

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

शिकायत संख्या / Complaint No. **CIC/DOATE/C/2023/622875**
द्वितीय अपील संख्या / Second Appeal No. **CIC/IGCAR/A/2022/664079**

Shri D. Ganesan

शिकायतकर्ता / Complainant
... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Department of Atomic Energy

...प्रतिवादीगण / Respondent

PIO, Indira Gandhi Centre for Atomic Research

Date of Hearing : 19.03.2024

Date of Decision : 19.03.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from complaint:

RTI application filed on : 28.09.2022

PIO replied on : 26.10.2022

First Appeal filed on : 03.11.2022

First Appellate Order on : 11.11.2022

Complaint received on : 10.05.2023

2ndAppeal received on : 30.11.2022

Information sought and background of the case:

The Complainant/Appellant filed an RTI application dated 28.09.2022 seeking information on following points:-

“1) Kindly give me the copy of IGCAR records from which the Presenting Officer (PO) Shri. S. S. Boopathy and AAO (Y 2010)-IGCAR has verified the records as my caste status as BC for my higher studies (DME) application and my daughter's education (1st STD and 11th STD for Atomic Energy Central School (AECS)).

2) In case of No records/No correct information for the query.1 and a false verification report issued by PO Shri. S.S. Boopathy and AAO (Y 2010)-IGCAR to me, whether an action was taken against such erring officials?

Provide me the copy of such charge sheet against Shri. S.S. Boopathy and respective AAO.

3) If the countersign on my application mentioned in query 1, if wrongly attested by Shri. S.S Boopathy and AAO (Y 2010) IGCAR, was there any punitive administrative action taken against these officials? If not why?

4) Whether the promotions so far given to me in IGCAR is based on merit? or against reservation? Give details.

5) Whether the roster point at which my name was filled during my selection in BARC in the year 1987? Are there any candidates who are affected through this? Give me the list of candidates or at least number of candidates affected if I am placed on roster point by mistake by administration.

6) Provide me the copy of the selected candidates with roster points during my selection in BARC in the year 1987.

7) Whether any relaxations given to me through reserved category during my tenure in IGCAR? Give details of such relaxation.

8) Why IGCAR administration has not properly updated the records from BARC administration that no information available pertaining to the placement of my selection through age relaxation and appropriately exonerated me from levelled charges? Provide me the records obtained from BARC.

9) Are there any inquiry done by BARC administration against any administration official for any wrong short listing of selected candidates, Certificate verification or wrong selection of candidates during my selection in BARC in the year 1987? If so, give the details of such inquiry and proceedings!

10) Up to what level of administration & technical administration the "HURIST" data base was given access in MMG during 2013?

11) How was the HR database from "HURIST" made available to the miscreants who displayed daringly (copy attached) in IGCAR notice board containing the "HURIST" data table?

12) Any investigation was done by IGCAR administration about the misuse of my personal "HURIST" data record on the notice boards in IGCAR ?

13) Are you aware of the DOPT orders, Office Memorandum, O.M. No. 36012/13/88-Estt. (SCT), Dt May, 22,1989 And Office Memorandum, O.M. No. 36011/1/98-Estt. (Res), dated 01/07/1998?

14) Whether the orders referred in query 13 used in my case for giving age relaxation? If so why roster point was not set for my case?

15) And other related information."

The Administrative Officer-III(Vig.)/CPIO, Department of Atomic Energy, Kalpakkam vide letter dated 26.10.2022 replied as under:-

Point Nos. 1 to 21:- A Special Leave Petition (C) No. 15023 of 2022 and Diary No.: 23510/2022 is filed by Shri D.Ganesan in the Honorable

Supreme Court of India, the matter is subjudice. Hence the requested information could not be provided under Section 8(1) of RTI Act, 2005.”

Dissatisfied with the response received from the CPIO, the Complainant/Appellant filed a First Appeal dated 03.11.2022. The FAA vide order dated 11.11.2022 stated as under:-

"CPIO is directed to peruse the RTI Application dated 28.09.2022 and provide those information which fall within the definition of "information" under Section 2(f) of the RTI Act, 2005, if they are available, within a period of 15 days from the date of this Order without any cost for providing the information, if any"

In compliance of order of FAA, the PIO has furnished point-wise reply dated 25.11.2022.

Aggrieved and dissatisfied with the non-compliance of FAO, the Complainant/Appellant approached the Commission with the instant Complaint.

Written submissions dated 15.03.2024 has been received from the CPIO and same has been taken on record for perusal.

Written submissions dated 16.03.2024 has been received from the Complainant/Appellant and same has been taken on record for perusal.

Facts emerging in Course of Hearing:

Complainant/Appellant: Present through video conferencing

Respondent: 1. Mr. P.T. Mani, AO-III/CPIO, IGCAR
2. Mr. Balaji, CAO, BARC

The Complainant/Appellant stated that the relevant information has not been furnished to him till date. He stated that the information sought is not related to any third party. He stated that the information sought relates to his service details and same is essential to get exonerated from wrongly framed charges.

The Respondent stated that the relevant information sought has been duly furnished to the Complainant/Appellant in compliance of order of FAA. He stated that the Complainant/Appellant was their employee and order of compulsory retirement was issued Complainant/Appellant as punishment for misconduct. He offered inspection of records to the Complainant/Appellant

Decision:

Since both the aforementioned cases arise out of the same RTI Application, they are clubbed together for final hearing and disposal.

Commission based on the averment made by the parties during hearing, directs the PIO to provide an opportunity to the Complainant/Appellant or his authorised representative, to inspect available and relevant records as sought in the instant RTI Application, on a mutually decided date and time duly intimated to the Appellant telephonically and/or in writing.

In case, relevant information pertains to some other Branch/Department, then the concerned PIO should procure and provide relevant documents for the said inspection. Copy of documents, if desired by the Complainant/Appellant upon inspection should be provided upon payment of prescribed fees as per RTI Rules, 2012. **However, no information shall be furnished by the PIO, to the Complainant/Appellant, which is exempted from disclosure under the RTI Act, 2005.** PIO must make sure that only information pertaining to Complainant/Appellant must be produced for inspection and no records pertaining to any third party must be produced.

The said direction should be complied within 30 days from the date of receipt of this order and accordingly compliance report to this effect be duly sent to the Commission by the PIO. No further action lies. The Second Appeal No. **CIC/IGCAR/A/2022/664079** is disposed of, accordingly.

As regards the Complaint No. **CIC/DOATE/C/2023/622875**, the Commission observes that prima facie there is no malafide intention of obstructing the information to the Appellant/Complainant, hence no action warranted under section 20 of the RTI Act. Therefore, the aforementioned Complaint is disposed off, accordingly.

Matters are disposed of accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

