

कन्द्रीय सूचना आयोग
Central Information Commission
बाबा गगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No.

CIC/IGCAR/A/2020/682891

CIC/DOATE/A/2020/693271

Shri A Sathasivam

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

Indira Gandhi Centre for Atomic Research,
Kalpakkam

Date of Hearing : 24.02.2022

Date of Decision : 25.02.2022

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal/complaint:

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 nd Appeal dated
582891	22.03.2020	27.05.2020	29.05.2020	23.06.2020	24.08.2020
693271	24.07.2019	21.08.2020	21.09.2020	20.10.2020	21.11.2020

Information sought and background of the case:

(1) CIC/IGCAR/A/2020/682891

The Appellant filed an online RTI application dated 22.03.2020 which was replied by the CPIO/Administrative Officer-III (R&V), IGCAR, Department of Atomic Energy, vide letter dated 27.05.2020 as under:-

SL.No	INFORMATION SOUGHT	INFORMATION PROVIDED
1.	Provide certified copies of Memorandum understanding between the IGCAR and AEECCS Ltd Kalpakkam OR Agreement between the IGCAR and AEECCS Ltd Kalpakkam existing to authorize IGCAR to deduct money from the pensionary benefits such as Gravity, Leave Salary, Provident Fund and other benefits and last month withheld salary of an Employee of IGCAR, who is going to retire or retired, against any dues payable to AEECCS Ltd., Kalpakkam.	As per Rule 76 of Receipt & Payment Rules, recovery towards repayment to Stores & Society is admissible from the salary drawn. The Stores and Thrift & Credit Society is collecting an Authorising letter from the Borrower along with Loan Application Bond which is signed by the individual who is due to pay with Surety/witness in which he is giving consent to recover the dues from salary whoever is disbursing and if cease to be an employee, the disbursing officer or future employer from gratuity payable due in respect of any debt. As per Receipts & Payment Rules and based on Authorisation letter received from the Stores/Society, recovering of dues payable from salary are made and if not, from Retirement gratuity on communication from Stores/Society or Administration.
2.	If it so, provide the certified copy of government of India orders empowering IGCAR to deduct money from the pensionary benefits such as Gravity, Leave Salary, Provident Fund and other benefits and last month withheld salary of an Employee of IGCAR, who is going to retire or retired, against any dues payable to Atomic Energy Employees Consumers Co-operative Stores (AEECCS) Ltd, Kalpakkam either by him or by the way of guarantee/surety for the loan taken by others.	
3.	Provide certified copies of information of deduction made on the pensionary benefits of the retired employees of IGCAR from 2015 and copy of the legal instruments for such deduction from the pensionary benefits of the retired employees of IGCAR.	
4.	Provide certified copies of Memorandum understanding between the IGCAR and AEECCS Ltd Kalpakkam OR Agreement between the IGCAR and AEECCS Ltd Kalpakkam existing to authorize IGCAR to deduct money from the serving employees for the loans taken from AEECCS Ltd Kalpakkam.	

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 29.05.2020. The FAA, IGCAR, D/o Atomic Energy, vide order dated 23.06.2020 stated as under:-

2.3 On going through the RTI application dtd. 29.05.2020, I observe that the applicant i.e. Shri Sathasivam had sought copies of certain documents. However, instead of providing copies of the same if available with him, the CPIO has provided answers to your queries, which is not in line with the provisions of the RTI Act.

3. In view of the above, I am directing the CPIO to provide copies of the documents sought by you free of cost within 10 working days in case they are available. In case, copies of the documents are not available, the same shall be intimated to you within 10 working days, by the CPIO.

In Compliance of First Appellate Authority order dated 23.06.2020, the CPIO/Administrative Officer, vide letter dated 30.06.2020 stated that the documents sought are not available in IGCAR.

Feeling aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission is received from the Appellant dated Nil wherein while referring to the replies of the CPIO dated 27.05.2020 and 30.06.2020, he stated that the replies were contradictory to avoid giving the information. He stated that the administration had deducted amount for co-operative stores from retired employees which are not government dues as per Government of India standing orders. There is an immunity given to terminal benefits and pension for the reason that they are meant to meet the needs of a retired government employee in his old age and hence are immune from attachment. Thus, he prayed that correct information regarding the recovery made from retired employees of IGCAR for the year 2015 should be provided.

