

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/2021/655248**
CIC/BARCM/A/2021/663568
CIC/BARCM/A/2021/663571
CIC/BARCM/A/2021/663579
CIC/NPCOI/A/2021/655404
CIC/NPCOI/A/2021/663154

Shri Pankaj Kumar

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

1. Bhabha Atomic Research Centre
2. Nuclear Power Corporation of India

Date of Hearing : 10.01.2023

Date of Decision : 11.01.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 nd Appeal received on
655248	26.08.2021	23.09.2021	23.09.2021	26.10.2021	22.11.2021
663568	25.09.2021	22.10.2021	14.11.2021	28.12.2021	31.12.2021
663571	30.09.2021	29.10.2021	14.11.2021	28.12.2021	31.12.2021
663579	29.09.2021	28.10.2021	27.11.2021	30.12.2021	31.12.2021
655404	26.08.2021	28.09.2021	30.09.2021	-	23.11.2021
663154	29.09.2021	08.11.2021	13.11.2021	21.12.2021	29.12.2021

Information sought and background of the case:

(1) CIC/BARCM/A/2021/655248

The Appellant filed an online RTI application dated 26.08.2021 and the CPIO/Chief Administrative Officer, BARC, vide letter dated 23.09.2021 replied as under:-

Sr No.	Information Sought	Information Given
1.	Promotion norms from Scientific officer (G) onwards.	Relevant extracts from Comprehensive Guidelines for Merit Promotion Scheme for Scientific & Technical cadres in the Department of Atomic Energy is enclosed after applying severance clause under section 10 of the RTI Act, 2005 (1 page).
2.	Promotion norms from Scientific officer (G) to Scientific officer (H)	
3.	Promotion norms from Scientific officer (H) to Scientific officer (H plus)	
4.	Promotion norms from Scientific officer (H plus) to Outstanding Scientist (OS)	
5.	Promotion norms from Outstanding Scientist (OS) to Distinguished Scientist (DS)	
6.	Minimum residency period for Promotion norms from Scientific officer (G) onwards	
7.	Initial recruitment /entry level grade of Scientific Officer through OCES of Training School	The Recruitment and Promotion norms of Scientific & Technical posts are available as Career Digest in BARC website www.barc.gov.in under the link Career Opportunities → Officers, which is a public domain.
8.	Promotion norms from Scientific Assistant (B) onwards (for BSc or Diploma in Engineering).	The Recruitment and Promotion norms of 2011 for Scientific & Technical posts are available in BARC website www.barc.gov.in under the link Right to Information → Career Digest, which is a public domain.
9.	Initial recruitment /entry level grade of Scientific assistant in DAE by direct recruitment.	As informed by the Deemed PIO, the entry level for Scientific Assistant recruited through Direct recruitment is Scientific Assistant/B in the Pay Level 6.
10.	Minimum residency period for Promotion norms for Scientific assistant.	The Recruitment and Promotion norms of 2011 for Scientific & Technical posts are available in BARC website www.barc.gov.in under the link Right to Information → Career Digest, which is a public domain.

Sr No.	Information Sought	Information Given
11.	Initial recruitment /entry level Grade of Scientific assistant with Stipendiary training scheme CAT-1(Two year training imparted by DAE)	As informed by the Deemed PIO, the trainees after undergoing Stipendiary training scheme (CAT-I) are absorbed in the grade of Scientific Assistant/C in the Pay Level 7.
12.	Scientific officer (B /SB) is promoted grade or entry level grade/direct recruitment grade for BE/BTech/MSc	The applicant is making a statement and has not sought for any specific information.
13.	Promotion norms for Senior Scientific officer (H) & Senior Scientific officer (H plus)	No such posts exist in BARC.
14.	Initial recruitment /entry level grade of Scientific Officer through direct recruitment for BE/BTech/MSc	Same as reply to point No. (7).
15.	Circular /office order regarding 6 month APAR Period for Scientific /Technical grade	As informed by Deemed PIO, no such information is available.
16.	6 month APAR Period is considered/counted as screening for next higher grade promotion or not.	Seeking reasons, clarification, answers to hypothetical question, etc. are not treated as information under section 2(f) of the RTI Act, 2005.
17.	If Circular /office order regarding 6 month APAR Period counted/considered for next higher grade promotion exists, then provide Circular /office order regarding this.	As already stated at response to point No. 15, no such information is available.
18.	Shortfall in length of service up to 6 month APAR period is considered /counted for next higher grade promotion or not, if circular /office order exists ,then provide Circular /office order regarding this.	Seeking reasons, clarification are not treated as information under section 2(f) of the RTI Act, 2005. However, it is informed that for shortfall in length of service up to 6 months – para 2.2.4 of DAE Career Digest for Scientific & Technical personnel may be referred at BARC website www.barc.gov.in and DAE website www.dae.gov.in under the link Acts & Rules → Career Digest for Scientific & Technical Personnel

