

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/IGCAR/A/2023/621948**

Shri D. Ganesan

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Indira Gandhi Centre for Atomic Research

... प्रतिवादीगण / Respondent

Date of Hearing : 19.03.2024

Date of Decision : 19.03.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 31.01.2023

PIO replied on : 14.02.2023

First Appeal filed on : 25.02.2023

First Appellate Order on : - -

2nd Appeal/complaint received on : 03.05.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 31.01.2023 seeking information on the following points:-

1. "Copy of the Letter with all annexures submitted by IGCAR to the District Vigilance Committee, Kancheepuram (Letter No. IGCAR/PF5367/2012/P1/290, dated 3.8.2012)
2. Copy of the reply from the District Vigilance Committee for the letter given by IGCAR to the District Vigilance Committee referenced in Query.1
3. Whether a valid caste certificate in the appropriate format submitted by the applicant (Shri. D. Ganesan IC No: 5367) during joining in BARC?
4. If the certificate mentioned in Query.3 is not valid, any departmental action/Inquiry initiated against the administrative officer who validated the invalid certificate for appointment? Kindly provide the Name and administrative officer who validated the invalid certificate.
5. The reply to my earlier RTI (No. IGCAR/2(23)A/2022-23/Admn(Vig)-1041, dated November 25,2022)for Query 17 was reasoned that from the District collector's reply dated 12.3.2013, the caste status for me is updated in my APAR.
(a) Why was my APAR period 2013-2014, 2014-2015 not updated (as 'not SC') as per the verification from District collectors letter dated 12/03/2013?
(b) Why was my APAR period 2015-2016 & 2016-2017 alone updated as 'not SC'?
(c) Why was my APAR period 2017-2018, 2018-2019, 2019-2020, 2020-2021 updated as 'SC'?

The CPIO/Administrative Officer-III, Indira Gandhi Centre for Atomic Research vide letter dated 14.02.2023 replied as under:-

Point No. 1:- "Copy of letters shall be obtained by paying a fee of Rs.4/- (Rs.2/- per page X 02 pages) which shall be remitted by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Pay & Accounts Officer, IGCAR. Kalpakkam.

Point No. 2:- Copy of letters shall be obtained by paying a fee of Rs.2/- (Rs.2/- per page X 01 page) which shall be remitted by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Pay & Accounts Officer, IGCAR. Kalpakkam.

Point No. 3:- Shri D. Ganesan joined as Cat-II, Trainee in BARC, Mumbai on 16.04.1987. No information regarding validation of caste certificate is available in this centre.

Point No. 4:- Not applicable

Point No. 5:- Reply to the query was already furnished vide reply No. IGCAR/2(23)A/2022-23/Admn(Vig.)-1041, Dated November 25, 2022.

PIO can provide information which exists in material form under section 2(f) and not expected to give reasons/clarifications on any matter."

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 25.02.2023 which was not adjudicated by the FAA as per available records. An interim reply dated 11.04.2023 is a part of the Appeal.

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

Facts emerging in Course of Hearing:

A written submission has been received from CPIO vide letter dated 15.03.2024 reiterating the above facts and adding that an interim reply dated 11.04.2023 and final reply dated 04.05.2023 were submitted by the Respondent furnishing information available on record, as follows:

For CIC notice vide reference no. CIC/IGCAR/A/2023/621948 dated 27.02.2024, reply to the applicant was furnished by CPIO at first instance to all the queries for which the information was sought and the Appellate Authority was of the opinion in upholding the decision of the CPIO and no obligation can be cast on the CPIO to provide further information to the appellant for Query nos.3,4 and 5 beyond what has already been given to him. The public authority under the RTI Act is not supposed to create information or to interpret information or express opinion or deduce conclusion on information and supply the conclusion or answer interrogative questions or to furnish replies to hypothetical questions. Hence, the fact leading to appeal has no relevance to the reply furnished by CPIO and the Appellate Authority.

Hearing was scheduled after giving prior notice to both the parties.

Appellant: Present through video conference

Respondent: Shri P T Mani – CPIO was present through video conference during hearing.

Both parties are present for hearing and reiterated their respective contentions. The Respondent referred to the aforementioned documents including the PIO's reply and the detailed written submission dated 15.03.2024 duly supported by the relevant annexures stating that the information held by the public authority has already been furnished to the Appellant, in terms of the provisions of the RTI Act. It was also pointed out by the Respondent that if the Appellant so desires, he can personally visit the office of the Respondent at a mutually agreed date and time to inspect the relevant documents, in accordance with the provisions of the RTI Act.

Decision:

Upon perusal of records of the case and after hearing submissions averments of both parties, it is evident that appropriate reply containing information available on record with the public authority as defined under Section 2(f) of the RTI Act had been duly sent by the PIO, in terms of the provisions of the RTI Act.

It is noted that the written submission dated 15.03.2024 filed by the Respondent before the Commission contains detailed, comprehensive and self explanatory information. Hence, the Commission hereby directs the PIO to send the Appellant a copy of the written submission dated 15.03.2024 with all the annexures as filed before the Commission, within two weeks of receipt of this order.

As submitted by the Respondent during the course of hearing, the Respondent shall also grant inspection of the records which pertain to the Appellant, as permissible under the RTI Act, if he approaches them within thirty days of receipt of this order. The Respondent shall submit a compliance report in this regard before the Commission, within one week thereafter.

The appeal is disposed off with the above directions.

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