु संख्या-3 पर समाहित है।	
बिन्दु संख्या-6	मुख्य निर्वाचन अधिकारी कार्यालय द्वारा जिला निर्वाचन अधिकारी, देहरादून से प्राप्त सन्दर्भ दिनांक 02 अगस्त, 2023 को इस कार्यालय के पत्र संख्या 2448 दिनांक 12 दिसम्बर, 2023 के माध्यम से प्रधान सचिव, भारत निर्वाचन आयोग, नई दिल्ली व मुख्य निर्वाचन अधिकारी, नई दिल्ली को आवश्यक कार्यवाही हेतु सन्दर्भित किया गया है, जिसकी प्रति संलग्न है। (संलग्नक-2 पृष्ठ संख्या-21 से 27 तक, कुल 7 पृष्ठ)	
बिन्दु संख्या-7	उक्त बिन्दुओं से सम्बन्धित सूचना बिन्दु संख्या 4 व 6 पर समाहित है।	
बिन्दु संख्या-8	https://ceo.uk.gov.in	
बिन्दु संख्या-9	श्री बंसत सिंह रावत, अनुभाग अधिकारी, एवं लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, देहरादून। दूरभाष : 0135-2713724 मो.नं. 9411740189	श्री मस्तू दास, अपीलीय अधिकारी एवं सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड। दूरभाष : 0135-2713551 मो.नं. 989795591

भवदीय

संलग्नक : यथोपरि। कुल 28 पृष्ठ।

Bansat
(बंसत सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

संख्या-2507/XXV-12/2021 तददिनांकित।

प्रतिलिपि:- अपीलीय अधिकारी/सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

Bansat
(बंसत सिंह रावत)
अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001 (49)

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2448 /XXV-02/2018

देहरादून

दिनांक 12 दिसम्बर, 2023

सेवा में,

1. प्रधान सचिव,
भारत निर्वाचन आयोग,
निर्वाचन सदन, अशोक रोड,
नई दिल्ली।
2. मुख्य निर्वाचन अधिकारी,
राष्ट्रीय राजधानी क्षेत्र, नई दिल्ली।

विषय : NGRS Portal पर प्राप्त शिकायत संख्या NGS6053070501 दिनांक 28 जुलाई, 2023 के निस्तारण के संबंध में।

महोदय,

कृपया उपरोक्त विषयक जिला निर्वाचन अधिकारी, देहरादून के पत्र संख्या 883 दिनांक 02 अगस्त, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जो श्री अविनाश अग्रवाल, एडवोकेट, ऋषिकेश, देहरादून की NGRS Portal पर प्राप्त शिकायत संख्या NGS6053070501 दिनांक 28 जुलाई, 2023 व शिकायत संख्या NGS3822873306 दिनांक 15 जुलाई, 2023 के निस्तारण के संबंध में है।

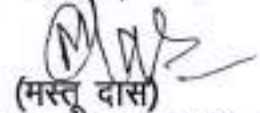
उक्त के क्रम में अवगत कराना है कि, श्री अविनाश अग्रवाल, एडवोकेट, ऋषिकेश, देहरादून द्वारा NGRS Portal पर विधान सभा निर्वाचन क्षेत्र 43-मालवीय नगर नई दिल्ली के संबंध में शिकायत संख्या NGS6053070501 दिनांक 28 जुलाई, 2023 व शिकायत संख्या NGS3822873306 दिनांक 15 जुलाई, 2023 मुख्य निर्वाचन अधिकारी कार्यालय उत्तराखण्ड के लागिन पर प्रेषित हो गयी थी, जिन्हें तदसमय मालवीय नगर, ऋषिकेश से सम्बन्धित होने के कारण जिला निर्वाचन अधिकारी, देहरादून को नियमानुसार निस्तारण हेतु अग्रेसित कर दिया गया था।

जिला निर्वाचन अधिकारी, देहरादून द्वारा उक्त शिकायत जनपद से सम्बन्धित न होने का उल्लेख करते हुए NGRS Portal पर निस्तारित कर दी गयी थी। तदुपरान्त आवेदक से हुई दूरभाष वार्ता एवं अभिलेखों के अवलोकन से स्पष्ट हुआ कि, उक्त शिकायत को निस्तारण मुख्य निर्वाचन अधिकारी, नई दिल्ली के स्तर से किया जाना है।

अतः उक्त शिकायतों की प्रति मूल रूप से संलग्न कर प्रेषित करते हुए मुझे निवेदन सहित यह कहने के निदेश हुए हैं कि कृपया उक्त शिकायतों के शीघ्र निस्तारण हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।

संलग्नक : यथोपरि।

भवदीय,


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या-2448 / XXV-02/2018 तददिनांकित।

प्रतिलिपि:- निम्न को सूचनार्थ प्रेषित :-

1. जिलाधिकारी एवं जिला निर्वाचन अधिकारी, देहरादून।
2. श्री अवनीश अग्रवाल, एडवोकेट, चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश, देहरादून को सूचनार्थ प्रेषित।

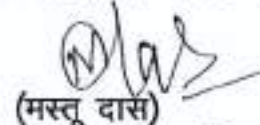


(बी एस राजपूत)

लोक सूचना अधिकारी

कार्यालय मुख्य निर्वाचन अधिकारी

उत्तराखण्ड।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

प्रेषक,

जिला निर्वाचन अधिकारी,
देहरादून।

सेवा में,

मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड, देहरादून।

संख्या 883 /25-40/2022

दिनांक: 02 जुलाई, 2023
अंगार

विषय:- NGRS Portal पर प्राप्त शिकायत संख्या NGS6053070501 28.07.2023 के
निस्तारण के संबंध में।

