

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/BARCM/A/2018/621706

Shashi Kant

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO, Bhabha Atomic Research
Centre, Mumbai

... प्रतिवादीगण /Respondents

Relevant dates emerging from the appeal/complaint:

RTI : 21.11.2017	FA : 07.01.2018	SA : 08.10.2018
CPIO : 05.12.2017	FAO : 22.02.2018	Hearing : 04.02.2019

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Bhabha Atomic Research Centre, Mumbai seeking certified copy of his APAR for 2016-17, showing all entries by him and his superiors.

2. The appellant filed a second appeal before the Commission on the grounds that the CPIO has denied the information and the FAA has upheld the reply of the CPIO. The appellant requested the Commission to direct the respondent to furnish the information sought by him.

Hearing:

3. The appellant Mr. Shashi Kant was present through video conferencing. The respondent Mr. N Vijayragavan, CPIO, BARC could be contacted through video conferencing after some lapse of time, on account of change of venue of video conferencing.

4. The appellant submitted that he is not satisfied with the response of the respondent and reiterated his query for certified copy of his APAR for 2016-17, showing all entries by him and his superiors.

5. The respondent submitted that the appellant had not responded to Format-1 of APAR for 2016-17. Hence information about the same had not been provided to him. The respondent clarified that Format-1 records the reportee's acceptance/non-acceptance of the comments of the reporting officer/reviewing officer. In response to a query, the respondent admitted that Format-1 can be filled in only after the APAR has been perused by the Reportee.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, notes that the information sought under the RTI Act, 2005 can be denied by the CPIO only under the provisions of the RTI Act, 2005 and not otherwise. The Commission further notes that the Hon'ble Delhi High Court in the case of *B.S. Mathur vs. PIO*, W. P. (C) 295/2011 dated 3rd June, 2011 has observed that:

“19. The scheme of the RTI Act, its objects and reasons indicate that disclosure of information is the rule and non-disclosure the exception. A public authority which seeks to withhold information available with it has

to show that the information sought is of the nature specified in Section 8 RTI Act.”

However, the CPIO has not been able to justify the denial of information sought for by the appellant as per the provisions of the RTI Act. The Commission, therefore, directs the respondent to provide a complete copy of the appellant's APAR for 2016-2017 to him within four weeks from the date of receipt of a copy of this order under intimation to the Commission.

7. With the above observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

Sd/-

Sudhir Bhargava (सुधीर भार्गव)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

दिनांक / Date 11.02.2019

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. S. Rohilla (एस. एस. रोहिल्ला)
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Addresses of the parties:

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2. Shri Shashi Kant