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 23.09.2021. The FAA/Actg. Controller, BARC, vide order dated 26.10.2021 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the Appellant vide email dated 09.01.2023 wherein he inter alia stated that information on points 12, 15, 16, 17 and 18 should be provided by the CPIO, BARC.

A written submission was also received from the PIO and CAO (A), BARC, vide letter dated 04.01.2023, the relevant of which is as under:

(i) As regards Point No.12, it is informed that the Appellant has not sought any information rather than making a statement. It is pertinent to mention here that under Right to Information, a citizen can secure access to information which is under the control of public authorities. The information sought by the Appellant is in nature of Query/clarification which does not come under the ambit of section 2(f) of RTI Act, 2005 and the same is reiterated by Hon'ble CIC vide its Decision No.CIC/YA/C/2016/000080 dated 20.04.2017.

(ii) As regards Point Nos. 15, 16, 17 & 18: The information as provided by deemed PIO has been provided to the Appellant. Further, it is mentioned here that PIO can provide information which exists in material form and held by/ under the control of public authorities. Moreover, PIO is not supposed to create information or expected to give any clarification/interpretation on any matter or give replies to hypothetical questions, which is reiterated by Hon'ble CIC vide its decision No.CIC/YA/C/2016/000080 dated 20.04.2017.

(2) CIC/BARCM/A/2021/663568

The Appellant filed an online RTI application dated 25.09.2021 and the CPIO/Chief Administrative Officer, BARC, vide letter dated 22.10.2021 replied as under:-

Sr No.	Information Sought	Information Given
1	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 1 st Pay Commission report /implementation/recommendation	The information sought is not available in one place. Collection and collation of this information will disproportionately divert the resources of Public authority as per section 7(9) of the RTI Act, 2005 and hence it is not possible to provide the requested information. However, promotion norms from Scientific Officer (C) to Distinguished Scientists (DS) are available on DAE website https://dae.gov.in under DAE Secretariat Matters - Comprehensive guidelines for Merit Promotion Scheme.
2	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 2 nd Pay Commission report /implementation/recommendation	
3	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 3 rd Pay Commission report /implementation/recommendation	
4	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 4 th Pay Commission report /implementation/recommendation	
5	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 5 th Pay Commission report /implementation/recommendation	
6	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 6 th Pay Commission report /implementation/recommendation	
7	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) after 7 th Pay Commission report /implementation/recommendation	
8	Promotion Norms from Scientific Officer (C) upto Distinguished Scientist (DS) in different years (1985, 1991,2003 & 2009) when the promotion Norms revised/new promotion norms implemented	The information sought is not available in one place. Collection and collation of this information will disproportionately divert the resources of Public authority as per section 7(9) of the RTI Act, 2005 and hence it is not possible to provide the requested information.
9	Promotion Norms for Scientific Assistant grade after 1 st Pay Commission report/implementation/recommendation.	
10	Promotion Norms for Scientific Assistant grade after 2 nd Pay Commission report/implementation/recommendation.	

Sr No.	Information Sought	Information Given
11	Promotion Norms for Scientific Assistant grade after 3 rd Pay Commission report /implementation/recommendation	The information sought is not available in one place. Collection and collation of this information will disproportionately divert the resources of Public authority as per section 7(9) of the RTI Act, 2005 and hence it is not possible to provide the requested information.
12	Promotion Norms for Scientific Assistant grade after 4 th Pay Commission report /implementation/recommendation	
13	Promotion Norms for Scientific Assistant grade after 5 th Pay Commission report /implementation/recommendation	