महोदय,

उपरोक्त विषयक श्री अविनाश, एडवोकेट, ऋषिकेश, देहरादून की NGRS
Portal पर प्राप्त शिकायत संख्या-NGS6053070501 Date 28-07-2023,
NGS6053070501 Date 14-07-2023 संलग्न कर आवश्यक कार्यवाही हेतु सादर प्रेषित है।
संलग्न यथोपरि।

भवदीय,

(डॉ० शिव कुमार बरनवाल)
अपर जिलाधिकारी (प्रशा०)/
उप जिला निर्वाचन अधिकारी,
देहरादून।

प्रतिलिपि:- श्री अविनाश, एडवोकेट, ऋषिकेश, देहरादून को (मेल द्वारा) सूचनार्थ प्रेषित।

(डॉ० शिव कुमार बरनवाल)
अपर जिलाधिकारी (प्रशा०)/
उप जिला निर्वाचन अधिकारी,
देहरादून।

(बी. एस. रावल)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

57


Print

Complaint Details

Complainant Type
 Complaint ID
 Lodging Complaint
 District :
 AC :
 Complaint Level
 Subject
 Complaint Against Political Party
 Brief Description about complaint

: NGS Website
 : NGS6053070501
 : Jul 28 2023 10:14AM
 : Uttarakhand
 : Dehradun
 : Rishikesh
 : SINGLE-DISTRICT
 : PARTY RELATED COMPLAINTS

I refer to Complaint ID NGS3822873306 Dated 15.07.2023 and its disposal dated 27.07.2023 and other grievances mentioned in said Complaint Dated 15.07.2023. Initially, said Complaint Dated 15.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 27.07.2023 while stating that "सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।" I repeat that I didn't file said Complaint Dated 15.07.2023 and other complaints at Zila Nirvachan Karyalaya, Dehradun. I filed Complaints at the "National Grievance Services" Portal of the "Election Commission of India". Online Grievance Portal doesn't ask the Complainant where to file the Grievance and therefore, to state that filing the Complaint at a Particular Portal is a vague & misleading statement. I cannot appreciate this behavior of the Grievance Handling Team. It is the internal matter of the Election Commission of India to which portal it submits my Complaint. I am enclosing a Screenshot of the Complaint Registering Page & it confirms that National Grievance Portal doesn't ask the Complainant where to file the complaint. Even if the Complaint is assigned to the Dehradun Portal by the Election Commission of India, it could transfer the Complaint internally to the Delhi Portal. I am shocked to see this behavior on such a serious matter where the Bye-Election is overdue for over 29 Months (now 30 Months). In continuation of the Application Dated 30.06.2023, I have already sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India on November 2021. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election


 (बी एस रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 देहरादून

blank

7/31/23, 10:34 AM

UB (24)

Complaint

Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023:

Redressal Time Period (max.)

: 2

Disposal Status

: Default

Complainant Details

Full Name

: Adv. Avinash

Location

: State: Uttarakhand
Rishikesh

District :: Dehradun

AC ::


Mobile No.

: 7906289438

Valid Email ID

: adv.avinashagarwal@gmail.com

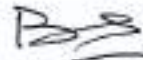
Back

Screenshot of the Complaint Registering Page.jpg	Jul 28 2023 10:14AM	
--	---------------------	--

Disposed type --Select--

Action Taken

Action Submit


(बी एस रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी

45

Print

Complaint Details

Complainant Type

: NGS Website

Complaint ID

: NGS3822873306

Date of Lodging Complaint

: Jul 15 2023 4:35PM

State

: Uttarakhand

District :

: Dehradun

AC :

: Rishikesh

Complaint Level

: SINGLE-AC

Subject

: PARTY RELATED COMPLAINTS

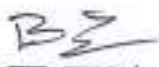
Complaint Against Political Party

Brief Description about complaint

I refer to Complaint ID NGS3556118892 Dated 14.07.2023 and its disposal dated 15.07.2023. I further refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaints ID NGS5633146846 and NGS3556118892, under whose authority it dealt with both complaints. I registered my complaints at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaints dated 10.07.2023 and 14.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. It is a very serious matter and I raise a serious objection to the disposal of said complaints by the Zila Nirvachan Karyalaya, Dehradun without having any jurisdiction or authority. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

: 2

: Resolved


(श्री एस रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी

Redressal Time Period (max.)

Disposal Status

about blank

44

(26)

8/1/2023 10:20 AM

Complaint

Complainant Details

Full Name : Adv. Avinash
 Location : State: Uttarakhand District :: Dehradun AC :: Rishikesh
 Mobile No. : 7906289438 Valid Email ID : adv.avinashagarwal@gmail.com

Back

Jul 27 2023 4:13PM	सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने काट करे। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।	DEO	Mrs. Sonika	Resolve
-----------------------	--	-----	-------------	---------

Disposed type --Select--

Action Taken

Action Submit

BS
 (बी एस रावत)
 लोक सूचना अधिकारी
 कार्यालय मुख्य निर्वाचन अधिकारी
 देहरादून

Home | Register New Complaint | My Profile | My Complaints

187900

Welcome Ajoy Anand

Register New Complaint

Choose State:

Choose District:

Description:

Upload document (max 200KB multiple file upload)

Remark: *Compulsory Field

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Designed and developed by ECI IT Unit, New Delhi.

