

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

द्वितीय अपील संख्या / Second Appeal No.

शिकायत संख्या / Complaint No.

CIC/DOATE/C/2022/613321
CIC/BNVNL/A/2022/601542
CIC/BARKP/A/2022/633455
CIC/BARKP/A/2022/633425
CIC/BARKP/A/2022/610349
CIC/BARKP/A/2022/610497

CIC/BARKP/A/2022/610301
CIC/GSOKP/A/2022/605137
CIC/IGCAR/A/2022/605468
CIC/IGCAR/A/2022/605140
CIC/IGCAR/A/2022/601651

Shri R Gopinath

... अपीलकर्ता / Appellant

शिकायतकर्ता / Complainant

VERSUS/बनाम

1. PIO, Department of Atomic Energy
2. PIO, Bharatiya Nabhikiya Vidhyut Nigam Ltd. (BHAVINI)
3. PIO, BARC Facilities, Kalpakkam
4. PIO, General Services Organisation, Kalpakkam
5. PIO, Indira Gandhi Centre for Atomic Research

...प्रतिवादीगण / Respondent

Date of Hearing : 18.12.2023

Date of Decision : 19.12.2023

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

Since all the cases have been filed by the same applicant, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 nd Appeal/ Complaint received on
613321	15.02.2022	04.03.2022	-	-	05.03.2022
601542	03.11.2021	02.12.2021	08.12.2021	06.01.2022	08.01.2022
633455	21.11.2021	28.12.2021	21.01.2022	06.06.2022	22.06.2022
633425	09.12.2021	24.12.2021	18.01.2022	19.05.2022	21.06.2022
610349	10.09.2021	08.10.2021	07.12.2021	08.02.2022	20.02.2022

				2	
610497	16.11.2021	08.12.2021	10.12.2021	07.01.2022	20.02.2022
				2	
610301	03.11.2021	02.12.2021	08.12.2021	07.01.2022	18.02.2022
				2	
605137	05.10.2021	26.10.2021	09.11.2021	13.12.2022	25.01.2022
				1	
605468	21.09.2021	20.10.2021	16.12.2021	13.01.2022	27.01.2022
				2	
605140	15.11.2021	14.12.2021	15.12.2021	17.01.2022	25.01.2022
				2	
601651	20.08.2021	17.09.2021	07.12.2021	06.01.2022	08.01.2022
				2	

Information sought and background of the case:

(1) CIC/DOATE/C/2022/613321

The Complainant filed an RTI application dated 15.02.2022 seeking the following information:-

"Provide information to whom I should complain his/her name, designation, e-mail id, Fax no, phone no, office full address with pin code of the following government sectors.

- a) Department of Atomic Energy Kalpakkam BARCF Head office.
- b) Department of Atomic Energy Head office.
- c) Department of Atomic Energy Vigilance Head office.
- d) Nuclear Research Board office.
- e) Atomic Energy Committee office.
- f) Atomic Energy Chairman office.
- g) Ministry of Home office.
- h) Prime minister of India PM office.
- i) President of India office.
- j) Other complain related office at Department of Atomic Energy.
- k) Department of Atomic Energy office."

The PIO/Under Secretary, Department of Atomic Energy, vide letter dated 04.03.2022 replied as under:-

"In terms of the observation of Hon'ble Supreme Court on Right to Information Act, 2005 in Civil Appeal No.6454 of 2011, in case of Central Board of Secondary Education and Another Verses Aditya Bandyopadhyay and others, "The public information officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an Applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an Applicant.

The reference to 'opinion' or 'advice' in the definition of 'information' in Section 2(f) of the Act, only refers to such material available in the records of the public authority."

Aggrieved and dissatisfied, the Complainant approached the Commission with the instant Complaint.

The Respondent vide written submission dated 13.12.2023 has reiterating the abovementioned facts of the case and added as under:

a. At the outset it is submitted that there is no public interest involved in the information sought by Appellant/Applicant and hence this Appeal is liable to be dismissed.

b. The Applicant approached the Chief Information Commissioner without exhausting the remedies (First Appeal) available before him. It is stated that the CPIO replied to the Applicant on 04.03.2022 against his Application dated 15.02.2022. The Applicant had immediately submitted his Appeal to Chief Information Commissioner on 04.03.2022 without making First Appeal. He made First Appeal on 08.03.2022 to Appellate Authority i.e. after submitted his Appeal to CIC. It has been clearly brought out by the Appellate Authority in his order dated 01.04.2022 that "the Applicant sought remedies from multiple authorities even before exhausting hierarchical channels available under the RTI Act. Hence this Appeal is liable to be dismissed."

