

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2011/002150/15693
Appeal No. CIC/SG/A/2011/002150

Relevant facts emerging from the Appeal:

Appellant : Mr. Akash M. Saraf.
SO/c, Centre for Design and Manufacture,
Bhabha Atomic Research Centre, Trombay,
Mumbai-400085, Maharashtra.

Respondent : Mr. Goverdhan Rao
PIO & Head Personnel Division,
Bhabha Atomic Research Centre
Office of the Head Personnel Division,
3rd Floor, Central Complex, BARC,
Trombay, Mumbai-400085.

RTI application filed on : 23/03/2011
PIO replied on : 3 replies are given to the Appellant,
21/04/2011, 18/05/2011, and 31/05/2011
First Appeal filed on : 04/05/2011
First Appellate Authority order of : Not Received.
Second Appeal received on : 28/07/2011

Information Sought:

1. Certified copies of 'the promotion norms on acquiring the higher qualification' in BARC, which were effective in the year 1993.
2. Certified copies of all the amendments/changes in the 'promotion norms on acquiring the higher qualification' in BARC from 1993 to 2011.
3. Certified copies of the 'extracts of the minutes of the meetings of TC & TSC committee in BARC between 1993 to 2011 in which amendments/changes in the 'promotion norms on acquiring the higher qualification' discussed and decided. Provide copies of all the 'circulars' in this respect.
4. Certify copy of the extract of the meeting in which it was decided "stipulation of minimum 60% marks in higher qualifying examination".
5. Whether the said decision was conveyed to the concerned affected employees those who obtained the permission prior to this decision and those who were nearing to completion of their courses at that time, please provide the copy of communication with shri Akash Saraf in this respect.
6. If there was no communication provide the reason for the same. This information is required U/s 4(1) (d) of the RTI, Act, being a 'directly affected person'.
7. Date of receipt of intimation, in the office in BARC in respect of acquisition of higher qualification i.e. AMIE (INDIA) degree in Mechanical Engg. By Shri. Akash Saraf, Employee No. 15035, Old Comp. No. NG/411/268 and new Comp. No. G/402/255.
8. Date on which Shri. Akash Saraf's additional qualification i.e. AMIE (INDIA) was taken into official resorts.
9. Further Action taken report/relevant file noting/remarks by the competent authority in respect of the above acquired higher qualification in 2002.
10. Certified copy of the extracts of the minutes of the 'Selection committee meetings' for promotion, in which my above acquired additional qualification by Shri Saraf was discussed and decided. If it was not discussed/proposed, provide the reasons for the same. This information is required U/s 4(1) (d) of the RTI, Act, being a 'directly affected person'.

11. Reason for not considering the case of Shri Akash Saraf for the 'promotion on acquiring the higher qualification in Dec. 2002' from the year 23003 till date. This information is required U/s 4(1) (d) of the RTI Act, Being a 'directly affected person'.
12. Provide copies of Annual Confidential Reports/OCR/APAR of Shri Akash Saraf, employee no. 15035 from the year 1993 to 2010.
13. Provide copies of communication by the competent authority with Head, CDM in ref. on Shri. Saraf's representation dated 18/10/2010 to Head, CDM and to the Secretary, TC & TSC.
14. I want to inspect the documents of acquisition of the higher qualification by the employees of BARC, those who were considered for promotion on acquiring the higher qualification i.e. 'AMIE (INDIA) IN MECHANICAL ENGG. STRIAM ONLY' fro the year 1993 to 2008, and subsequently want to take certified copies of the documents and records if requires. Sec. 2(j).
15. Certified copy of the present specific norms under which Shri Saraf's case falls for consideration for regular promotion to the next higher grade.
16. Provide the information about the name and present designation of all the employees those who are considered for promotion according to "one time measure for all those who acquired less than 60% marks" as per the Circular by Secretary, TC & TSC Section, BARC ref. no. TC/1690/2010/79297 dt. 24/08/2010 along with the details of each employee i.e. date of obtaining the permission for AQ, Date of submission of AQ, Date of submission of AQ to the department, % marks obtained in AQ.

The PIO Reply:

21/04/2011:

The required information is being collected from the authorities concerned and the same will be furnished to you shortly.