U3

Show All

(श्री एस. रावत)
लोक सूचना अधिकारी
कार्यालय मुख्य निर्वाचन अधिकारी

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड़ सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2467 /XXV-12 /2021

देहरादून

दिनांक 12 दिसम्बर, 2023

आदेश

अपीलकर्ता श्री अवनीश अग्रवाल, एडवोकेट, चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,, देहरादून द्वारा ईमेल के माध्यम से प्रस्तुत प्रथम अपील दिनांक 30 नवम्बर, 2023 के निस्तारण के क्रम में इस कार्यालय के पत्र संख्या 2354 दिनांक 04 दिसम्बर, 2023 के माध्यम से दिनांक प्रस्तुत अपील की सुनवाई हेतु दिनांक 08 दिसम्बर, 2023 की तिथि समय अपरान्ह 01:00 बजे नियत की गयी थी, दिनांक 08 दिसम्बर, 2023 को सचिवालय में अवकाश घोषित होने के कारण उक्त अपील पर दिनांक 09 दिसम्बर, 2023 को पूर्वान्ह 11:00 गूगल मीट के माध्यम से बजे सुनवाई सम्पन्न हुई।

अपील के समय अपीलकर्ता गूगल मीट के माध्यम से तथा लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय उपस्थित रहें। अपीलकर्ता द्वारा अवगत कराया गया कि, उनके द्वारा द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से मांगी गयी सूचना न प्राप्त होने पर अपील प्रस्तुत की गयी है।

लोक सूचना अधिकारी द्वारा अवगत कराया गया कि, उन्हें अपीलकर्ता का आवेदन पत्र दिनांक 25 अक्टूबर, 2023 प्राप्त न होने के कारण समय पर आवेदन को वांछित सूचनाएं उपलब्ध नहीं करायी जा सकी है। कार्यालय स्तर पर NGS पोर्टल पर प्राप्त शिकायतों पर की गयी कार्यवाहियों की प्रति उपलब्ध करायी जा रही है।

प्रश्नगत अपील में प्रस्तुत तथ्यों का अवलोकन किया गया एवं अपीलकर्ता तथा लोक सूचना अधिकारी द्वारा प्रस्तुत पक्षों को सुने के आधार पर निम्न आदेश पारित किया जाता है।

1. लोक सूचना अधिकारी आवेदक द्वारा मूल अनुरोध पत्र दिनांक 25 अक्टूबर, 2023 में वांछित सूचनाएं आवेदक को 15 दिन के अन्तर्गत निःशुल्क उपलब्ध कराना सुनिश्चित करें।
2. NGS पोर्टल पर प्राप्त शिकायतों के क्रम में जिला निर्वाचन अधिकारी, देहरादून के पत्र संख्या 883 दिनांक 02 अगस्त, 2023 को मूल शिकायती पत्रों के साथ मुख्य निर्वाचन अधिकारी, दिल्ली तथा भारत निर्वाचन आयोग को आवश्यक कार्यवाही हेतु प्रेषित करने के लिए तत्काल पत्रावली प्रस्तुत करना सुनिश्चित करें।
3. NGS पोर्टल पर ऑन लाईन प्राप्त हो रही शिकायतों के ऑन लाईन अन्तिम निस्तारण से पूर्व उनकी समीक्षा सक्षम स्तर पर करा ली जाय।

उक्तानुसार प्रथम अपील का निस्तारण किया जाता है।

(मस्तू दास)

प्रथम अपीलीय अधिकारी/
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या-2467/XXV- /202 तददिनांकित।

प्रतिलिपि:-

1. अनुभाग अधिकारी/लोक सूचना अधिकारी, को इस निर्देश के साथ प्रेषित कि वह उक्तानुसार ससमय कार्यवाही सुनिश्चित करें।
2. श्री अवनीश अग्रवाल, एडवोकेट, चेम्बर नम्बर-10, तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,, देहरादून को सूचनार्थ प्रेषित।

(मस्तू दास)

प्रथम अपीलीय अधिकारी/
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

UD

कार्यालय:- मुख्य निर्वाचन अधिकारी,उत्तराखण्ड देहरादून डिस्पैच किये पत्रों का विवरण 04.12.2023

क्र. सं.	नाम	जनपद	बार कोड	
1	श्री अवनीश अग्रवाल,एडवोकेट, चेम्बर नम्बर.10 तहसील कोर्ट कम्पाउण्ड, ऋषिकेश	देहरादून	EV870596119IN	

SPEED POST-BNPL
DDN-10-208



कार्यालय : मुख्य निर्वाचन अधिकारी, ³⁹ उत्तराखण्ड

विश्वकर्मा भवन, प्रथम तल, 4 सुभाष रोड सचिवालय परिसर, देहरादून-248001

email id election09@gmail.com

फोन नं० (0135) - 2713760, 2713551

फैक्स नं० (0135) -2713724

संख्या: 2354/XXV- 12 /2021

देहरादून

दिनांक 04 दिसम्बर, 2023

सेवा में,

श्री अवनीश अग्रवाल,
एडवोकेट,
चेम्बर नम्बर-10,
तहसील कोर्ट कम्पाउण्ड, ऋषिकेश,
देहरादून। (द्वारा-ईमेल adv.avinashagarwal@gmail.com)

विषय:-
महोदय,

First Appeal Application U/S 19(1) of the Right to Information Act 2005.

कृपया उपरोक्त विषयक अपने ईमेल दिनांक 30 नवम्बर, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से आपके द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दिनांक 25 अक्टूबर, 2023 के माध्यम से मांगी गयी सूचना न प्राप्त होने पर अपील प्रस्तुत की गयी है।

उक्त के क्रम में आपके द्वारा प्रस्तुत अपील की सुनवाई हेतु दिनांक 08 दिसम्बर, 2023 की तिथि समय अपराह्न 01:00 बजे नियत की जाती है। उक्तानुसार नियत सुनवाई हेतु आप नियत तिथि व समय पर मुख्य निर्वाचन अधिकारी कार्यालय में उपस्थित होने अथवा Google Meet (<https://meet.google.com/xqc-ptvp-fyh>) / मोबाईल कॉल के माध्यम से सुनवाई में प्रतिभाग करने का कष्ट करें। साथ ही यह भी अनुरोध करना है कि यदि आप सहमत हों तो उक्त नियत तिथि से पूर्व किसी भी कार्यदिवस/कार्यालय समय में दूरभाष से भी जानकारी प्राप्त कर सकते हैं। अपीलीय अधिकारी से सम्बन्धित मोबाईल नम्बर-9897995591 है।