(2) CIC/BNVNL/A/2022/601542

The Appellant filed an RTI application dated 03.11.2021 seeking the following information:-

- 1.Current Private Contractors Contracting Under kalpakkam BHAVINI Name List of Private Contractors Granted Diwali Bonus.*
- 2.Current Private Contractors Contracted Under kalpakkam BHAVINI Name List of Private Contractors Not Granted Diwali Bonus.*
- 3.Current Private Contractors Contracted Under kalpakkam BHAVINI Provide information on the number of private contractors who have not been awarded Diwali bonus.*
- 4.Current Private Contractors Contracting Under kalpakkam BHAVINI Provide information on the number of private contractors awarded Diwali bonus.*
- 5.Provide complete information on the departmental action to be taken on behalf of the management of Kalpakkam BHAVINI against private contractors who have not been paid Diwali bonus.*
- 6. Private contractors under the management of Kalpakkam BHAVINI will be provided with complete information on the departmental action to be taken by the Central Labor Commission Chennai office against private contractors who have not been paid Diwali bonus."*

The PIO/Sr. Manager(HR), BHAVINI, vide letter dated 02.12.2021 replied as under:-

“No such information is available”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 08.12.2022. The FAA, BHAVINI, vide order dated 06.01.2022 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 14.12.2023 reiterating the aforementioned facts and added that the same case has been adjudicated as case number CIC/BNVNL/C/2021/658089 vide order dated 28.11.2022.

(3) CIC/BARKP/A/2022/633455

The Appellant filed an RTI application dated 21.11.2021 seeking the following information:-

“01. Provide date wise information on overall contract work orders issued copy to the following private companies through kalpakkam Baba Atomic Research Center facilities operating under the Central Atomic Energy Department from last 01/05/2010 to until the day the information is provided J.

(a) M/s Ganesh Air conditioning & Refrigerating Servicing, 6/141A, Bazaar Street, Sadras, Kalpakkam, Chengalpattu District-603102

(b) A. Basker, Civil Contract, No: 1/109, Meyur, Sadras, Salai Street, Kalpakkam, Chengalpattu district-603102

02. Provide information on the Nurnber of overall contract work orders issued copy to the following private companies from last | 01/05/2010 to until the day the information is provided | by Kalpakka Baba Atomic Research Center of facilities operating under the central Atomic Energy Department

(a) M/s Ganesh Air conditioning & Refrigeratin Servicing. 6/141A, Bazaar Street, Sadras, Chengalpattu District-603102 Kalpakkam,

(b). A Basker, Civil Contract, No: 1/109, Meyur, Sadras, Salai Street, Kalpakkam, Chengaipattu district-603102”

The PIO/Administrative Officer-III, Department of Atomic Energy, vide letter dated 28.12.2021 replied as under:-

“Disclosure of information is exempted under Section 7(9) of RTI Act as it would divert the resources of the public authority.

Besides, in the opinion of the undersigned, the information sought does not serve any public interest and therefore disclosure is exempted under Section 8 (1) j of RTI Act.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.01.2022. The FAA/Facility Director, Department of Atomic Energy, vide order dated 06.06.2022 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 13.12.2023 has reiterated the aforementioned facts and adding as follows:

The Applicant, who was working as a contract labour under one of the contractors engaged by the BARCF (K) and subsequently terminated by the Contractor, is in the habit of submitting of many RTI applications frequently. Thus the Applicant is intending to divert the source of government from any useful purpose.

(4) CIC/ BARKP/A/2022/633425

The Appellant filed an RTI application dated 09.12.2021 had sought information related to fortnightly statement of all contractors as per Clause 19(D) section IV submitted to concerned Engineer In-Charge of overall BARCF Kalpakkam for January and July during the period from 2014 to 2017. He also sought information of the number of copy of fortnightly statement of all contractors as per Clause 19(D) section IV submitted to concerned Engineer In-Charge of overall BARCF Kalpakkam for January and July during the period from 2014 to 2017.