18/05/2011

1. Extract of the promotion norms on acquiring higher qualification in BARC, which were effective in the year 1993, is enclosed.
2. Reply to query no. 2,3, and 4: Extract of revised guidelines issued in 2003 for promotion on acquiring additional qualification while in service is enclosed. Existing revised guidelines issued in 2009 are available on BARC website www.barc.gov.in and DAE website www.dae.gov.in (page Nos. 20 to 21). Under head "Recruitment and Promotion Guidelines in DAE for Scientific & Technical personnel" under RTI Page, which are public portals. DAE for scientific & Technical personnel" under RTI page, which are public portals.
5. No. However, copy of the same was made available to all Heads of Divisions/Groups and was also placed in the website of DAE.
6. Providing reasons is not an information under the RTI Act. The copy of the same was made available on the website and hence individual communication was not necessary.
7. 21/05/2003
8. 22/05/2003
9. Further Action taken report/relevant file noting/remarks by the 'competent Authority in respect of the above acquired 'higher qualification in 2002'.
10. Since the respective group board has recommended him for further promotion on a normal course, SA/C to SO (SB)/NIIG, in August 2003, the Selection Committee promoted him to the grade SA/D which is not based on his Additional Qualification. Providing reasons is not an information under the RTI Act.
11. Providing reasons is not covered under the RTI Act. However, he may note that, revised promotion norms issued vide Reg: TC/1/(52)/89/2003/403 dated February 3,2003, require minimum 60% marks in AMIE for consideration for promotion on Additional qualification basis. Since he was having only 54% of marks he was not meeting the new norms and so he was not considered for promotion on AQ basis. He was promoted to Grade SO/C w.e.f. 01/08/2008 as per the normal channel for promotion. The relaxed guidelines issued by TC vide letter No. TC/1690/2010/79297 dated 28/08/2010 giving one time chance for appearing in DQE jto all those who were given permission prior to 2003 and acquired AQ with less than 60% marks before December, 2008 are eligible for DQE/Promotion to Grade TO/C only and not for SO/C or higher grade. This has been communicated to you vide letter datted 21/10/2010.
12. Xerox copies of last pages (relevant garding allocation pages) of the ACR/OCR/APAR for the period from 1/02/2003 to 30/06/2010 (8CRs) indicating the Garding are enclosed.
Copies of ACRs/APARs for the period from 1993 to 2010 will be furnished separately.

13. Copies of forwarding note by Head, CDM to Controller, BARC (Reg. No. CDM/Adm/2199 dated 19/10/2010, which was returned back to CDM with remarks of Controller as well as Secretary, TC & TSC thereon is enclosed.
14. Since the documents pertaining to other employees is their personal information, you cannot be allowed to inspect the documents in terms of Section 8(1) (J) RTI Act. A copy of list of employees with qualification AMIE (ME:Ch) as on 01/04/2011 is enclosed.
15. An extract of norms for promotion from SO/C to SO/D is enclosed.
16. As the DQE Examination 2011 is still to be conducted, the information is not available at present.

31/05/2011

In continuation of this office letter of even No. 1104 (reply to Q. No. 12), the certified copies of ACRs/OCR/APAR for the period from 01/02/1993 to 30/06/2010 (128 pages) are enclosed.

Grounds for the First Appeal:

Unsatisfactory reply was given to the appellant by the PIO.

Order of the First Appellate Authority (FAA):

"No such order was received to Appellant."

Ground of the Second Appeal:

Unsatisfactory information had been provided by the PIO.

Relevant Facts emerging during Hearing:

The following were present

Appellant : Mr. Akash M. Saraf on video conference from NIC-Mumbai City Studio;

Respondent : Mr. Goverdhan Rao, PIO & Head Personnel Division on video conference from NIC-Mumbai City Studio;

The PIO has given most of the information and it appears that the Appellant is asking a very large amount of information. However, the Commission directs the PIO to provide following additional information:

- 1- Query 2, 3 & 4: information in hard copies. The available compendium to be provided.
- 2- Query-14: The Appellant had sought inspection of all employees who have been promoted from 1993 till date. The PIO has stated that this would be impossible since there is no information compiled in this nature. The Commission directs that the Appellant will identify 20 employees and the PIO will give inspection of the records related this to the Appellant on mutually convenient date and time.

Decision:



The Appeal is allowed.

The PIO is directed to provide the information as mentioned above to the Appellant before 05 December 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.


Shailesh Gandhi
Information Commissioner
16 November 2011

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(In any correspondence on this decision, mention the complete decision number J/15)