मवदीप

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

संख्या- ²³⁵⁴ /XXV- 1202 तददिनांकित।

प्रतिलिपि:- अनुभाग अधिकारी/लोक सूचना अधिकारी, को इस निर्देश के साथ प्रेषित कि वह निर्धारित तिथि व समय पर अपील की सुनवाई हेतु उपस्थित होते हुए उक्तानुसार विभागीय पक्ष प्रस्तुत करने का कष्ट करें।

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

First Appeal Application U/S 19(1) of the Right to Information Act 2005

1 message

Avinash Agarwal <adv.avinashagarwal@gmail.com>
To: election09@gmail.com

30 November 2023 at 15:34

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

Kindly see the attachment for the First Appeal Application Dated 30.11.2023 and the connected RTI Application Dated 25.10.2023.

Sincerely,

Avinash Agarwal
Advocate

Enclosures: A/A

2 attachments

FAA Dated 25102023 (CEO-UK).pdf
554K

RTI Application Dated 25102023 (CEO-UK).pdf
7523K

कार्यालय सचिव एवं मुख्य निर्वाचन अधिकारी
पत्र प्राप्त का दिनांक- 30/11/23
रजिस्टर क्रमांक-107 पत्रावली संख्या-

S.O
@mas
11/11/23
ACED

AROI
B. Chauhan
01-12-23
S.O

॥ श्री गणेशाय नमः ॥

**AVINASH AGARWAL
ADVOCATE**

MBA, LLM

**Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)**

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 30.11.2023

To,
The First Appellate Authority under the RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

First Appeal Application U/S 19(1) of the Right to Information Act 2005

Sir,

I refer to the RTI Application Dated 25.10.2023 filed/submitted via email. Despite 30 days passed, PIO neither provided information nor provided any response to my RTI Application. Under the preview of provisions of Section 7(2) of the RTI Act 2005, it is correct to say that PIO has refused my request to provide the information.


RTI Act only provides grounds under sections 8 and 9 under which PIO can deny the information. Therefore, information refused is without any legal sanction and such refusal is illegal.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to kindly instruct/order the PIO to provide the information at the earliest. I request you kindly instruct the PIO to provide information via email at adv.avinashagarwal@gmail.com.

Date: 30.11.2023

Place: Rishikesh

Sincerely,


**Avinash Agarwal
Advocate**

|| श्री गणेशाय नमः ||

AVINASH AGARWAL
ADVOCATE

MBA, LLM

Chamber No. 10, Tehsil Court Compound, Rishikesh, District- Dehradun,
Uttarakhand (Pin Code: 249201)

Email- adv.avinashagarwal@gmail.com

Mobile: +91-7906289438

Date: 25.10.2023

To,
Public Information Officer under RTI Act 2005
Office of the Chief Electoral Officer - Uttarakhand
Dehradun, Uttarakhand

Application u/s 6 of the Right to Information Act 2005

Sir,

I refer to 7 Grievances having Complaint IDs NGS5633146846, NGS3556118892, NGS3822873306, NGS6053070501, NGS3111100255, NGS1019152959, and NGS2533011945 filed/submitted at the National Grievance Services, Election Commission of India (Copy of Said Grievances enclosed with status). With respect to these Grievances, kindly provide the following information under the provisions of the RTI Act 2005:

1. Kindly provide the Complaint IDs of Grievances, filed by Applicant referred above, which have been received by the Office of Chief Electoral Officer – Uttarakhand.
2. Kindly provide the details of the Officer (Name, Designation, and Contact Details) at the Office of the Chief Electoral Officer - Uttarakhand who dealt with the Grievances referred to in above Point Number 1.
3. Kindly provide the Scanned Certified Copy of all documents received by the Office of Chief Electoral Officer – Uttarakhand from all levels with respect to Grievances referred to in above Point Number 1.
4. Kindly provide the Scanned Certified Copy of all documents sent by the Office of Chief Electoral Officer – Uttarakhand to all levels with respect to Grievances referred to in above Point Number 1.
5. Kindly provide the Scanned Certified Copy of all documents generated at the Office of Chief Electoral Officer – Uttarakhand with respect to Grievances referred to in above Point Number 1.
6. Did the Office of Chief Electoral Officer – Uttarakhand escalate the matter with respect to Grievances referred to in above Point Number 1 at the Higher Level – Yes/No
7. Kindly provide the details of all actions done by the Office of Chief Electoral Officer – Uttarakhand with respect to the Grievances referred to in above Point Number 1

In addition to the above, kindly provide me with the following information under the RTI Act, 2005:

Avinash

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8. Kindly provide the direct weblink of its official website where the Office of the Chief Electoral Officer - Uttarakhand uploads RTI Applications, First Appeal, and their responses in adherence to mandatory guidelines/instructions mentioned in Office Memorandum Number No. 1/6/2011-IR Dated 15.04.2013 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension.
9. Kindly inform me of the details of officers (Name, Designation, and Contact Details) whose assistance was sought by CPIO in connection with taking the decision and supplying the information requested in Points Number 1 to 8 of this RTI Application under section 5(4) read with 5(5) of the RTI Act. [Kindly provide the details of officers with respect to each Point separately.]

Kindly Note that:

- Kindly provide the **Scanned Certified Copy** via email at Registered Email ID adv.avinashagarwal@gmail.com
- Kindly provide the Certified Copy of the requested documents in the Format mentioned in Office Memorandum Number No. No. 10/1/2013-R Dated 06.10.2015 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension.
- Kindly provide the online link for making a fee payment for getting the requested documents.

Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the PIO to provide the information at the earliest.

Date: 25.10.2023
Place: Rishikesh

Sincerely,

Avinash Agarwal
Advocate

Enclosure: As Stated Above.

RTI Application fee paid via Challen

No.- 00701023E0049491 dt: 25/10/2023.





National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID	: NGS5633146846
Date of Lodging Complaint	: Jul 10 2023 12:33PM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh, 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS
Brief Description about complaint	: I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023. [Kindly Note that: Based on my previous experiences, I consider it proper to mention here that I am filling the Current Grievance in Subject "Election Related Complaint" and Particular "Others". Therefore, I am filling the current Grievance at the correct place/forum (I am attaching the screenshot of the website which clears that I am filling this grievance at the appropriate place).]


Detail Status

Redressal Time : 2

Disposal Status : Closed

Action Taken : सर, उक्त प्रकरण विधान सभा 43-मातवीप नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।

Action Date	Action Taken
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मातवीप नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।
Jul 13 2023 11:32AM	सर, उक्त प्रकरण विधान सभा 43-मातवीप नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।

File Name	Uploaded Date	Download Scanned Document
Grievance Webpage.jpg	Jul 10 2023 12:33PM	

Back

Home | Contact Us | Register / Admin Login | My Account

Welcome Aishwarya

Register New Complaint

Choose Complaints Type*

Choose a Subject* Petitioner*

Description*

Upload document if any (max. 200KB in PDF or JPEG format) No file chosen

* Comandatory field

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Computerized / Developed by IIT Jodhpur, New Delhi

Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS5633146846

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS5633146846	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	13 July, 2023	Resolved
NGS5633146846	सर, उक्त प्रकरण विधान सभा 43-मालवीय नगर, नई दिल्ली से संबंधित है। जिला निर्वाचन कार्यालय, देहरादून से संबंधित नहीं है।	13 July, 2023	Resolved



National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID	: NGS3556118892
Date of Lodging Complaint	: Jul 14 2023 1:08AM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS
Brief Description about complaint	: I refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaint ID NGS5633146846, under what authority it dealt with the complaint? I registered my complaint at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaint dated 10.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

7A

Detail Status

Redressal Time : 2

Disposal Status : Closed

Action Taken : सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से नहीं है।

Action Date	Action Taken
Jul 15 2023 4:16PM	सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से नहीं है।

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Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS3556118892

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS3556118892	सर,आपको पूर्व में भी अवगत कराया गया है कि उक्त प्रकरण जिला निर्वाचन कार्यालय, देहरादून से नहीं है।	15 July, 2023	Resolved



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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

[View Registered Complaint Details](#)

Complaint Details

Complaint ID	: NGS3822873306
Date of Lodging Complaint	: Jul 15 2023 4:35PM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS

Brief description about complaint

I refer to Complaint ID NGS3556118892 Dated 14.07.2023 and its disposal dated 15.07.2023. I further refer to Complaint ID NGS5633146846 Dated 10.07.2023 and its disposal dated 13.07.2023. I am unable to understand when the Zila Nirvachan Karyalaya, Dehradun doesn't have jurisdiction with respect to said Complaints ID NGS5633146846 and NGS3556118892, under what authority it dealt with both complaints. I registered my complaints at the "National Grievance Services" Portal of the "Election Commission of India" and I didn't file the said complaints dated 10.07.2023 and 14.07.2023 at the Zila Nirvachan Karyalaya, Dehradun. It is a very serious matter and I raise a serious objection to the disposal of said complaints by the Zila Nirvachan Karyalaya, Dehradun without having any jurisdiction or authority. I (Adv. Avinash Agarwal) sent an email dated 30.06.2023 to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 29 Months)". I have already informed and provided details on the provisions of the law in this regard via Application Dated 03.11.2022 enclosed in said email dated 30.06.2023. Through said email dated 30.06.2023, I also provided the details of the counter-affidavit filed in the Hon'ble Supreme Court of India on behalf of the Election Commission of India and it also confirms what I stated regarding provisions of law. Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi is Overdue for over 29 Months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023.

Detail Status

Redressal Time	: 2
Disposal Status	: Closed
Action Taken	: सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कह करे। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।

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Action Date	Action Taken
Jul 27 2023 4:13PM	सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे हैं आप अपनी शिकायत दिल्ली पोर्टल में भेजने कह करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।

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Election Commission of India



Welcome, User

Complain ID/Reference No. :
NGS3822873306

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS3822873306	Officer not action taken by within timeline.	18 July, 2023	Escalated to Higher Level



23

National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

[View Registered Complaint Details](#)

Complaint Details

Complaint ID	: NGS6053070501
Date of Lodging Complaint	: Jul 28 2023 10:14AM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS


#NB 6053070501

Brief description about complaint

I refer to Complaint ID NGS3822873306 Dated 15.07.2023 and its disposal dated 27.07.2023 and other grievances mentioned in said Complaint Dated 15.07.2023. Initially, said Complaint Dated 15.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 27.07.2023 while stating that "सर, आप अपनी शिकायत देहरादून के पोर्टल में भेज रहे है आप अपनी शिकायत दिल्ली पोर्टल में भेजने कष्ट करें। इस संबंध में आपको पूर्व में भी अवगत कराया गया है कि आपकी शिकायत दिल्ली से संबंधित है।" I repeat that I didn't file said Complaint Dated 15.07.2023 and other complaints at Zila Nirvachan Karyalaya, Dehradun. I filed Complaints at the "National Grievance Services" Portal of the "Election Commission of India". Online Grievance Portal doesn't ask the Complainant where to file the Grievance and therefore, to state that filing the Complaint at a Particular Portal is a vague & misleading statement. I cannot appreciate this behavior of the Grievance Handling Team. It is the internal matter of the Election Commission of India to which portal it submits my Complaint. I am enclosing a Screenshot of the Complaint Registering Page & it confirms that National Grievance Portal doesn't ask the Complainant where to file the complaint. Even if the Complaint is assigned to the Dehradun Portal by the Election Commission of India, it could transfer the Complaint internally to the Delhi Portal. I am shocked to see this behavior on such a serious matter where the Bye-Election is overdue for over 29 Months (now 30 Months). In continuation of the Application Dated 30.06.2023, I have already sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India on November 2021. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023.

