

Central Information Commission, New Delhi  
File No. CIC/SM/A/2010/000403  
Right to Information Act-2005-Under Section (19)

Date of hearing : 15 November 2010

Date of decision : 15 November 2010

Name of the Appellant : Shri Sunil Ganpat Kharat  
Old Mandala, BARC Quarters,  
Building No. K, Room No. 10,  
Trombay Road, Mumbai - 400 088.

Name of the Public Authority : CPIO, Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> Floor,  
BARC, Trombay, Mumbai - 400 085.

The Appellant was present in person.

On behalf of the Respondent, Shri Govardhan Rao, CPIO, was present.

Information Commissioner : Shri Satyananda Mishra

Decision Notice

Appeal partially allowed.

Elements of the decision:

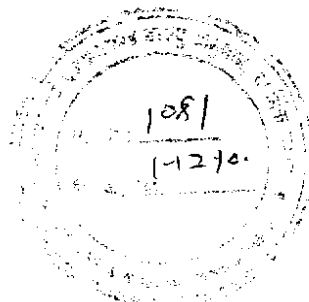
Directed the CPIO to provide information

2. We heard this case through videoconferencing. Both the parties were present in the Mumbai studio of the NIC.

3. We heard their submissions. The Appellant had wanted a copy each of (a) his medical report by Dr Muzumdar and (b) file noting/remarks on his representation dated 14 March 2008 requesting for the expunction of the adverse remarks recorded in his ACR. While the CPIO provided him a copy of the medical report, he did not provide him with a copy of the file noting etc concerning the expunction of the adverse remarks but merely explained the

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action taken in this regard. The CPIO did not cite the appropriate exemption provision under which this had been denied though.

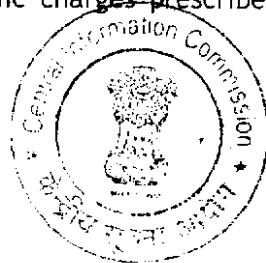
4. After carefully considering the submissions of both the parties and the facts of the case, we do not tend to agree with the decision of the CPIO in not providing the copy of the relevant file noting/remarks on his said representation. The decisions taken on the representation of the Appellant cannot be classified in the exemption category and must be provided. Therefore, we direct the CPIO to provide to the Appellant within 10 working days from the receipt of this order the photocopy of the relevant file noting/remarks etc relating to the disposal of his representation for expunction of the adverse remarks from the said ACR.

5. With the above direction, the appeal is disposed off.

6. Copies of this order be given free of cost to the parties.

  
(Satyananda Mishra)  
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.



  
(Vijay Bhalla)  
Assistant Registrar