14	Promotion Norms for Scientific Assistant grade after 6 th Pay Commission report /implementation/recommendation	Latest norms of 2011 are readily available in BARC website https://barc.gov.in under – 'Right to Information Act'
15	Promotion Norms for Scientific Assistant grade after 7 th Pay Commission report /implementation/recommendation	
16	Promotion Norms for Scientific Assistant grade in different years (1985,1991,2003 & 2009) when the promotion norms revised/new promotion norms implemented	The information sought is not available in one place. Collection and collation of this information will disproportionately divert the resources of Public authority as per section 7(9) of the RTI Act, 2005 and hence it is not possible to provide the requested information.
17	Promotion Norms for Tradesman / technician after 1 st , 2 nd , 3 rd , 4 th , 5 th , 6 th & 7 th Pay Commission report/ implementation/recommendation	
18	Promotion norms for tradesman/technicians in different years (1985, 1991, 2003 & 2009) when the promotion norms revised/new promotion norms implemented.	Latest norms of 2011 are readily available in BARC website https://barc.gov.in under – 'Right to Information Act'
19	Criteria for promotion from Scientific Officer (G) onwards upto Distinguished Scientist (DS) as there is no personal interview for promotion onwards Scientific Officer (G)	The promotion norms for Scientific Officers from grade SO/G to SO/H and above are available on DAE website https://dae.gov.in under DAE Secretariat Matters - Comprehensive guidelines for Merit Promotion Scheme.
20	Screening Criteria for Promotion from Scientific Officer (G) onwards upto Distinguished Scientist (DS)	

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 14.11.2021. The FAA/Actg. Controller, BARC, vide order dated 28.12.2021 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission was received from the Appellant vide email dated 09.01.2023 wherein he stated that information on all the 20 points should be provided by the CPIO.

A written submission was also received from the PIO and CAO (A), BARC, vide letter dated 04.01.2023, the relevant of which is as under:

(i) As regards Point Nos.(1) to (5,) (8) to (13) and (16) to (18) of the RTI Application, it is mentioned here that the information sought is voluminous in nature and not readily available at one place and by collecting & collating the information will disproportionately divert the resources of public authority and also affect the day to day work of deemed PIO. Hence the information exempted under section 7(9) of the RTI Act, 2005.

In this regard, it is to draw the attention of the Hon'ble CIC towards the judgment of Supreme Court of India in the case of Aditya Bandopadhyay Vs. CBSE (Case No.6454/2011) wherein it has observed that where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority to collect and collage such information and then to furnish to the Applicant.

(ii) Point Nos. (6) & (7), (14) & (15) and (19) & (20) of the RTI Application, the information sought is readily available on both BARC website <https://barc.gov.in> and DAE Website <https://dae.gov.in> which is a public domain. The Appellant may refer to both the websites w.r.t. his queries. In this regard, it is to draw the attention of the Hon'ble CIC in case of Shri Ram Singh Vs CPIO, CIC wherein it is mentioned that once an information is placed on a public domain or a website, then the information is no longer held by or under the control of public authority and hence no longer accessible under 'Right to Information'.

(3) CIC/BARCM/A/2021/663571

The Appellant filed an online RTI application dated 30.09.2021 and the CPIO/Chief Administrative Officer, BARC, vide letter dated 29.10.2021 replied as under:-

A.	What is the guidelines/circulars for marking/ percentage/weightage system given by committee chairman & other members after assessing the candidates performance and attributes.	Seeking reasons, clarifications, answering questions like why, when, what, whether, etc. are not treated as information under section 2(f) of the RTI Act, 2005. However, it is also informed that no such information as sought by the applicant is available.
B.	What is meaning of attributes during interview.	
C.	There is always a guidelines/circulars for selection/ promotion interview. So, please provide the DAE internal guidelines for assessing the candidates performance and attributes for promotion interview	
D.	What is the criteria for fit for promotion to the next higher grade w.e.f. current year.	
E.	What is the criteria for fit for promotion to the next higher grade w.e.f. the next year.	
F.	What is the criteria for not found fit yet.	
G.	What is the guidelines/circulars for marks/percentage /weightage system during interview for fit for promotion to the next higher grade w.e.f. current year.	
H.	What is the guidelines/circulars for marks/percentage/weightage system during interview for fit for promotion to the next higher grade w.e.f. the next year.	
I.	What is the guidelines/circulars for marks/percentage /weightage system during interview for not found fit yet.	
J.	Candidates appearing for promotion interview may ask his performance in marking/percentage/ weightage system. Is, there any guidelines /circulars regarding this? If yes, please provide the guidelines Please provide guidelines /Circulars for my information sought A to J.	

