

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

शिकायत संख्या / Complaint No. **CIC/IGCAR/C/2023/643862**

Shri D. Ganesan

शिकायतकर्ता / Complainant

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 complaint:

RTI application filed on : 31.01.2023

PIO replied on : 14.02.2023

First Appeal filed on : 25.02.2023

First Appellate Order on : 04.05.2023

2ndAppeal/complaint received on : 09.09.2023

Information sought and background of the case:

The Complainant 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 Complainant filed a First Appeal dated 25.02.2023. The FAA vide order dated 04.05.2023 held as under:-

“(i) “With respect to information sought by the Appellant under SI.No.1, CPIO is directed to furnish to the appellant annexures/attachments to the letter as available on record, free of cost, within fifteen days from the date of this Order.

(ii) As regards the information sought by the appellant under SI.No.3, 4 and 5 the appellant is apprised that a citizen's right extends only to seeking information as defined in section 2(f) of the RTI Act, either by pinpointing the file, document, paper or records, etc. or by mentioning the type of information as may be available with the public authority and does include within its fold answers to the question or seeking the reason or justification for a particular thing Only such information can be had under the Act which already exists with the public authority. 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. The Public Authority cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Interpretation or expression of opinion on the "information" and justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.

In view of the above, no obligation can be cast on the CPIO to provide any further information to the appellant for Sl. No.3, 4 and 5 beyond what has already been given to him.”

Aggrieved and dissatisfied with the non-compliance of FAO's order with respect to SI.No.1, the Complainant approached the Commission with the instant Complaint.

Facts emerging in Course of Hearing:

A written submission dated 12.03.2024 has been received from the Complainant which has been taken on record.

Written submission dated 15.03.2024 has been received from the PIO, stating that information available has been furnished to the applicant, well within the timeline specified under the Act and adding as under:

4) The conduct of the appellant is far from fair and being information seeker with an intent to use it for personal interest and relentlessly submerge the normal functioning of the Public Authority under a deluge of repetitive and irrelevant paperwork. This has resulted in the Public Authority' getting bogged down with the non-productive work of collecting and furnishing information and to the detriment of considering more important and time bound issues.

5) It is not clear as to what kind of information will satisfy the appellant. The nature of queries and the information sought are such that the appellant would never be satisfied because the promotion of self-interest, rather than public interest, is dominant. The appellant may note that Right to information is a fundamental right of the citizens, but it cannot be used indiscriminately to fulfill the demands of one individual.

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

Appellant: Present through video conference

Respondent: Shri P T Mani – CPIO, IGCAR and Shri Balaji – CPIO, BARC were 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 the records of the case, particularly the detailed written submission dated 12.03.2024 filed by the Respondent, it is evident that the

Respondent had furnished information in terms of the provisions of the RTI Act. Since the Complainant has chosen to approach the Commission with this Complaint under Section 18 of the RTI Act, the only question which requires adjudication is whether there was any willful concealment of information. From the documents placed forth by both parties it appears that the Respondent had sent appropriate responses based on the provisions of the RTI Act, 2005. Therefore, no question of deliberate or wilful denial of information arises in this case.

It is noted that the written submission dated 12.03.2024 filed by the Respondent before the Commission contains detailed, comprehensive and self explanatory information. Hence, the Commission hereby directs the PIO to send the Complainant a copy of the written submission dated 12.03.2024 with all the annexures as filed before the Commission, through speed post, within two weeks of receipt of this order.

The case is disposed off 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