The PIO, BARC Facilities, Kalpakkam, vide letter dated 24.12.2021 replied as under:-

“Remarks: you are requested to provide the exact details of the act which you are referring to Clause 19D Section IV so as to process your application.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 18.01.2022. The FAA/Facility Director, BARCF, vide order dated 19.05.2022 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 13.12.2023 has reiterated the aforementioned facts and added as follows:

The Applicant, who was working as a contract labour under one of the contractors engaged by the BARCF (K) and subsequently terminated by the Contractor, is in the habit of submitting of many RTI applications frequently. Thus the Applicant is intending to divert the source of government from any useful purpose.

(5) CIC/ BARKP/A/2022/610349

The Appellant filed an RTI application dated 10.09.2021 seeking various information including terms and conditions, eligibility criteria of contractors with respect to tender no. BARC/IMRPK/KARP/MECH/TR-215/2018.

The PIO, BARC Facilities, Kalpakkam, vide letter dated 08.10.2021 replied as under:-

“Remarks:- Information sought by you have already been inspected by you with a request to note down for supply of copies. However, you have preferred a fresh application on the same Work Order TR/215/2018. Copies of documents are awaited from the custodian and the same will be intimated to you for supply on making additional payment of fee as per rules.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 07.12.2021. The FAA, BARC Facilities, Kalpakkam, vide order dated 08.02.2022 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 13.12.2023 has reiterated the aforementioned facts and added that the same case has been adjudicated as case number *CIC/BARKP/C/2021/657836* vide order dated 28.11.2022.

(6) CIC/BARKP/A/2022/610497

The Appellant filed an RTI application dated 16.11.2021 seeking the following information:-

- “1.Current Private Contractors Contracting Under Kalpakkam Baba Atomic Research Center Facilities Name List of Private Contractors Granted Diwali Bonus.*
- 2.Current Private Contractors Contracted Under Kalpakkam Baba Atomic Research Center Facilities Name List of Private Contractors Not Granted Diwali Bonus.*
- 3.Current Private Contractors Contracted Under Kalpakkam Baba Atomic Research Center Facilities Provide information on the number of private contractors who have not been awarded Diwali bonus.*
- 4.Current Private Contractors Contracting Under Kalpakkam Baba Atomic Research Center Facilities Provide information on the number of private contractors awarded Diwali bonus.*
- 5.Provide complete information on the departmental action to be taken on behalf of the management of Kalpakkam Baba Atomic Research Center Facilities against private contractors who have not been paid Diwali bonus.*
- 6.Private contractors under the management of Kalpakkam Baba Atomic Research Center Facilities will be provided with complete information on the*

departmental action to be taken by the Central Labor Commission Chennai office against private contractors who have not been paid Diwali bonus.”
The PIO/Administrative Officer, Department of Atomic Energy, BARC Facilities, vide letter dated 08.12.2021 replied as under:-

- “1. It is a statement and no information as defined under Section 2(f) is sought.*
- 2. It is a statement and no information as defined under Section 2(f) is sought.*
- 3. Query is speculative in nature and therefore does not constitute as information as per Section 2(f) of RTI Act.*
- 4. No information is available with this authority on Diwali bonus.*
- 5. No information, could be furnished as the query is speculative.*
- 6. It is a statement and no information as defined under Section 2(f) is sought.”*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 10.12.2021. The FAA/Facility Director, BARCF, vide order dated 07.01.2022 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 13.12.2023 has reiterated the aforementioned facts and added that the same case has been adjudicated as case number *CIC/BARKP/C/2021/659289* vide order dated 28.11.2022.

(7) CIC/BARKP/A/2022/610301

The Appellant filed an RTI application dated 03.11.2021 seeking the following information:-

- “01. Kindly provide information the solvency certificate which was submitted based on Tender No. with respect of view(1).*
- 02. Kindly provide information the insurance policies certificate which was submitted based on Tender no. with respect of view(1)*
- 03. Kindly provide name list of the documentary submitted by the contractor before issuing the above tender no.*
- 04. View (1) kindly provide total no. of pages with respect to the documentary proof submitted by the contractor before issuing the above tender no.*
- 05. View (1) kindly provide copies all documents submitted by the contractor before issuing the above tender no.*
- 06. View (1) kindly provide copies photo of information of above Tender No.*
- 07. View(1) kindly provide details of the procedure followed by the contractor from commencement of the work to exit of the contract*

08. View (1) kindly provide details of legal procedure not followed by the contractor from commencement at the work to expiry of the contract.
09. View (1) kindly provide list of the documentary proof submitted by the contractor after issuing the above Tender
10. View (1) kindly provide name list of the documentary proof not submitted by the contractor after issuing the above Tender”