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 14.11.2021. The FAA/Actg. Controller, BARC, vide order dated 28.12.2021 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission was received from the Appellant vide email dated 09.01.2023 wherein he stated that information on points A to J should be provided. He further stated that he was seeking information regarding promotion interview under Merit Promotion Scheme from the DAE/ BARC and there should be a guideline/ circular in this regard. Furthermore, his queries were not in the nature of seeking reasons, clarifications and asking questions like why, what, whether, etc.

A written submission was also received from the PIO and CAO (A), BARC vide letter dated 08.01.2023 the relevant extract of which is as under:

- (i) It is observed that from Query Nos. A to J, the Appellant is seeking reasons, clarifications; answers to hypothetical questions which are not treated as 'Information' under section 2(f) of the RTI Act, 2005.
- (ii) Under the provisions of the RTI Act, 2005, only such information as is available, existing and held by the public authority or is under the control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions.
- (iii) Further, as informed by deemed PIO, information which exists in material form is to be provided. However, Para 5 & 6 of latest Promotion norms of 2022 for Scientific & Technical Personnel is available on BARC website <https://barc.gov.in> to substantiate the information sought at Point No.C regarding guidelines/circulars for selection/promotion interviews.

(4) CIC/BARCM/A/2021/663579

The Appellant filed an online RTI application dated 29.09.2021 and the CPIO/Chief Administrative Officer, BARC, vide letter dated 28.10.2021 replied as under:-

Sr. No.	Information Sought	Information Given
1.	Circular/DAE office order regarding two Additional increments as additional incentive to Scientific officers/Engineers/Technical Officers. When this order implemented in DAE	The relevant documents will be made available on payment of ₹ 2/- (@ ₹ 2/- per page for 01 No. of page) by way of Demand Draft or Pay order issued by any Bank payable at Mumbai or Indian Postal Order or e-IPO payable to "Accounts Officer, BARC. The effective date is as mentioned in the order referred above.
2.	Circular/DAE office order regarding discontinuation of two Additional increments to Scientific officers/Engineers/Technical Officers	The relevant documents will be made available on payment of ₹ 4/- (@ ₹ 2/- per page for 02 No. of pages) by way of Demand Draft or Pay order issued by any Bank payable at Mumbai or Indian Postal Order or e-IPO payable to "Accounts Officer, BARC.
3.	Circular/DAE office order regarding Special allowance for Scientific Officers/Engineers in the grade of SO/(H Plus). When this order implemented in DAE.	As informed by Deemed PIO, no such information is available.
4.	Circular/DAE office order regarding discontinuation of Special allowance for Scientific Officers/Engineers in the grade of SO/(H Plus)	
5.	Circular/DAE office order regarding Update Allowance in DAE. When this order implemented in DAE. Circular for Update allowance rate for non-gazetted & gazetted employees. Circular for criteria for different update allowance for same pay level/same grade pay in non gazetted / gazetted employees.	The relevant documents will be made available on payment of ₹ 8/- (@ ₹ 2/- per page for 04 No. of pages) by way of Demand Draft or Pay order issued by any Bank payable at Mumbai or Indian Postal Order or e-IPO payable to "Accounts Officer, BARC. The effective date is as mentioned in the order referred above.

Sr. No.	Information Sought	Information Given
A.	Please provide information of following DQE -STPT exam center from BARC & other units/PSU of DAE	Exam conducted at Mumbai & Kalpakkam
6.	List of candidates appearing for STPT TO & SA-2009.	The information sought relates to personal information of the individuals concerned, hence exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.
7.	List of candidates appearing for STPT TO & SA-2010.	
8.	List of candidates appearing for STPT TO & SA-2011.	
9.	List of candidates appearing for STPT TO & SA-2012.	
10.	List of candidates appearing for STPT TO & SA-2013.	
11.	List of candidates appearing for STPT TO & SA-2014.	

