

CENTRAL INFORMATION COMMISSION
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Old JNU Campus, New Delhi - 110067
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Decision No. CIC/SG/A/2011/002989/16783
Appeal No. CIC/SG/A/2011/002989

Relevant Facts emerging from the Appeal

Appellant : Mr. Sudarshan Nair
R/o: C-17, Shayadri, Anushakti Nagar,
Mumbai 400094.

Respondent : ✓ Mr. S. Goverdhan Rao
PIO & Head (Personnel)
Central Complex, 11th Floor,
Bhabha Atomic Research Center (BARC),
Trombay, Mumbai 400085.

RIT application filed on : 08/03/2011
PIO replied : 31/03/2011
First appeal filed on : 29/04/2011
First Appellate Authority order : 23/05/2011
Second Appeal received on : 29/06/2011

Information Sought:

1. What is my Designation on 01-01-2006 (As T/E & T/F has been merged as per promotion rule Jan 2010).
2. What is my Designation on 01-05-2006, Since I have got promotion from T/E To T/F (As per promotion rule Jan 2010- 2.2.1 All promotion cases are considered for the Next Higher Grade (NHG)).
3. What is my Designation on 01-07-2009 . As I have got promotion from T/F to T/G (As per promotion rule Jan 2010- 2.2.1 All promotion cases are considered for the Next Higher Grade (NHG)).
4. What is benefit of promotion to the employ, when person got promotion under MERIT BASED PROMOTION SCHEME, Whether it can be withdrawn ,please provide copy of rule.
5. As the pay fixation copy showing we have been considered for promotion from T/E to T/G, But according to oral information I have been promoted from T/E to T/G. Please provide us a rule copy in which employ can be send for promotion two or more times from same grade.
6. Please clarify what is the standard rule followed w.r.t. fixation of pay on promotion.
7. Please arrange to provide a copy of Govt. of India's rules / clarification for merger of Grade Pay/ Scale of Pay.
8. Please provide way to approach for justice for the above explained problems.

Reply of the Public Information Officer (PIO).

1. Your designation as on 01.01.2006 was T/E.
2. Your designation as on 01.05.2007 was T/F.
3. Your designation as on 01.07.2009 was T/G.

Reply to Q.Nos. 4-8: Public Information Officer is not expected to answer hypothetical questions. Moreover clarifications on any issue does not form part of definition under Section 2(1) of RIT Act. However, a copy of the merger of scale wherein pay fixation is not considered and notified by DAI:

vide O.M.No.32/1(15)/2009-SCS/9910 dated 20.10.2010 is enclosed. As you were promoted as T/F
Cef. 1.5.2007, there is no pay fixation as merger of pay scale.

Grounds for the First Appeal:

Not enclosed by the appellant.

Order of the First Appellate Authority (FAA):

"I have called for the records related to this case from the Public Information Officer and found that the query raised by Shri Sudarshan Nair in his RTI application dated 08.03.2011 has been replied by the PIO in an adequate manner within the prescribed time limit."

Grounds for the Second Appeal:

Unsatisfactory Information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Sudarshan Nair on video conference from NIC-Mumbai Studio;

Respondent 1: Mr. N. G. Krishnan, Dy. Establishment Officer on video conference at NIC-Mumbai Studio;

Respondent 2: Mr. S. Goverdhan Rao, PIO & Head (Personnel Division) on video conference from
BARC Studio;

The PIO has provided information on queries 1, 2 & 3 and for the balance queries he has stated that what is being sought is not information as defined under Section 2(1) of the RTI Act. The Appellant is seeking clarifications and interpretations. The PIO is expected to give information which is available and records and queries 05 to 08 do not seek information.

Decision:

The Appeal is disposed.

The PIO has provided information available on the records.

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.



(Signature)

Shailesh Gandhi
Information Commissioner
11 January 2012

(In any correspondence on this decision, mention the complete decision number.) (01.)