Detail Status

Redressal Time	: 2
Disposal Status	: Closed
Action Taken	: इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।

Action Date	Action Taken	
Aug 3 2023 11:57AM	इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।	
File Name	Uploaded Date	Download Scanned Document
Screenshot of the Complaint Registering Page.jpg	Jul 28 2023 10:14AM	

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The image shows a screenshot of a web browser displaying the National Grievance Services portal of the Election Commission of India. The browser's address bar shows the URL <http://eciservices.eci.gov.in/Reg/Com.aspx>. The page header includes the Election Commission of India logo and the text "National Grievance Services" and "Information, Suggestions & Complaints". A navigation menu contains "Home", "Register", "Registration Information", and "My Account". The main content area features a "Welcome Afterside" message and a "Register New Complaint" form. The form includes the following fields: "Choose Complaint Type*" with a dropdown menu set to "Other"; "Choose a Subject*" with a dropdown menu set to "ELECTION-RELATED COMPLAINT" and a "Particular*" dropdown menu set to "Other"; a "Description*" text area; and an "Upload Document File (max. 200KB in JPG or JPEG format):" section with a "Choose File" button and the text "No file chosen". A "Submit" button is located below the form. A note at the bottom of the form states "Remark: * Compsory field". The footer of the page contains the copyright notice: "Copyright © 2012 Election Commission of India. All rights reserved. Designed & Developed by IISCT, New Delhi." The Windows taskbar at the bottom shows the system tray with the date and time set to 24-07-2021, 12:50.

Election Commission of India

Welcome, User

Complain ID/Reference No. :
NGS6053070501

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS6053070501	Officer not action taken by within timeline.	31 July, 2023	Escalted to Higher Level

**National Grievance Services****Information, Suggestions & Complaints**

Welcome Adv. Avinash

View Registered Complaint Details**Complaint Details**

Complaint ID	: NGS3111100255
Date of Lodging Complaint	: Aug 29 2023 3:11PM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS

Brief Description about complaint

: I refer to Complaint ID NGS6053070501 Dated 28.07.2023 and its disposal dated 03.08.2023 and other grievances mentioned and referred to in said Complaint Dated 28.07.2023. Initially, said Complaint Dated 28.07.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 03.08.2023 while stating that "इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। उक्त पत्र की प्रति आपकी मेल में भी प्रेषित किया गया है।" I would like to clarify that my Grievance is still unresolved and I heard nothing post 03.08.2023 dated response so far. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my application dated 30.06.2023 and 24.07.2023. [Kindly Note: Dispose of the Current Grievance only when it is really resolved, don't dispose of it like Complaint IDs NGS5633146846, NGS3556118892, NGS3822873306 and NGS6053070501.]

Detail Status

Redressal Time

: 2

Disposal Status

: Closed

Action Taken

: sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kasht kare.

Action Date	Action Taken
Sep 12 2023 10:17AM	sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kasht kare.

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Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS3111100255

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS3111100255	Officer not action taken by within timeline.	01 September, 2023	Escalated to Higher Level

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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

View Registered Complaint Details

Complaint Details

Complaint ID	: NGS1019152959
Date of Lodging Complaint	: Sep 18 2023 2:36PM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24- Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24- Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24- Rishikesh, 24-Rishikesh, 24-Rishikesh, 24-Rishikesh, 24- Rishikesh, 24-Rishikesh, 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS

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NGS 101915 2959

Brief Description about complaint

I refer to Complaint ID NGS3111100255 Dated 29.08.2023 and its disposal dated 12.09.2023 and other grievances mentioned and referred to in said Complaint Dated 29.08.2023. Initially, said Complaint Dated 29.08.2023 was escalated to the Higher Level, and thereafter, it was disposed off on 12.09.2023 while stating that "sir, appki shikayat इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। app ceo dehradun uttarakhand ke mail id election09@gmail.com par apne Shikayat send karne ka kaaht kare." It is not clear to me when the Complaint was sent to the Chief Electoral Officer, Uttarakhand on 02.08.2023, why I need to send the Complaint again. Further, when my Complaint is not resolved, why it is showing "Resolved" status? I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and therefore changes it to "Closed". Currently, the Status for Complaint ID NGS3111100255 is "Resolved". I have filed many Complaints on the same matter and it clearly indicates that the Election Commission of India closed the Grievances without resolving them. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 31 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India, and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 31 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter

affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 31 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filing the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission is dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance.]

Detail Status

Redressal Time	: 2
Disposal Status	: Closed
Action Taken	: Kindly resolve the issue at the earliest.

Action Date	Action Taken
Oct 4 2023 11:12AM	Sir, इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। आपको पूर्व में अवगत कराया गया है कि आप अपनी शिकायत मुख्य निर्वाचन अधिकारी की मेल आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।
Sep 19 2023 10:24AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:23AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:22AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.

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Recessal Time : 2

Disposal Status : Closed

Action Taken : Kindly resolve the issue at the earliest.