12.	List of candidates appearing for STPT TO & SA-2015.	STPT TO & SA examination were not conducted during the years from 2015 to 2017.
13.	List of candidates appearing for STPT TO & SA-2016.	
14.	List of candidates appearing for STPT TO & SA-2017.	
15.	List of candidates appearing for STPT TO & SA-2018.	The information sought relates to personal information of the individuals concerned, hence exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.
16.	List of candidates appearing for STPT TO & SA-2019.	STPT TO & SA examination were not conducted during the years from 2019 to 2020.
17.	List of candidates appearing for STPT TO & SA-2020.	
18.	List of candidates appearing for STPT TO & SA-2021.	The information sought relates to personal information of the individuals concerned, hence exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.
19.	List of candidates Screening IN for STPT TO & SA-2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 & 2021.	The information sought relates to personal information of the individuals concerned, hence exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.
20.	List of candidates Screening OUT for STPT TO & SA-2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 & 2021.	
21.	written Result of candidates appearing in STPT TO & SA-2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 & 2021.	
22.	Interview Result of candidates appearing in STPT TO & SA-2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 & 2021.	The information sought relates to personal information of the individuals concerned, hence exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.
23.	List of finally selected candidates after written exam & interview in STPT TO & SA-2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 & 2021.	However, as informed by Deemed PIO, the number of employees from Technician category track changed to Scientific category under STPT-SA from 2009 to 2019 is 57. Number of employees track changed to Technical Officer under STPT-TO 2009 to 2014 and 2018 is 176.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 27.11.2021. The FAA/Actg. Controller, BARC, vide order dated 30.12.2021 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the Appellant vide letter dated 09.01.2023 wherein it was inter alia requested that a direction be given to the CPIO to provide information on points 3,4, 6, 7,7 8. 9, 10, 11, 15, 18, 19, 20, 21, 22, and 23.

A written submission was also received from the PIO and CAO (A), BARC vide letter dated 08.01.2023 the relevant extract of which is as under:

(i) As regards Query No. 3 & 4, it is observed that the Appellant has clarified in his appeal dated 27.11.2021 that he was mistakenly written Special allowance instead of Special Pay. It is pertinent to mention here that the information with regard to Special pay was part of the documents as provided to the Appellant w.r.t. Query No.1 & 2 of the RTI application and the same was provided to the Appellant vide Note No. BARC/RTI/2021/09/6314/434 dated 18.11.2021 consequent on receipt of documentation charges.

(ii) As regards Query Nos. 6 to 11, 15 and 18 to 21, the information sought relates to personal information of individual concerned and the same was exempted under section 8(1) (j) of RTI Act, 2005 by the then CPIO and also upheld by the Appellate Authority. In this regard, we draw the attention of Hon'ble Hon'ble CIC decision No.CIC/NITST/A/2020/118861 dated 02.11.2021 wherein Hon'ble CIC has observed that service related records is exempted from disclosure under section 8(1)(j) of RTI Act, 2005 and also invited reference to Supreme Court Judgment in the matter of CPIO, Supreme Court of India Vs. Subhash Chandra Agarwal wherein 'Personal Information' envisaged u/s 8(1)(j) of RTI Act, 2005 also includes professional records such qualification, performance, evaluation reports etc.

(iii) It is also observed that on numerous occasions, Hon'ble CIC on its decision has decided that details of other candidates are third party information and no larger public interest is involved.

(iv) It is also informed that the STPT examination during the 2015 to 2017 and 2019 to 2020 were not conducted.

(v) As regards Query No.22 & 23, as informed by deemed PIO, a total No.57 Technicians track changed to Scientific Assistant under STPT-SA from 2009 to 2019 and 176 Scientific Assistants track changed to Technical Officer under STPT-TO from 2009 to 2014 and 2018.

(5) CIC/NPCOI/A/2021/655404

The Appellant filed an online RTI application dated 26.08.2021 and the CPIO Nuclear Power Corporation of India, vide letter dated 28.09.2021 furnished the reply received from CPIO/Manager (HR-T), NPCIL, which stated as under:-

