CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No.**CIC/SS/A/2014/000042**
CIC/YA/A/2015/001730
CIC/YA/A/2015/002405

Date of Hearing	:	05.05.2016
Date of Decision	:	05.05.2016
Appellant/Complainant	:	**Shri Shashi Kant** Mumbai
Respondent	:	**Bhabha Atomic Research Institute** Through: Shri Joshi
Information Commissioner	:	**Shri Yashovardhan Azad**

Since both the parties are same in the above mentioned appeals, these are clubbed together for hearing and disposal to avoid multiplicity of the proceedings.

Case No.	RTI filed	CPIO reply	First appeal	FAO
0042	25.06.2013	24.07.2013	21.08.2013	03.09.2013
1730	19.12.2014	08.01.2015	23.02.2015	13.03.2015
2405	22.06.2015	07.07.2015	13.07.2015	24.08.2015

CIC/YA/A/2015/002405

Information sought & background of the case:

Vide RTI application dated 22.06.2015, the appellant sought copy of letter dated NRG/PSDD/EDS/BVS/2014/171610 dated 31.12.2014 addressed to Director, BARC and other incidental information under seven points. The PIO declined to furnish information sought invoking clauses (h) & (j) of Section 8(1) of the RTI Act, 2005. The FAO also upheld the decision of CPIO. Feeling aggrieved, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant alleges that adverse remarks were noted in his APAR by superior officers with a view to damage

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his promotional prospects. He further alleges that his APAR was tampered with inasmuch several entries were made therein in an anterior date. He states that the letter in question has been written by one Shri B.V. Shah to the Director, BARC on the same issue. In this factual backdrop, the appellant states to have sought the information. Per contra, the CPIO states that the allegations put forth by appellant are under consideration of the Central Administrative Tribunal, Mumbai Bench. He states that entire APARs have been already furnished to the appellant in compliance of directive of this Commission in file no.CIC/SM/A/2010/000601. The CPIO further states that the letter sought by the appellant is an official correspondence and protected under Section 8(1)(j). The CPIO further apprises the Commission that the letter in question is already in possession of the appellant as the same has been annexed to application filed by appellant before CAT, Mumbai bench. Upon a query from the Commission, the appellant affirms the statement made by CPIO. The CPIO states that no action was taken upon the letter in question as the same forms part of a sub-judice matter.

Decision:

After hearing the parties and perusal of record, the Commission concurs with the respondent as the information sought invariably attracts clause (j) of Section 8(1). It is undisputed that the appellant is in possession of the letter in question. Since the matter is *sub-judice*, no fruitful purpose would be served from the disclosure of the information sought *enbloc*.

The decision of FAA is upheld.
The appeal is disposed of accordingly.

CIC/SS/A/2014/000042

Information sought & background of the case:

Vide RTI application dated 25.06.2013, the appellant sought information related to various projects of Dept. of Atomic energy in specific reference to their office memorandum No. 3/16/2008/BARC/R&D-1/154 dated 14.06.2008 under 19 points. The PIO denied disclosure invoking clause (a) of Section 8(1) of the RTI Act, 2005. The FAA also upheld the reply of CPIO interalia observing:

> *"The information requested vide application dated 25.06.2013 is considered as strategic and confidential and PIO has correctly denied the same under Section 8(1) (a) of the RTI Act, 2005. Therefore, I uphold the*

reply given by PIO, BARC. The remaining points (i.e. point no. 32, 33, 34, 35, 38, 41) raised by the appellant are not related to this case. The Appellant has raised some allegations against his superiors and functioning of his division. RTI is not a forum to resolve or investigate any allegations/ irregularities in functioning of any office/plant etc. The appellant can take up the matter with appropriate authorities."

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that the information sought has been denied by CPIO on flimsy grounds. HE states that the OM referred to in the RTI application is the financial sanction of various projects of Department of Atomic energy. He alleges various malpractices being done by DAE and in this backdrop, states to have sought the information. Per contra, the CPIO states that there are 14 different projects of DAE dealing with Uranium & Thorium. He states that the information sought is classified in nature and any disclosure thereof would prejudice national interest besides being detrimental for strategic & scientific interests of the nation.

Decision:

After hearing the parties and perusal of record, the Commission finds the queries made by the appellant to be squarely falling within purview of clause (a) of Section 8(1) of the RTI Act, 2005. The appellant has sought to know various vital parameters of the DAE projects viz. sanction, physical progress, work activity, objectives, deliverables etc. to name a few. The Commission observes that it was uncalled for on the behalf of appellant to assume the role of an 'auditor'.

The present appeal is misconceived and dismissed accordingly.

CIC/YA/A/2015/001730

Information sought & background of the case:

Vide RTI application dated 19.12.2014, the appellant sought information regarding officers trained in BARC training school alongwith their classification based upon their respective APAR grades alongwith incidental information under 35 points. Vide reply dated, 08.01.2015, the CPIO denied disclosure of information sought, invoking Section 7(9) of the RTI Act, 2005. The FAO upheld the order of PIO. Feeling aggrieved, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that the information sought is not exempted under any clause of Section 8 and relies upon a decision of a coordinate bench of this Commission in file no. **CIC/SG/A/2012/000532/18489**. On the other hand, the CPIO submits that the information sought is not readily compiled and it would take enormous efforts to collate the voluminous data scattered across various projects of BARC. The CPIO apprises the Commission that there are as many as 4000 scientists working with BARC and collating & classifying their APAR grading for a period of seven calendar years would disproportionally divert the resources of the public authority.

Decision:

After hearing parties and perusal of record, the Commission observes that the information sought is voluminous indeed besides being not readily compiled. Furthermore, the appellant has not been able to demonstrate any wider public interest so as to warrant disclosure of the information regarding APAR of various scientists in BARC.

Accordingly, the decision of FAA is upheld.
The appeal is disposed of.

Sd/-
(Yashovardhan Azad)
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.

(R.P. Grover)
Designated Officer

Copy to:-

Central Public Information Officer under RTI
Deputy Establishment Officer & CPIO,
Bhabha Atomic Research Centre,
3rd Floor, Central Complex, Trombay,
Mumbai-400085 (Maharashtra).

First Appellate Authority under RTI
Controller & FAA,
Babha Atomic Research Centre,
6th Floor, Central Complex, Trombay,
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Shri Shashi Kant
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