

CENTRAL INFORMATION COMMISSION
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Old JNU Campus, New Delhi - 110067
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Decision No. CIC/SG/A/2012/001309/19313
Appeal No. CIC/SG/A/2012/001309

Relevant Facts emerging from the Appeal

Appellant : Mr. Santosh Kumar Mishra
10, DEEPAK - A, Anushaktinagar,
Mumbai - 400 094

Respondent : ☒ Mr. S. Govardhan Rao
CPIO & Head Personnel Division,
BARC
3rd Floor, Central Complex (CC), BARC,
Trombay, Mumbai - 400 085

RTI application filed on : 01/10/2011
PIO replied : 30/11/2011
First appeal filed on : 09/12/2011
First Appeal/ate Authority order : 19/01/2012
Second Appeal received on : 24/04/2012

S. No	Information Sought	Reply of the Public Information Officer (PIO)
I.	Please provide certified copy with the seal of office/official concerned of the:	
i)	Letter dated 19.04.2011	Copy enclosed.
ii)	Letter (Ref. 8/1/2008-HRD&SR&W/(Part)/895 dated 19.4.2011	Copy enclosed.
iii)	Letter (Ref. 7 (23) 2011/Vig./60237) dated 7.7.2011	Copy enclosed.
iv)	Letter of suspension to the applicant issued by Director, BARC	
v)	My letter related with me, issued by any official of BARC to anyone after 08.06.2011 till date.	Copy of letter No. FRD/A-30/11/78 dated 10.06.2011 issued by Head, FRD to Director, NRG is enclosed. (Page 1)
vi)	Letter issued from CSO, BARC and other officials of BARC to Trombay Police Station, Mumbai regarding on occurrence occurred at 1010, Akashganga, Anushaktinagar, Mumbai on 13.11.2009 and 26.11.2009.	Copies of following letters issued by CSO, BARC to Police Authorities are enclosed (Pages 3): 1) CSO/INV/28/2009/gog2 dated 25.11.2009 2) CSO/INV/28/2009/9203 dated 27.11.2009 3) CSO/INV/28/2009/9610 dated 14.12.2009
vii)	All inputs, in any form, from any source received by the Competent Authorities of BARC, requested for necessary action,	Copy of DCSEM/SEC/CSO/04/2009/ 1274 dated 26.11.2009 alongwith its enclosures is enclosed. (Pages 3)

	regarding the occurrences occurred on 13.11.2009 and 26.11.2009 respectively at 1010, Akashganga, Anushaktinagar, Mumbai -400 09	
viii)	Incident report (Ref. ocsEM/sf.qcso/04/200g/ 1274 dated 24.11.2009 and 26.11.2009 respectively) prepared by CSO, DCS&EM directed by Director, DCS&EM and forwarded to Controller, BARC.	
ix)	All inputs available, related with me, in any form, in any matter, from any source, to any authorities of BARC/DAE, till date.	Since no specific documents are sought, the same cannot be provided.
x)	General case Note Summary of the patient Name — SM Santosh Kumar Mishra created in BARC Hospital on 14.11.2009 at time 19:33:14 and 01:02:20 hrs. respectively.	Copy enclosed.
xi)	Information provided (Ref. No. BARC/RTI/2010/04/528/877 dated 7.5.2010) under the RTI Act 2005 on the request No. RTI/ BARC/2010/04/528 dated 26.04.2010.	Copy enclosed.
xii)	Information provided (Ref. No. BARRTI/201 1/06/828/1350 dated 20.06.2011) under the RTI Act, 2005 on the request No. R1/BARC/201 1/06/828 dated 7.6.2011.	Copy enclosed.
xiii)	The complaint against the SM S.D. Misra and others, against their complaint to the President, Secretariat, New Delhi through BARC.	
xiv)	The reply submitted by Shri S.D. Misra a and others, against their complaint to the President Secretariat, New Delhi through BARC.	No such record is available.
xv)	Letters written by the applicant, to SR&W Section through APO, FRD, BARC, Trombay in the period from June 2009 to Nov. 2009	A copy of letter dated 04.09.2009 received through APO, FRD is enclosed (4 pages).
xvi)	Letter written by Medical Social Worker of Dispensary No. 9 of Anushaktinagar, to Smt. Poonam Mishra in the month of June & July 2009.	The information relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual. Hence, exempt u/s 8(1)(0) of the RTI Act, 2005.
2.	Certified true copy, with the seal of Office/Official concerned, of the action taken reports or the status report, whichever is applicable, along with complete movement details of the letters and the office notes! inputs (if any) received/sent, to	The copies of following letters with endorsements thereon alongwith action taken reports, wherever available are enclosed:

	whomsoever, on the letters	
i)	Dated 23.08.2011 and 12.09.2011 addressed to Director, BARC by the applicant to revoke his suspension and for arrears settlement.	Your letter dated 23.08.2011 has been forwarded to DAE for consideration on 07.09.2011. However, as the contents of the letter dated 12.09.2011 were same as of 23.08.2011 no action has been taken on that.
ii)	Representation dated 15.04.2011, addressed to Director, BARC for the re-assessment of APAR.	Copy enclosed alongwith reply dated 20.6.2011 under RTI (3 pages).
iii)	Dated 22.03.2011 addressed to Controller, BARC for the assessment sheets from year 2002 to till date.	Certified copy of the APAR for the period from 01.07.2009 to 30.06.2010 already provided vide letter No.8/3/2010-HRD&SR&W/796 dated 07.04.2011.
iv)	Dated 11.03.2011, addressed to CSO, BARC, regarding police protection on my expense.	Copy of letter No. CSO/INV/Enq47/09/2011/24206 dated 15.3.2011 is enclosed (Page 1).
v)	a) dt. 31.05.2011, addressed to Controller, RC b) dt. 15.04.2011, addressed to Director, BARC c) dt. 14.03.2011, addressed to Director, BARC seeking transfer in some other group in BARC Trombay, Mumbai — 85.	You were requested vide letter No. 8/1/2008-HRD/SR&W(Part)/896 dated 19.04.2011 to submit your explanation. Your letter dated 26.04.2011 was received on 28.04.2011. The explanation given by you was examined and no action has been taken.
vi)	Dt. 26.04.2011 addressed to Controller, BARC	Copy of the letter no. MD/CHSS/9/13497/ 2010/OPA-5269 dated 11.3.2011 from APO, Medical Division is enclosed (Page 1).
vii)	Dt. 25.04.2011, addressed to Head, Personnel Division, BARC	You wanted a copy of complaint and details about the source of information based on which letter seeking explanation from you was issued on 19.04.2011. It is intimated that the details of the source cannot be disclosed as same would endanger the life or physical safety of a person or identify the source of information or assistance given in confidence for law enforcement. Hence exempt u/s 8(1)(g) of the RTI Act, 2005.
viii)	Dt. 19.07.2010, addressed to Controller, BARC about the applicant's grievances,	The of the letter are found to be baseless except item no. 5. Accordingly, no action has been taken on your letter. Regarding point no. 5 is intimated that PRIS for July 2009 had already been released.
ix)	Dt. 28.05.2010, addressed to Director, BARC	You were requested to approach Police in the matter by CSO, BARC vide his letter dated 03.06.2010.
x)	DL 10.05.2010, addressed to Controller, BARC.	Copy of your letter was forwarded CSO, OCS&EM by CSO, BARC vide his letter dated 12.05.2010 copy enclosed (Page 1).
xi)	Dt. 26.04.2010, addressed to Controller, BARC.	Same as reply to point no. 2 (vi) above.
xii)	Dt. 22.04.2010, (Ref :- FRD/G/406/0373/698) addressed to DEO, an. II, BARC, Trombay.	You were advised by officials of Estt. II Section to submit a fresh nomination.
xiii)	DL 08.02.2010, addressed to Controller, BARC	Since this letter & the applicant is only nature of information to the authority. Hence, no action has been taken.
xiv)	IX. 05.01.2010, submitted on 08.01.2010 to the Controller, BARC, Trombay.	The letter dated 05.01.2010 purported to have been submitted on 08.01.2010, has not been received in the

		office of Controller, BARC.
xv)	IX. 23.11.2009, addressed to DCP zone (VI) & cc to Controller, BARC	Your letter dated 23.11.2009 was forwarded to DCP, Chembur, Mumbai vide letter dated 21.12.2009 under intimation to you.
3.	The list of employees of BARC Trombay against whom — a) The disciplinary action was sought in year 2010 & 2011. b) Disciplinary action recommended & initiated in year 2010 & 2011. c) Punishment rewarded, alongwith the details of punishment in the year 2010 & 2011.	The information requested by you relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual. Hence, exempt u/s 8(1)(b) of the RTI Act, 2005.
4.	The list of employees of BARC Trombay against whom — a) The sanction for prosecution was sought in year 2010 & 2011 b) The sanction for prosecution is granted in year 2010 & 2011 c) The prosecution is in progress in year 2010 & 2011	The information requested by you relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual. Hence, exempt u/s 8(1)(b) of the RTI Act, 2005.
5.	Letter issued from Competent Authority to grant the subsistence allowance to the applicant with the break-up of amount released.	Copies of following letters alongwith breakup of amount are enclosed (Pages 6): 1) Order No. 1/15(4)/2011-vig./8120 dated 26.07.2011. 2) Order No. 1/15(4)12011-viz./ 10587 dated 30.09.2011.

Grounds for the First Appeal:

Incomplete and unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA):

First Appellate Authority uphold the information provided by PIO and disposed off the appeal.

Grounds for the Second Appeal:

Incomplete and unsatisfactory information provided by the PIO and appeal disposed by the FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Santosh Kumar Mishra on video conference from NIC-Mumbai Studio;

Respondent: Mr. S. Govardhan Rao, CPIO & Head Personnel Division on video conference from BARC Studio;

The Appellant states that partial information has been given to him and the information provided has not been attested. The Respondent states that he has provided the information as per records. However, the Appellant points out that it is not stated which authority has given this information nor has anybody initialed these. The Commission notes that that the Appellant has asked for long list of information and offered the appellant an opportunity to inspect the files. He states that he does not wish to inspect the files. It is very difficult to identify what information is not complete according to the appellant. Since the appellant is not willing to inspect the records the Commission now deals with the fact the records supplied to the appellant have not been initialed by anybody nor the name of the public authority mentioned. The Commission asked

the appellant to send these documents back to the PIO before 30 June 2012 and the PIO will ensure that these are duly attested copies with the rubber stamp and duly initially by some officer is provided to the Appellant within 15 days of receiving the documents from the Appellant.

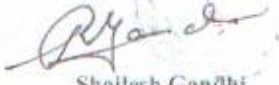
Decision:

The Appeal is disposed.

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.


Shallesh Gandhi
Information Commissioner
20 June 2012

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