S NO. of RTI	Information sought	Information provided
	<p>Screening report of myself (Emp.No.1426308) provided by your office NPCIL, HQ, Mumbai office after approx. 2 years by FAA. RTI apply date was 10/12/2018. Reply from FAA received to me on 01/12/2020. I am enclosing screening report of year 2011 provided by HR NPCIL HQ. In screening page following was mentioned</p> <p>8. Date of present grade as SA/B was 01/02/2007.(As CAT-1 Stipendiary trainee from 01/02/2006 to 31/01/2007)</p> <p>9. No of years was written 4</p> <p>10.2007 2008 APAR mentioned A2/A2</p> <p>11.2008 2009 APAR mentioned A2</p> <p>12.2009 2010 APAR mentioned A2</p> <p>13.2010 2011 APAR mentioned A2</p> <p>14. Screening recommendation mentioned IN.</p> <p>First of all, I am very very thankful for screened IN for SA/C promotion from SA/B after 4 years 5 months residency period in SA/B after one year stipendiary training scheme CAT-1 imparted by DAE/BARC.</p> <p>Now provide information of following queries as arised from Screening Report</p>	<p>No information sought.</p>
A	<p>How many APAR considered as SA/C promotion</p>	<p>Copy of Table III of Promotion Norms for Diploma Holders in Engineering/B.Sc/B.Pharma/B.Lib.Sc-Technical Stream issued vide letter No.TC/1(52)/89/2009/26736 dated 20.03.2009 enclosed (02 pages).</p>
		<p>Copy of Table III of Promotion Norms for Diploma Holders in Engineering/B.Sc/B.Pharm/B.Lib.Sc-Technical cadre issued vide letter No. TC/1(52)/89/2011/56035 dated 27.06.2011 enclosed (02 pages).</p>
B	<p>I had submitted 5 no. of APAR from 01/02/2007 to 30/06/2011, As instructed by then Station health physicist NAPS, Mr. Ram Raj I had submitted two APAR for 2007-2008.</p> <p>01/02/2007-31/07/2007 – Submitted on 11/09/2008 to Mr. Ram Raj</p> <p>01/08/2007- 31/07/2008 – submitted on 12/09/2008 to Mr. Ram Raj</p> <p>APAR Grading as per screening IN in 2011</p> <p>01/02/2007-31/07/2007 – A2</p> <p>01/08/2007-31/07/2008 – A2</p> <p>01/08/2008-30/06/2009 – A2</p> <p>01/07/2009-30/06/2010 – A2</p> <p>01/07/2010-30/06/2011 – A2</p>	<p>No information sought.</p>

C	Provide circular/ office order or basis of screened IN after 5 no. of APAR for SA/C promotion.	Copy of letter dated No.TC/1(52)/89/2009/105987 19.09.2009 enclosed. (01 page)
D	What was promotion norms for SA/C from SA/B on APAR Grading from year 2007 onwards in my case?	
E	Which APAR not considered/ not effective for SA/C promotion screening, as I submitted 5 no. of APAR from 01/02/1997-30/06/2011.	
F	My promotion case for SA/C was normal of below normal. Please provide information regarding this.	
	My another query is Please provide screening reports of myself (emp no.1426308) from 01/07/2011 to 30/06/2016 for promotion to next higher grade SA/D from SA/C. As a Health Physics employee, our APAR is maintained in HR NPCIL, HQ Mumbai. So, please provide information as sought by me.	Same response as per point No.A.
		Following screening reports enclosed: 4) 2014 (01 page) 5) 2015 (01 page) 6) 2016 (01 page)

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 30.09.2021 which was not adjudicated by the First Appellate Authority as per available records.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission was received from the Appellant vide email dated 09.01.2023 wherein it was inter alia stated that information on points E, F and screening report for 2014 should be provided by CPIO, BARC.

Another written submission was received from the CPIO and Manager (Legal), NPCIL, Narora vide letter dated 04.01.2023 which has been taken into record.

(6) CIC/NPCOI/A/2021/663154

The Appellant filed an online RTI application dated 29.09.2021 and the CPIO, Nuclear Power Corporation of India, vide letter dated 08.11.2021 furnished the reply received from CPIO/Manager, NPCIL, wherein the following was stated:-

क्र. सं.	मौगी गयी सूचना	एन.ए.पी.एस. द्वारा दी जाने वाली सूचनायें
01.	Point No. 1 to 3	Pertaining to Planning Section
02.		
03.		
04.	Circular regarding short duty for NE & E employees working in round the clock shift / general shift.	परिपत्र की प्रतिलिपि संलग्न है।
05.	Circular regarding late coming & early going in general shift/round the clock for NE & E employees.	
06.	Circular regarding condonation of total hours of attendance in total working hours in a month in round the clock shift /general shift for NE & E employees.	
07.	Circular regarding special rights of leave recommending authority to reject / asked for revise/review of LTC leave of subordinates.	As per NPCIL Leave Rules (HQI-1570). available in public domain i.e. on E-Notice Board / Intranet.
08.	Circular regarding sanction casual leave (how many days of 8 CL) permissible at one time for employees working in NAPS.	Sanctioning of Casual leave is regulated as per Sr. No. 06, Annexure – 2, HQI – 1570-R-1, available in public domain i.e. on E-Notice Board / Intranet..
09.	As per office order no. NAPS/HR-ER/2021/S/54 dated 28.04.2021 regarding panchayat general election held on 29.04.2021 in Dist. Bulandshahr.	