A written submission was also received from the Administrative Officer-III, IGCAR dated 21.02.2022 wherein it was stated that as per Rule 79 of the Central Government (Receipt and Payment) Rules, dues of cooperative societies registered under the various cooperative societies acts where such acts impose a statutory obligation on the government to effect such recoveries, shall be made by the drawing and disbursing officer if the government servant has authorised the drawing and disbursing officer to effect such recoveries. Vide letter dated 19.02.2022, the President, Atomic Energy Employees Cooperative Stores (AEECCS), Kalpakkam has certified that the Appellant has authorised the pay and accounts officer, IGCAR to deduct the monthly EMI and dues towards AEECCS Stores from his monthly salary. Hence, recovery from the monthly salary of the employees including the Appellant has been done in accordance with the extant rules and no MOU is required for this purpose. Also no such MOU exists between the IGCAR and AEECCS Stores. It was also stated that the Appellant has filed another Second Appeal No CIC/DOATE/A/2020/693271 dated 07.02.2022 seeking information in general about recoveries of co-operative societies dues effected from retirement benefits for the period from 01.02.2015 to 30.06.2020. Retirement dues are settlements made on an individual basis and the details are not available in a single file. Therefore the information is voluminous in nature and is sought in self interest rather than any public interest.

The Appellant filed an RTI application dated 24.07.2020 seeking information on 14 points which was replied by the CPIO/Administrative Officer-III (R&V), IGCAR, D/o Atomic Energy vide letter dated 21.08.2020 as under:-

Sl.No.	INFORMATION SOUGHT	INFORMATION PROVIDED
1.	The following information is requested in respect of each employee retired during the period from 01.02.2015 and 30.06.2020 in IGCAR	
	a. Name of Employee	
	b. Designation of Employee	The copies of the information/documents containing 14 pages is provided free of cost.
	c. Date of Retirement	
	d. Date of releasing of their retirement benefits including PF, Gratuity, insurance, Leave encashment and disbursement of pension. If the payment was delayed, kindly state the reasons for the delay.	The payment details in respect of each retiree during the period 2015 to 2020 could not be provided as the records are not kept in single file but scattered in various files/service records and information disclosure of which would disproportionately divert the resources of the Public Authority under section 7(9) of RTI Act. Further, concerned officers have stated that there is no delay in payment of PF, Gratuity, CGEGIS, Leave encashment and pension.
	e. State whether any adjustment was made from DCRG towards AEE Consumer Co-Operative Stores, Kalpakkam? If yes, please specify the date and reference number of the letter vide which such adjustment was made. Also state the name and Designation of the Officer who authorized such adjustment.	No adjustment was made from DCRG towards AEE Consumer Co-Operative Stores, Kalpakkam.
	f. State whether any adjustment was made from GPF towards AEE Consumer Co-Operative Stores, Kalpakkam? If yes, please specify the date and reference number of the letter vide which such adjustment was made. Also state the name and Designation of the Officer who authorized such adjustment.	No adjustment was made from GPF towards AEE Consumer Co-Operative Stores, Kalpakkam.



	g. State whether any adjustment was made from Leave Encashment towards AEE Consumer Co-Operative Stores, Kalpakkam? If yes, please specify the date and reference number of the letter vide which such adjustment was made. Also state the name and Designation of the Officer who authorized such adjustment.	No adjustment was made from Leave Encashment towards AEE Consumer Co-Operative Stores, Kalpakkam.
	h. State whether any adjustment was made from arrears of pension towards AEE Consumer Co-Operative Stores, Kalpakkam? If yes, please specify the date and reference number of the letter vide which such adjustment was made. Also state the name and Designation of the Officer who authorized such adjustment.	No adjustment was made from arrears of pension towards AEE Consumer Co-Operative Stores, Kalpakkam.
2.	Whether Secretary of the Department is informed that the delay in the payment of gratuity to the retired employees in IGCAR was caused on account of Non adherence of Min of Fin OM dated 31.08.1960 and CCS (Pension) Rules 1972. If so provide the certified copy of the sanction of payment of interest to delayed payment of gratuity by the Secretary of Department to IGCAR?	There was no delay in the payment of gratuity to the retired employees in IGCAR.
3.	If not, whether department found the officials responsible for the delay in payment of gratuity in IGCAR caused on account of Non adherence of Min of Fin OM dated 31.08.1960 and CCS (Pension) Rules 1972. If so provide action taken against the officials accountable for payment of interest in delayed payment of gratuity out of adjustment dues from DCRG for AEEC Co Op Stores Kalpakkam (other than Government Dues).	
4.	List of officer(s) and staff, with designation and office address, whose assistance sought by CPIO in terms of Sec-5(4) of RTI Act, in supplying information with respect to this RTI Application.	<p>1. Administrative Officer – III (Establishment) Establishment – I & II, Indira Gandhi Centre for Atomic Research, Kalpakkam – 603 102.</p> <p>2. Assistant Personnel Officer Establishment – I & II, Indira Gandhi Centre for Atomic Research, Kalpakkam – 603 102.</p> <p>3. Senior Accounts Officer, Accounts, Indira Gandhi Centre for Atomic Research, Kalpakkam – 603 102.</p>