The PIO/Administrative Officer, BARC Facilities, vide letter dated 02.12.2021 replied as under:-

- “1 . The document was submitted in fiduciary relationship with this public authority and therefore disclosure of copy of the document is exempted under Section 8(1)(e) of RTI Act.
2. Disclosure of information sought is exempted under Section 8(1)(j) of RTI Act as its third party information.
3. Documents sought vide the NIT have been submitted.
4. 25
- 5.& 6. Disclosure of information sought is exempted under Section 8(1)(e) of RTI Act since it is submitted on fiduciary relationship with this public authority.
7. Information sought is not in accordance with definition under the Section 2(f) of RTI Act
8. Query is speculative in nature and being a leading question, does not constitute as information under Section 2(f) of RTI Act.
9. Performance Guarantee
10. Query is speculative in nature therefore does not constitute as information under Section 2(f) of RTI Act.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 08.12.2021. The FAA/Facility Director, BARC Facilities, vide order dated 07.01.2022 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 13.12.2023 has reiterated the aforementioned facts and added that the same case has been adjudicated as case number *CIC/BARKP/C/2021/658712* vide order dated 28.11.2022.

(8) CIC/GSOKP/A/2022/605137

The Appellant filed an RTI application dated 05.10.2021 seeking the following information:-

- “1. Kindly provide information the solvency certificate which was submitted based of Agt No. with respect of view (i) and view (2).
2. Kindly provide information the insurance policies certificate with was submitted based on Agt. No with respect of view(1) and view (2).

3. View(1) and view(2) kindly provide name list of the Documentary proof submitted by the contractor before issuing the above Agreement No.
4. View(1) and view(2) kindly provide total no of pages with respect to the Documentary proof submitted by the contractor before issuing the above Agreement No.
5. View(1) and View (2) Kindly provide copies of all Documents submitted by the Contractor before issuing the above Agt. No.
6. View(1) and view(2) kindly provide copies photo of Information of above Agt. No.
7. View(1) and View(2) kindly provide details of the procedure followed by the contractor from common cement of the work to expiry of the contract.
8. View (1) and View (2) kindly provide details of legal procedures not followed by the contractor from common cement of the work to the expiry of the contract.
9. View (1) and View(2) kindly provide list of the Documentary proof submitted by the contractor after issuing the above Agreement No.
10. View(1) and view(2) kindly provide name list of the Documentary proof not submitted by the contractor after issuing the above Agt No.”

The PIO/Administrative Officer-III, Department of Atomic Energy, General Services Organisation, vide letter dated 26.10.2021 replied as under:-

“For Point 1 to 6:- The information/documents sought are exempted under Section 8(1)(d) of the RTI Act 2005.

For point 7 & 8:- It may please be noted that the procedures as per contract conditions are being followed during execution.

For point 9 & 10:- The information/documents sought is exempted under Section 8(1)(d) of the RTI Act 2005.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 09.11.2021. The FAA/Chief Administrative Officer, Department of Atomic Energy, General Services Organisation, vide order dated 13.12.2021 upheld the reply of the CPIO.

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

The Respondent vide written submission dated 14.12.2023 has reiterated the aforementioned facts and added that the same case has been adjudicated as case number *CIC/GSOKP/C/2021/652156*, vide order dated 29.11.2022.

(9) CIC/IGCAR/A/2022/605468

The Appellant filed an RTI application dated 21.09.2021 seeking the following information:-

1. Kindly provide the copy of the terms and condition special instruction to the tenders and requirements and eligibility criteria issued to the contractor with respect to above tender.
2. Kindly provide the details of the Officer (Name, Designation, Telephone no., e-mail) who evaluated the contractors with respect to the above mentioned tender.
3. Kindly provide the copies of the below mentioned "Mandatory documents of the assessed tenders submitted by the contractors
 - i). Completion certificate of previous work order
 - ii) 40%, 60% & 80% estimated cost of previous work details
 - iii) Last three financial year average annual turn over (gross) of estimated cost.
 - iv) Profit, loss details of last five years
 - v) Company registration certificates
 - vi) Bidding capacity
 - vii) Performance certificate of previous work orders
4. Kindly provide the copies of the documents of the wage register from the date of issue of the above work order till the date of closure with respect to the salary issued to the workers.
5. Kindly provide the copy of the Insurance policy issued to the contract workers working in the above job.
6. Kindly provide the documents related to the 19 D (Clause) form (monthly wise) issued by the employer to the Engineer-in-charge"