	Employees working in general shift are eligible for closed holiday, whereas as per this order / circular round the clock shift function as usual including essential services.	
10.	As per HQ order No. NPCIL/CO/ER/7/13/2/532 dated 17.12.2014 which clearly says that whenever additional holidays are declared for general shift personnel, round the clock shift personnel whether on duty or shift off other than on leave are entitled for additional compensatory off.	
11.	Also in order No. NAPSHR/ 2021/S/29 dated - 12.04.2021 Holiday on 14.04.2021 on account of Birthday of Dr B R Ambedkar round the clock shift personnel whether on duty or shift off other than on leave are entitled for additional compensatory off.	It appears that this is the statement of applicant however providing reason /justification etc. does not fall under the purview of information as per section 2(f) RTI Act.2005
12.	Also if above said HQ NPCIL order No. NPCIL/CO/ER/7/13/2/532 dated 17.12.2014 is not applicable to your circular order no. NAPS/HR/ER/2021/S/54 dated 28.04.2021. Then provide the copy of exact rule applicable to the same.	
13.	Whether employees working in round the clock shift whether on duty or shift off is eligible for one day compensatory off in lieu of panchayat general election held on 29.04.2021 in Bulandshahr.	

14.	Circular for availing leave for working in round the clock shift for executive employees in lieu of duty/shift off on 29.04.2021.	Circular is available on E-Notice Board / Public domain. However copy of the same is enclosed.
15.	Circular for availing compensatory off for working in round the clock shift for NE employees in lieu of duty / shift off on 29.04.2021	
16.	Procedure for availing leave in IBA for NE & E employees working in round the clock shift in lieu of duty/shift off on 29.04.2021.	It is as per circular No. NPCIL/ CO/ ER/7/13/2/532 dated-17.12.2014 (Copy enclosed) and in accordance with Section 53 of the Factories Act, 1948.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 13.11.2021. The FAA/AD, NPCIL, vide order dated 21.12.2021 stated as under:-

क्र.सं. Sr.No	माँगी गई सूचना Information sought	आरटीआई खंड सं. (लागू है, यदि कोई हो) RTI Clause No (applicable if any)	अनुक्रिया Response
1	1.		The circulars dated July 17, 2009 and February 01, 2011 mentioned against Point Nos. 4 to 6 are attached. In respect of Point Nos. 14, 15 and 16 the circulars dated December 17, 2014 and April 28, 2021 are attached. In respect of other points information has already been provided by CPIO and is in order.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the Appellant vide email dated 09.01.2023 wherein he stated that his submission was same as his second appeal.

A written submission was also received from the CPIO and Manager (Legal), NPCIL, Narora vide letter dated 04.01.2023 which has been taken on record.

Facts emerging in Course of Hearing:

The Appellant remained absent during the hearing despite prior intimation.

The Respondent represented by Shri B V Balaji, CPIO, BARC; Shri Bharat Bhushan Upadhyay, CPIO and Manager, NPCIL, Narora; Shri Ramakrishna, DGM (HR), NPCIL, Mumbai and Smt Shradha Gupta, APIO and Sr Manager (HR), NPCIL, Mumbai participated in the hearing through video conference. The Respondents stated that point wise information as per available records was provided to the Appellant in all the matters. On being queried by the Commission in CIC/BARCM/A/2021/66357, if any promotion related guidelines/ circulars exists on record, Shri Balaji stated that only Promotion norms of 2022 for Scientific and Technical Personnel are available on their website and the weblink was given in their written submission dated 08.01.2023.

Decision:

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been given since the information held and available with the public authorities and permissible for disclosure as per the RTI Act has been provided by the Respondents. The Commission also notes that similar issues have been heard and adjudicated in CIC/NPCOI/A/2019/635642; CIC/NPCOI/A/2019/645096; CIC/NPCOI/A/2019/635641 and CIC/BARCM/A/2019/635438; CIC/BARCM/A/2019/640014; CIC/BARCM/A/2019/640027; and CIC/BARCM/A/2019/646766, decided on 04.05.2021. Hence, no further intervention of the Commission is required in the instant matters. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeals stands disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535