Action Date	Action Taken
Sep 19 2023 10:21AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:20AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:19AM	Kindly resolve the issue at the earliest.
Sep 19 2023 10:19AM	Kindly resolve the issue at the earliest.
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Election Commission of India

Welcome, User

Complain ID/Reference No. :
NGS1019152959

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS1019152959	Kindly resolve the issue at the earliest.	19 September, 2023	Forward



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National Grievance Services

Information, Suggestions & Complaints

Welcome Adv. Avinash

[View Registered Complaint Details](#)

Complaint Details

Complaint ID	: NGS2533011945
Date of Lodging Complaint	: Oct 10 2023 11:56AM
State	: Uttarakhand District: 13-Dehradun Assembly Constituency: 24-Rishikesh
Subject	: PARTY RELATED COMPLAINTS

(1)

NGS 2533011945

Brief Description about complaint

I refer to Complaint ID NGS1019152959 Dated 18.09.2023 and its disposal dated 04.10.2023 and other grievances mentioned and referred to in said Complaint Dated 18.09.2023. Initially, said Complaint Dated 18.09.2023 was forwarded with a request "Kindly resolve the issue at the earliest." on 19.09.2023 and thereafter, it was disposed of with Disposal Status "Resolved" on 04.10.2023 and it was stated "sir, इस कार्यालय के पत्र संख्या 883 दिनांक 02-08-2023 को आपकी शिकायत मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को प्रेषित की गई है। आपको पूर्व में अवगत कराया गया है कि आप अपनी शिकायत मुख्य निर्वाचन अधिकारी की मेल आईडी election09@gmail.com पर भेजने का कष्ट करें, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।". I am again raising strong objection on the way the said Complaint Dated 18.09.2023 was disposed of. Initially, it was forwarded with a request to resolve the issue at the earliest, and, thereafter it was disposed of while stating that the complaint is not related to this office. Concerned Officer, who closed the Complaint, didn't inform to who the said Complaint Dated 18.09.2023 was forwarded. It is also not informed to me what action has been taken by the CEO, Uttarakhand on my Complaint despite my complaint was forwarded to the CEO, Uttarakhand on 02.08.2023. I am really shocked to see this behaviour on such a sensitive matter. It is not me who is filing/submitting my Complaint to the Zila Nirvachan Karyalaya, Dehradun. And if the concerned officer considered that Zila Nirvachan Karyalaya, Dehradun is not an appropriate authority, it is expected from him to transfer the Complaint to the appropriate authority of the Election Commission of India. Zila Nirvachan Karyalaya, Dehradun has absolutely failed to inform under what authority or jurisdiction, it is disposing of my Grievances. Despite, it is the internal matter of the Election Commission of India where to forward the Grievance of Citizen, my grievances are continuously closed by claiming that your complaint is not related to this office. Instead of transferring/forwarding the complaint to the appropriate authority, my complaints are continuously disposed of with a disposal status "Resolved". I would like to clarify that my Grievance has remained unresolved since 10.07.2023 when I raised the matter First Time vide Complaint ID NGS5633146846. Every time, the Election Commission of India shows the status "Resolved" and thereafter changes it to "Closed". Disposal Status showing "Resolved" is clearly a misleading statement. My Grievance is still unresolved. My Grievances are continuously disposed of without resolving. It is really shocking to see such behavior in such a serious matter where the Bye-Election is overdue for over 32 Months. It must be noted that I initially filed the Grievance having Complaint ID: NGS5633146846 Dated 10.07.2023 in this regard when the Bye-Election was overdue for over 29 Months. In continuation of the Application Dated 30.06.2023, I sent an email Dated 24.07.2023 having the subject "Application to Expedite Announcement of Bye-Election for the Legislative Assembly of 43-Malviya Nagar, New Delhi (Overdue for over 30 Months)" to the Hon'ble Chief Election Commissioner of India and to His Companion Commissioners of the Election Commission of

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NGS 2533011945

India. I have provided additional details and informed that the current matter is not a new matter before the Election Commission of India. and, indirectly, I raised the matter before the Election Commission of India in November 2021. Further to this, the Election Commission of India vide PRESS NOTE No. ECI/PN/47/2023 Dated 08.08.2023 announced the schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh, and Uttarakhand. Thereafter, the Election Commission of India vide PRESS NOTE No. ECI/PN/51/2023 Dated 22.08.2023 announced the Bye-Election to the Council of States from Uttar Pradesh. But the Election Commission of India is absolutely silent on the Bye-Poll for a Legislative Constituency where the bye-poll is due for over 32 months. Neither have I received any response from the Election Commission of India nor the notification or press release issued in this regard by the Election Commission of India so far. The Election Commission of India has not announced the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi despite having the details of the noting of the Hon'ble Supreme Court of India and also details of what the Election Commission of India stated in the counter affidavit. This has compelled me to consider whether the Election Commission of India has special knowledge of the law that has changed subsequent to the provided noting and the date of the counter affidavit filed by the Election Commission of India in the Hon'ble Supreme Court of India. The Election Commission of India is totally silent on my applications. I have no such information on the change in position of law. Therefore, through an RTI Application, I sought information to know the position of law on the matter. I filed the RTI Application to acquire the special knowledge that the Election Commission of India may possess (Details of Law passed/amended by Parliament, Ordinance, and the Judgment of Hon'ble Supreme Court of India). It could have clarified why the Election Commission of India didn't announce the election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. But I find it really shocking to see that the CPIO instead of providing the requested information/reply, stated that "Case details viz. case type (Writ Petition/ Public Interest Litigation etc.), case number, Party name, filing year etc. have not been provided by you. Information may only be provided if the details of the case are specially provided and the same is available with the Commission." It is really shocking to see that the Public Authority is asking for information from the applicant. No doubt, if I had such information regarding the change in law, I never have filed the Applications Dated 30.06.2023 and 24.07.2023. Against the response of CPIO, I filed a First Appeal Application and requested the First Appellate Authority that "Based on the importance of the requested information and the matter involved, which is self-explanatory, I request the First Appellate Authority to conduct a virtual/online hearing as soon as possible before passing the First Appellate Order. I most humbly request not call in Physically and conduct the hearing online only." Despite my expressed request to conduct the