The PIO/Administrative Officer-III, Department of Atomic Energy, Indira Gandhi Centre for Atomic Research, Kalpakkam, vide letter dated 20.10.2021 replied as under:-

1. Requisite information consists of 02 pages
2. Confidential Information (Disclosure of this information would prejudicially affect the security and safety of the officer concerned). Hence the information is denied under Section 8(1)(d) of RTI Act. 2005.
3. Requisite information consists of 19 pages
4. Third party information willingness of contractor was sought to know whether such information can be disclosed or not. Contractor was not willing and provided declaration through Ref:GAC&RS/E.Mail/2020/01 dt.: 0906.2020, which IS enclosed in Annexure-3. Hence the information sought is denied as per Section 8(1)(j) of RTI Act, 2005.
(Total no. Pages: 01 page)
5. Third party information willingness of contractor was sought to know whether such information can be disclosed or not. Contractor was not willing and provided declaration through Ref:GAC&RS/E-Mail/2020/01 dt.: 0906.2020, which is enclosed in Annexure-3 Hence the information sought is denied as per Section 8(1)(j) of RTI Act, 2005.
6. Requisite information consists of 24 pages"

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 16.12.2021. The FAA, Indira Gandhi Centre for Atomic Research, Kalpakkam, vide order dated 13.01.2022 stated as under:-

“03. AND WHEREAS as per Section 19(3) of the RTI Act, a second appeal against the decision of the First Appellate Authority lies before the Central Information Commission. Whereas the appellant has preferred a second appeal before the Central Information Commission against the decision of the Central Public Information Officer even before preferring an appeal before the First Appellate Authority. Since the appellant has directly preferred second appeal vide Registration no. CIC/IGCAR/C/2021/659571 dated 11/12/2021, the undersigned cannot decide on the first appeal. Therefore, decision of the Central Information Commission may be awaited.”

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

The Respondent vide written submission dated 15.12.2023 has reiterated the aforementioned facts.

(10) CIC/IGCAR/A/2022/605140

The Appellant filed an RTI application dated 15.11.2021 seeking the following information:-

- “1. Current Private Contractors Contracting Under Kalpakkam Indira Gandhi centre for atomic research Name List of Private Contractors Granted Diwali Bonus.*
- 2. Current Private Contractors Contracted Under Kalpakkam Indira Gandhi centre for atomic research Name List of Private Contractors Not Granted Diwali Bonus.*
- 3. Current Private Contractors Contracted Under Kalpakkam Indira Gandhi centre for atomic research Provide information on the number of private contractors who have not been awarded Diwali bonus.*
- 4. Current Private Contractors Contracting Under Kalpakkam Indira Gandhi centre for atomic research Provide information on the number of private contractors awarded Diwali bonus.*
- 5. Provide complete information on the departmental action to be taken on behalf of the management of Kalpakkam Indira Gandhi centre for atomic research against private contractors who have not been paid Diwali bonus.*
- 6. Private contractors under the management of Kalpakkam Indira Gandhi centre for atomic research will be provided with complete information on the departmental action to be taken by the Central Labor Commission Chennai office against private contractors who have not been paid Diwali bonus.”*

The PIO/Administrative Officer-III, Department of Atomic Energy, Indira Gandhi Centre for Atomic Research, Kalpakkam, vide letter dated 14.12.2021 replied as under:-

“For Point 1 to 4:- Information is not available in this Centre.

For Point 5 to 6 :- This is not an information under Section 2(f) of RTI Act, 2005.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 15.12.2021. The FAA/Chief Administrative Officer, Department of Atomic Energy, Indira Gandhi Centre for Atomic Research, Kalpakkam, vide order dated 17.01.2022 stated as under:-

“03. AND WHEREAS as per Section 19(3) of the RTI Act, a second appeal against the decision of the First Appellate Authority lies before the Central Information Commission. Whereas the appellant has preferred appeal before the First Appellate Authority and a second appeal before the Central Information Commission on the same day i.e., 15/12/2021, against the decision of the Central Public Information Officer without waiting for disposal of first appeal by the First Appellate Authority. Since the appellant has directly preferred second appeal vide Registration no. CIC/IGCAR/C/2021/660336 dated 15/12/2021, the undersigned cannot decide on the appeal. Therefore, decision of the Central Information Commission may be awaited.”

