

**OFFICE OF THE FIRST APPELLATE AUTHORITY**  
**(Appointed under the Right to Information Act, 2005)**  
**The Institute of Company Secretaries of India ICSI House**  
**C-36, Sector-62, Institutional Area**  
**Noida - 201 309 (U.P.)**

**Appeal No.00112/2024**

IN THE MATTER OF:

Mr. D V N S SARMA  
Flat No.3, Rajeev Villa,  
House No. 20/75,  
Srinivasaperumal Sannidhi,  
1st Street, Royapettah,  
Chennai, Pin:600014  
Tamilnadu

Appellant

Vs.

Central Public Information Officer  
The Institute of Company Secretaries of India  
'ICSI House', 22, Institutional Area, Lodi Road,  
New Delhi - 110003

Respondent

Date of Order: 12th December 2024

**ORDER**

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/24/00112 on 26.11.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 12.11.2024 against the Central Public Information Officer (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide his RTI Application No. ICSOI/R/E/24/12619 dated 17/10/2024 has requested the following information:
  - "1. Please specify / give the total cost incurred i.e total amount spent by ICSI (including advocate fees, staff travel & stay cost, printing & stationery or any other cost with respect to this) for the Writ Petition No.4579/2022 filed by Mr. Kailash Chander Kaushik (K.C Kaushik), ICSI Employee at Bombay High Court, Mumbai against ICSI and its officials?
  2. The Transfer Order No.01/2022, Dated.19th January 2022 where in the transfer of Mr. K C Kaushik was there and as per the order Mr. K C Kaushik was supposed to join from CCGRT, Mumbai to then ICSI-Centre of Excellence (COE), Hyderabad latest by 31st January 2022. Please confirm whether Mr. Kaushik has joined as per the office order or not? If not whether Mr. Kasuhik took any prior permission / approval from ICSI to join at a later date? If so please provide such permission details.
  3. When (i.e from which date after the above transfer order) Mr. Kaushik gone on Sick

Leave? Whether proper intimation was given by Mr. Kaushik or his family members or his colleagues or his friends to the concerned authority or ICSI about his sick leave? If so please provide such details on which date ICSI has received the intimation of Mr. Kaushik sick leave?

4. Who was the Medical Doctor who treated Mr. K C Kaushik and given the certificate of sickness by which Mr. Kaushik used his medical / sick leave? Please provide the Doctor Details with his professional / medical qualification and details of sickness / treatment undergone by Mr. Kaushik?

5. When Mr. Kaushik has filed the writ petition No.4579/2022 in Honourable Bombay High Court, Mumbai against ICSI?

6. When Mr. Kasuhik recovered from his sickness and joined back in duty and where he has joined?

7. In the Judgement of the Writ Petition filed by Mr. Kaushik (in Bombay High Court) against his transfer order on ICSI which was Pronounced by Honourable Bombay High Court on 14th September 2022, it was mentioned that Mr. Kaushik in his writ petition has brought to the notice of High Court that he has been transferred 9 times as he has unearthed the rampant misappropriation of funds and corruption in the Institute(ICSI). It was further stated by Mr. Kaushik that he was a flag bearer in exposing corruption and misappropriation of funds in the Institute (ICSI).

- i. Please provide the details of those rampant misappropriation of funds and corruption in the Institute (ICSI) unearthed by Mr. Kaushik. Whether this claim of Mr. Kaushik is correct / true? If true then please provide full details of those.
- ii. How many corruption cases and misappropriation of funds cases in the Institute (ICSI) were exposed by Mr. Kaushik as claimed by him in the writ petition? Whether this claim of Mr. Kaushik is correct / true? If yes then please provide full details of those.
- iii. Please provide what action has been taken by ICSI on the above i & ii points. Whether any committee has been formed and investigation made? If so, whether the misappropriation of funds and corruption charges were proved and culprits were punished? Please provide full details.

8. It was mentioned in the judgement that The Institute (ICSI) in giving reply to the allegations made by Mr. Kaushik has submitted to the Honourable Bombay High Court that It was false to say that because of Mr. Kaushik unearthed the case of corruption, Mr. Kaushik was transferred. ICSI further submitted that Auditors had brought to the notice of instances of financial irregularities. The Honourable Bombay High Court did not take cognizance of any or part there of the allegations what so ever made by Mr. Kaushik. Further the Honourable Court said that Petitioner i.e Mr. Kaushik to substantiate his contention that the transfer is malafide and on account of the fact that he is instrumental in unearthing the corruption and misappropriation does not seem to be proper from the facts on record. The Writ Petition filed by Mr. Kaushik was dismissed and Honourable Court directed Mr. Kaushik to join at COE, Hyderabad within three weeks.

- i. Neither Mr. Kaushik has proved his allegations (either in full or a part thereof) in the Honourable Court Nor the Honourable Court has took cognizance of any of his allegations. So, whether ICSI has taken any action against Mr. Kuashik for filing a

wrong case (writ petition) or making false allegations against ICSI or its officials? Now please confirm whether these acts of Mr. Kaushik comes under misconduct / indiscipline of an employee under ICSI Service Rules or Not? If so please provide the details.

- ii. Please confirm whether ICSI has taken any disciplinary action or constituted any committee against Mr. Kaushik or not? If not taken any action then please confirm the same.
- iii. Please confirm whether any recovery made from Mr. Kaushik for the expenditure made by ICSI for the above Writ Petition?
- iv. Whether filing wrong petition against ICSI and submitted wrong claims / statements in Court by Mr. K C Kaushik tantamount to indiscipline or not as per the ICSI Service Rules? If so whether any disciplinary proceedings initiated against Mr. Kaushik? Please provide full details."

- (3) The Appellant has submitted in his instant appeal with regards to the reply provided by the Respondent to the RTI queries as under:

"1. Requested Information not given saying that not in the format.

2.Public Interest is there for the information sought. How can it be denied? ICSI is a Public Body and running with Students Money. So information sought has public Interest."

- (4) The reply of the Respondent against the instant appeal is as under: -

"Since the RTI application pertains to Directorate of F&A and Directorate of HR of the ICSI, therefore, the CPIO has asked for written submission from concerned Directorates for the same. Their submission is mentioned below:

"We reiterate our earlier reply."

Further, the Public Authority under the RTI Act, 2005 is not supposed to create information or to interpret information or to solve the problems raised by the applicants.

Therefore, the contents made in the RTI Reply stands as it is and the appeal deserves to be dismissed."

- (5) This Office has carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.

This office concurs with the submissions of the Respondent in his reply to the instant appeal.

The appeal is accordingly disposed of.

Sd/-

(Asit Kumar Rath)  
First Appellate Authority

Copy to:

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2. Central Public Information Officer  
The Institute of Company Secretaries of India  
'ICSI House', 22, Institutional Area, Lodi Road,  
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3. Directorate of IT - For publishing on the website.