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hearing, the First Appellate Authority didn't conduct the hearing and passed the First Appellate Order. Here, I would like to clarify that the Central Information Commission in the Case of Mr. R.K. Jain v. Department of Legal Affairs Second Appeal Number CIC/SA/A/2014/000254 observed that "Passing orders in first appeal without hearing or sending hearing notice is illegal and will render the order invalid." The Election Commission of India vide Press Note No. ECI/PN/57/2023 Dated 09.10.2023 announced the General Election to Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana. Further, the Election Commission of India vide Press Note No. ECI/PN/58/2023 Dated 09.10.2023 announced the Schedule for Bye-election in 43-Tapsi (ST) Assembly Constituency of Nagaland. The election Commission of India remained absolutely silent for conducting the Bye-election for the Legislative Assembly of 43-Malviya Nagar, New Delhi. As per my best knowledge and understanding of the law and its provision, the by-poll for the Legislative Assembly of 43-Malviya Nagar, New Delhi is due for more than 32 Months. I am trying to find the version of the Election Commission of India for not conducting the By-poll so far. It may help me to decide whether I should pursue the matter or drop it. If I find the act of not conducting a by-poll by the Election Commission of India Justifiable and in accordance with the law of the land, I shall drop the matter. In all conditions, the law of the land must prevail. It is expected from the Grievance Handling Officer to ensure the law of the land prevails in all conditions. Hence, being a responsible citizen of India, I am submitting the present/current grievance with a request to kindly issue the necessary notification and update me on the progress of my Applications Dated 30.06.2023 and 24.07.2023. It is a very sensitive matter and it is expected from the Election Commission of India to resolve the matter at the earliest while keeping in mind its gravity and the principle of natural justice. The more delay it takes, the more complicated the matter shall become. [Kindly Note: Based on the importance of the matter, which is self-explanatory, I request the concerned authority to Dispose of the Current Grievance only when it is really resolved and kindly do the needful at the earliest. I clarify that I am filing the Grievance at the National Grievance Services of the Election Commission of India. I have nothing to do with which office/authority of the Election Commission is dealing with the Grievance. It is an internal matter of the Election Commission of India. National Grievance Services of the Election Commission of India doesn't ask the Complainant where to file the Grievance. It is the Election Commission of India that decides suo-motu which office shall handle the Grievance. If Zila Nirvachan Karyalaya Dehradun again decides to dispose of the current Grievance/Complaint and decides to repeat its statement, being a complainant, I request the concerned officer of Zila Nirvachan Karyalaya Dehradun to provide the following information: 1) Whether the Zila Nirvachan Karyalaya Dehradun has the Jurisdiction to deal with the current Complaint? 2) Under what Authority Zila

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Nirvachan Karyalaya Dehradun is dealing with the current Complaint? 3) Does the CEO Uttarakhand have the jurisdiction or authority to deal with the matter of disqualification of a Member of the Legislative Assembly of Delhi State? 4) What is the reason for not forwarding the Grievance to the Election Commission of India despite my request for the same. 5) What is the reason for stating disposal status "Resolved" despite none of the grievances have been resolved? 6) To whom the Zila Nirvachan Karyalaya Dehradun Escalated the Grievances at a higher level? 7) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the Higher level to whom it Escalated the Grievances? 8) To whom the Zila Nirvachan Karyalaya Dehradun forwarded the Grievance Dated 18.09.2023? 9) What responses/instructions did the Zila Nirvachan Karyalaya Dehradun receive from the authority to whom it forwarded the Grievance Dated 18.09.2023? 10) Details of the Officer of Zila Nirvachan Karyalaya Dehradun who dealt with my grievances including the current Grievance? 11) When being a complainant, I am not submitting the complaint to the Zila Nirvachan Karyalaya Dehradun, why it is disposing of the grievances at its level? It must be noted that being a complainant, I have the right to know the sought information. In adherence to the Principle of the Natural (Article 14 of the Indian Constitution), it is expected that the Zila Nirvachan Karyalaya Dehradun provide the sought information. Through Applications Dated 30.06.2023 and 24.07.2023, I conveyed my wish that in the event of any (legal) doubts arising regarding my request, I am willing and prepared to provide any additional information or clarification necessary to assist the Election Commission of India in making a fully informed decision on this matter. I requested to do the online/virtual communication only to ensure fast and secure communications. I repeat this message to resolve the current grievance. I ensure full cooperation from my side. Regarding this, I request to do the online/virtual communication only to ensure fast and secure communications. I believe this time my grievance shall be resolved and the concerned authority/officer shall act in accordance with the provisions of law.]

Detail Status

Redressal Time	: 2
Disposal Status	: Resolved
Action Taken	: महोदय, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।

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Action Date	Action Taken
Oct 18 2023 1:08PM	महोदय, आपकी रिक्वायस्ट इस कार्यालय से संबंधित नहीं है।

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Election Commission of India



Welcome, User

Complain ID/Reference No. :

NGS2533011945

Show Status

Complain ID	Action Taken	Date of Action Taken	Status
NGS2533011945	महोदय, आपकी शिकायत इस कार्यालय से संबंधित नहीं है।	18 October, 2023	Resolved

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कार्यालय:- मुख्य निर्वाचन अधिकारी, उत्तराखण्ड देहरादून डिस्ट्रिक्ट किये पत्रों का विवरण 18.12.2023

क. सं.	नाम	जनपद	बार कोड	
1	श्री अविनाश अग्रवाल, ऋषिकेश	ऋषिकेश	EV870596051IN	r.t.i 2507

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18/12/23