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

The Respondent vide written submission dated 15.12.2023 has reiterated the aforementioned facts.

(11) CIC/IGCAR/A/2022/601651

The Appellant filed an RTI application dated 20.08.2021 sought information in respect of IGCAR.

The APIO/Assistant Personnel Officer, Department of Atomic Energy, Indira Gandhi Centre for Atomic Research, Kalpakkam, furnished the information vide letter dated 17.09.2021.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 07.12.2021. The FAA/Chief Administrative Officer, Department of Atomic Energy, Indira Gandhi Centre for Atomic Research, Kalpakkam, vide order dated 06.01.2022 stated as under:-

“03. AND WHEREAS the undersigned called for all the relevant records pertaining to the RTI application and perused the same. The information sought by the applicant seeking for the relevant records for which the prescribed fee was paid by the applicant has been consolidated and the copies are ready to be furnished. The CPIO is directed to furnish the documents by 07/01/2022.

04. NOW THEREFORE, the undersigned in exercise of the powers conferred under Section 19 (6) of the RTI Act, 2005, disposes the appeal as follows:

Since the appellant has directly preferred second appeal vide Registration no. CIC/IGCAR/C/2021/657833 dated 03/12/2021, the undersigned cannot decide on the appeal. Therefore, decision of the Central Information Commission may be awaited.”

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

Facts emerging in Course of Hearing:

The Respondent vide written submission dated 15.12.2023 has reiterated the aforementioned facts.

Appellant: Not present

Respondent: 1. Shri Y Kamalakar – represented the Department of Atomic Energy;
2. Ms. G Mahalaxmi - PIO, Bharatiya Nabhikiya Vidhyut Nigam Ltd. (BHAVINI);
3. Shri J N Makwana – Chief Admnv. Officer, BARC Facilities, Kalpakkam;
4. Ms. Sharmila Shende - PIO, General Services Organisation, Kalpakkam;
5. Shri P T Mani - PIO, Indira Gandhi Centre for Atomic Research were present through video conference during the hearing.

The Respondents present during hearing stated that most of the cases arise out of identical RTI applications filed by the Applicant, which have already been adjudicated upon by the Commission by decisions dated 28/29.11.2022. It has also been contended by the Respondent that the Applicant, was a contract labour under one of the contractors engaged by the BARCF (K). Subsequently, his services were terminated by the Contractor and ever since, he has been habitually submitting numerous frivolous regularly, leading to diversion of the public resources, without serving any useful purpose.

Decision:

Perusal of records of the aforementioned cases reveals that appropriate information, in terms of the provisions of the RTI Act, has been furnished by the PIO in the following cases:

CIC/BNVNL/A/2022/601542
CIC/BARKP/A/2022/610349
CIC/BARKP/A/2022/610497
CIC/BARKP/A/2022/610301
CIC/GSOKP/A/2022/605137
CIC/IGCAR/A/2022/605468
CIC/IGCAR/A/2022/605140
CIC/IGCAR/A/2022/601651

In the light of the fact that information available on record with the public authority as defined under Section 2(f) of the RTI Act has been duly furnished and the Appellant has not been able to substantiate grounds for filing of the

aforementioned appeals, no further intervention is deemed warranted in the eight second appeals mentioned hereinabove.

Among the remaining matters, in CIC/DOATE/C/2022/613321, it is noted that the Respondent has furnished appropriate response, in terms of the provisions of the RTI Act. In the given circumstances, the Commission is of the opinion that the case does not merit action under Section 18 of the RTI Act, since there is no deliberate or *malafide* denial or concealment of information by the Respondent.

In the appeals number CIC/BARKP/A/2022/633455 and CIC/BARKP/A/2022/633425, it is noted that information in terms of the provisions of the RTI Act has been duly provided to the Appellant.

The Applicant has chosen not to buttress these eleven cases nor mentioned any larger public interest which will be served by disclosure of the information sought by him. In fact, despite service of hearing notice in advance, the Applicant has not even sent any written submissions before the Commission.

In the light of the factual position discussed hereinabove, no further intervention is warranted in respect of this batch of 11 cases, under the RTI Act.

The complaint/appeals is disposed off accordingly.

Heeralal Samariya (हीरालालसामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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