

Central Information Commission, New Delhi
File No. CIC/SM/A/2010/000601 & 618
Right to Information Act-2005-Under Section (19)

Date of hearing : 24 November 2010
Date of decision : 24 November 2010
Name of the Appellant : Shri Shashi Kant,
12-B, Annapurana,
Anushatinagar,
Mumbai - 400094
Name of the Public Authority : Central Public Information Officer,
Bhabha Atomic Research Centre,
Central Complex, 3rd Floor,
BARC, Trombay,
Mumbai - 400 085.

The Appellant was present in person.

On behalf of the Respondent, Smt. Parvathi Harikrishnan, CPIO, was present.

Information Commissioner : Shri Satyananda Mishra

Decision Notice

Appeal accepted

Elements of the decision:

Section 8(1)(h) - directed the CPIO to provide information

2. We heard these two cases through videoconferencing. Both the parties were present in the Mumbai studio of the NIC. We heard their submissions.

3. In two separate applications, the Appellant had sought the copies of his annual confidential reports from the beginning of his career and also the rules and regulations governing the promotion of scientists from level E up

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in the name
of
12/455

to the level of the Distinguished Scientist. The CPIO had not provided any of this information on the ground that the ACRs could not be disclosed since these were held in a fiduciary relationship and therefore, exempted from disclosure under Section 8(1) (h) of the Right to Information (RTI) Act. In regard to the rules and regulations governing the promotions at various levels, he had referred the Appellant to the website of the DAE.

4. After hearing the submissions of both the parties, we do not see why the desired information should not be disclosed. In fact, in several decisions in the past, the CIC has clearly held that the copies of the ACRs of an employee should be disclosed to him if he asks for it. We now direct the CPIO to provide to the Appellant within 15 working days from the receipt of this order the attested photocopies of his entire ACR dossier from the beginning till the end, that is, cover to cover as also the photocopies of the relevant rules/regulations/guidelines based on which promotions are given to scientists from level E to the level of the Distinguished Scientist.

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

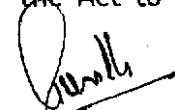
6. Copies of this order be given free of cost to the parties.




(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.

may kindly see for information.


(Vijay Bhalla)
Assistant Registrar

Contn the

6.12.2010
अध्यक्ष, कार्मिक प्रभाग
Head, Personnel Division

Director

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