

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2011/003284+003359/16990

Appeal No. CIC/SG/A/2011/003284+003359

Relevant Facts emerging from the Appeal.

Appellant : Mr. Debashish Dutta
 Scientific Officer-D
 Physics Group,
 Van de Graff Building, BARC,
 Trombay, Mumbai-400085.

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

RIT application filed on : 14/06/2011
 PIO replied : 08/07/2011
 First appeal filed on : NOT ENCLOSED
 First Appellate Authority order : 06/09/2011
 Second Appeal received on : 16/11/2011

Sl.	Information Sought	Reply of the PIO
a.	Overriding factors, if any, in favour of sanctioning the project with Undersigned scientific officer as principal collaborator.	This project was given to you as, you are having graduate degree, in Mechanical Engineering. You were made project coordinator expecting that you would be able to shoulder responsibility commensurate to your grade.
b.	Factor(s) in favour of aforesaid replacement. Discipline of engineering, if any of the head spearheading the nomination that materialized the replacement (vide HWD/A-42/1557 dt. Nov.19/20,1977) with his service status serving/retired, If retired, pension holder or expired grade pay at which pension is drawn. If the replacement procedure favours cryoless qualified mechanical engineers at the cost of time and money of cryo specialized qualified mechanical engineers, even if the specialization is from an IIT.	Since you did not show progress in this project, you were replaced as project coordinator with another senior mechanical engineer to expedite the project work by then Head Heavy Water Division. This change was communicated to you vide letter No. HWD/A-42/1557 dated November 19, 1997.
c.	If the replacing officer acquired any higher degree subsequent to joining service, whether the study for the degree was sponsored while in service or GATE score based scholarship funded and the institute awarding the degree and the name of the specialization. If GATE score based, year of the same requested with discipline.	This is not a requirement for assignment of work as project coordinator.
d.	If the member secretary, E.S.C. BRNS to whom the letter regarding replacement	The competent authority, Head, heavy Water Division had the authority of

833

e.	(item b above for letter details) is different from the member secretary, I.S.C. BRNS. At the time of sanctioning the project. Present status of the project. If any refrigerator and/or liquefier procured from abroad subsequently incorporating helium expansion turbine in its design. specification details with its price in INR (or equivalent currency of the nation from Where procured.). Price should Indicate. basic price with duties paid, if any, with the purpose and urgency to this effect, if the number of said item exceeds one, any variation in design of expansion turbine(s) exist(s) or uniformity exists.	replacement in the interest of progress of project. This project has been completed as scheduled. No liquefier has been procured by Heavy Water Division.
f.	Modification, if any, with details carried out to continue with the project. If any effort(s) exercised to undo the said replacement. factor(s) working against such effort(s) that nullifies such effort(s).	This was the evolving project and report is submitted to proper authorities (BRNS) as per BRNS rules.
g.	Any fresh recruitment(s) carried out to work and/or man the project If yes, preferred schemes of recruitment and the present grade(s) of officers with entry level qualification details and Present qualification details with reasons to keep Undersigned officer outside the domain of Cryogenic engineering including attending seminars / conferences etc. in the field.	No additional manpower was recruited for this project.
h.	Any new division came into being in BARC work Specifically in the field Cryogenics Subsequent to the said replacement name of the division and the group in which it falls under. Service status of superior- officer initiating the below normal rating with grade pay at which salary is drawn or pension is drawn according to present service status.	This information is available on BTS website.
i.	Any noticeable fallout(s), if any due to the said replacement and subsequent below normal ratings that is repeated even after division change by transfer. Below normal rating is a benchmark for promotion-refer earlier CIC order on ACK disclosure to applicant himself. Should the resulting fallout(s) be from undersigned account with time factor and price thereon or it may come from elsewhere too-details be provided.	The grades are based on output and deliverables by appropriate authorities.
j.	If the undersigned officer ever found not worth retaining in service by any superior officer ever reported to with agreement by higher authority as appropriate, the present grade and division/unit & DAE where the superior officer presently employed. Discipline of engineering may also be provided of the said officer. If such remarks amount to termination of service and violates any Article of constitution same be Informed of under RTI, Act.	Officers are always given chance to improve.
k.	Information on transfer carried out ignoring the specialization in M.Tech, BARC training School batch and work assigned subsequently.	Then Head, Heavy Water Division gave a free hand in seeking transfer to anywhere else suitable to choice vide WHD/Per/01/301 dated 14-3-2001. You were transferred to the Division of your choice.
l.	Any malpractice(s) recruitment and subsequent division allotment of the undersigned.	NO
m.	If any fiduciary relationship excludes the undersigned from having above information, factors in favour of existence of such relationship and its continuation and if it need to be at the cost of time and money of undersigned officer.	Question does not arise.

n.	Information on fixing the responsibility regarding career improvement subsequent to damage rests with authority as found deemed fit at present or the undersigned need to continue with damage as such.	Responsibility for career improvement lies on you.
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Grounds for the First Appeal:

Incomplete and unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA)

It is found that the information sought by appellant has already been provided by the PIO, BARC in adequate manner within the prescribed time limit. Acceptance of the grounds/reasons for arriving at certain decisions by the Appellant is not covered by RTI Act. The PIO has furnished information as applicable under the Act. The Appellant may note that RTI Act is not a platform to redress his grievances, real or imaginary, regarding his transfer/postings/career progression. FAA upholds the information given by PIO.

Grounds for the Second Appeal:

Incomplete and unsatisfactory information provided by the PIO unfair disposal of the appeal by the FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Debashish Dutta on video conference from NIC-Mumbai Studio;

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

The Commission has identified that this matter also been listed as case no. CIC/SG/A/2011/003359 which has been listed for hearing on 24/01/2012. Hence this matter was also disposed with this.

The Appellant appears to have been given information available as per records. He is seeking reasons for his being replaced in a particular project. The PIO states that apart from the letters given to the Appellant there are no reasons on the records.

Decision:

The Appeal is disposed.

The reasons available on the records have been provided.

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.



Shailesh Gandhi
Information Commissioner
20 January 2012

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