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.09.2020. The FAA/Director, Indira Gandhi Centre for Atomic Research, Kalpakkam, vide order dated 20.10.2020 stated as under:-

SL. No	INFORMATION SOUGHT	INFORMATION PROVIDED BY CPIO	OBSERVATIONS OF THE APPELLATE AUTHORITY
(1)	(2)	(3)	(4)
1).	Query no. 1 (a), (b), (c)	The copies of the information/documents containing 14 pages is provided free of cost.	I observe that the CPIO, IGCAR has provided information / documents to you for Query nos. 1(a) to 1(c) which is mainly based on the response received from the deemed PIOs.
	Query no. 1(d)	The payment details in respect of each retiree during the period 2015 to 2020 could not be provided as the records are not kept in single file but scattered in various files/service records and information disclosure of which would disproportionately divert the resources of the Public Authority under section 7(9) of RTI Act. Further, concerned officers have stated that there is no delay in payment of PF, Gratuity, CGEGIS, Leave encashment and pension.	I further I observe that CPIO did not provide information for query no.1 (d) sought by you stating that the records are not kept in single file but scattered in various files/service records and information disclosure of which would disproportionately divert the resources of the Public Authority under Section 7 (9) of RTI Act. I tend to agree with the response of CPIO and therefore find no reason to interfere in this regard.
	Query no. 1(e)	No adjustment was made from DCRG towards AEE Consumer Co-Operative Stores, Kalpakkam.	I observe that the CPIO, IGCAR has provided the information based on the response received from the deemed PIO. I tend to agree with the response of CPIO and therefore find no reason to interfere in this regard.
	Query no. 1(f)	No adjustment was made from GPF towards AEE Consumer Co-Operative Stores, Kalpakkam.	
	Query no. 1(g)	No adjustment was made from Leave Encashment towards AEE Consumer Co-Operative Stores, Kalpakkam.	
	Query no. 1(h)	No adjustment was made from arrears of pension towards AEE Consumer Co-Operative Stores, Kalpakkam.	
2.	Query no. 2	There was no delay in the payment of gratuity to the retired employees in IGCAR.	
3.	Query no. 3		

Feeling aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission is received from the Appellant dated Nil wherein he stated that information as per Section 2 (f) of the RTI Act was not provided by the CPIO hence penal action u/s 20 (1) of the RTI Act should be initiated. He also referred to the Central Government Accounts (Receipts and Payments) Rules, 1983, M/o Finance OM F 11 (3) EV (A) 76 dated 29.02.1976 and recommendations contained in para 61 of the 44th Report of Parliamentary Standing Committee of Home Affairs regarding issuance of pension payment order/ gratuity payment order and disbursal of pensioners dues. While stating that Section 7 (9) of the RTI Act was incorrectly cited by the CPIO, the Appellant stated that disclosure of date of retirement and date of payment of retirement benefits viz pension, gratuity, leave encashment and CGEGIS cannot be detrimental to preservation of records. He further stated that information was provided against a similar RTI application filed with the M/ Education

A written submission has also been received from the Administrative Officer-III, IGCAR dated 21.02.2022 wherein while stating that the information is voluminous in nature it was stated that the Appellant was informed that there was no delay in payment of retirement benefits to the retirees and no adjustment were made from the DCRG, GPF, Leave Encashment and arrears of pension towards AEE Consumer Co-Operative Stores, Kalpakkam and other retirees during the period from 01.02.2015 to 30.06.2020. The reply of the CPIO was upheld by the FAA.

Facts emerging in Course of Hearing:

The Appellant and Shri Jussy Jacob, AO-III, IGCAR participated in the hearing through audio conference. Both the parties reiterated their written submissions sent to the Commission prior to the hearing. In addition, in Second Appeal No CIC/DOATE/A/2020/693271, the Appellant made a reference to the reply provided against a similar RTI application by M/o Education and therefore argued that the plea of the Respondent regarding disproportionate diversion of resources was not correct.

Decision:

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent in both the matters. Hence, no further intervention of the Commission is required in the instant matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeals stand disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
अभिप्रमाणित सत्यापित प्रति:

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