

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/2023/137262**

Shri V. M. PALANIAPPAN

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO,
Bhabha Atomic Research Centre
(Mumbai)

...प्रतिवादीगण /Respondent

Date of Hearing : 18.04.2024

Date of Decision : 18.04.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 22.05.2023

PIO replied on : 28.06.2023

First Appeal filed on : 08.07.2023

First Appellate Order on : 11.08.2023

2ndAppeal/complaint received on : 19.08.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 22.05.2023 seeking information on following points:-

“.....I may be furnished the Total No. of Candidates applied for the following Posts. Except the above information No other information is required for now. I require only the pre-process information which is available from 23.05.2023

Post Code	Discipline / Trade	Total No. of Candidates Applied
	Direct Recruitment - Technical Officer / C	
DR07	Computer Science	
	Stipendiary Trainee - Category I	

TR04	Computer Science	
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The Chief Administrative Officer (A) & CPIO, Bhabha Atomic Research Centre (Mumbai) vide letter dated 28.06.2023 replied as under:-

“Point No. 1& 2:- Recruitment action for Advertisement No.03/2023/BARC is under process. On finalization of the process all relevant details / information will be made available on BARC website <https://recruit.barc.gov.in>.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 08.07.2023. The FAA vide order dated 11.08.2023 stated as under:-

6. *“.....it is observed that not satisfied with the response from PIO, BARC, the Appellant has sought certain additional information and raise questions over the response of the PIO which were not part of the Original RTI application. Hon'ble CIC in the case of Shri Harish Prasad Divedi Vs. BPCL dated 28.01.2014 had mentioned that an information seeker cannot be allowed to expand the scope of his RTI enquiry at the appeal stage and no disclosure of information can be made to the Appellant for raising a new query at the appeal stage. Moreover, the Appellant has sought certain clarification on the appeal stage. Under RTI, only such information can be provide which exists in material form or held by or under the control of public authority. The PIO is not supposed to create information that is not a part of the record or also not required to interpret information or furnish replies to hypothetical questions. This is in consonance with Hon'ble CIC decision dated 30.01.2017, 03.03.2017 in the case of Shri Subrat Guha Ray Vs. CPIO, Jt. Commissioner, Directorate General of Vigilance, Customs and Central Excise, New Delhi.”*

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

Written submission dated 12.04.2024 has been received from the CPIO, BARC, Mumbai and same has been taken on record for perusal. The relevant extract whereof is as under :

“..3. The Appellate Authority vide Appellate Order no. BARC/RTI/2023/05/7976/1864 dated 11.08.2023 (Annexure-IV) had observed that the appellant is seeking information regarding Total No of candidates applied for Direct Recruitment-Technical Officer/C (DR 07-Computer Science) and Total No of candidates applied for Direct Recruitment Stipendiary Trainee-Category 1 (TR04-Computer Science) against Advertisement 03/2023/BARC. It is observed that the recruitment action against Advt. No.03/2023/BARC is under process and all relevant details/information i.e. no. of application received against each post, date of examination, etc. will be made available on BARC website <https://recruit.barc.gov.in> & <https://barc.gov.in> as and when the recruitment process is finalized. It is further informed that as per the recruitment method followed by this Centre; the information sought

cannot be disclosed at this juncture. All the details i.e. No. of application received against each post, date of examination for each post, all the screened in/screened out candidates for each post w.r.t. Advt. No.03/2023/BARC will be made available on BARC websites once the recruitment process is completed.

4. The Appellant has now preferred a second appeal to the Hon'ble CIC stating that " There is obviously a conflict between The Central Public Information Officer and the petitioner over the time frame stipulated by the Act, 2005. The Hon'ble Central Information Commission may be pleased to resolve the conflict by way of awarding suitable verdict".

5. In view of the above, the following points are respectfully submitted before Hon'ble CIC for consideration as under:

(1) It is observed that Under RTI, only such information can be provide which exists in material form or held by or under the control of public authority. The PIO is not supposed to create information that is not a part of the record or also not required to interpret information or furnish replies to hypothetical questions. This is in consonance with Hon'ble CIC decision dated 30.01.2017, 03.03.2017 in the case of Shri Subrat Guha Ray Vs. CPIO, Jt. Commissioner, Directorate General of Vigilance, Customs and Central Excise, New Delhi,.."

Facts emerging in Course of Hearing:

Appellant: Absent

Respondent: Mr. B.V. Balaji, Chief Administrative Officer- present through video conferencing.

The Respondent stated that the recruitment action against Advt. No.03/2023/BARC is under process and all relevant details/information i.e. no. of application received against each post, date of examination, etc. will be made available on BARC website <https://recruit.barc.gov.in> & <https://barc.gov.in> as and when the recruitment process is finalized. He further stated that the information sought cannot be disclosed at this juncture.

Decision:

Upon perusal of records and submissions made during hearing, it is noted that the Appellant's queries had been appropriately answered by concerned PIO. Furthermore, written submission filed by the Respondent is comprehensive and self-explanatory. Thus, information as permissible under the provisions of the RTI Act has been duly furnished to the Appellant. In the given circumstances, no further intervention of the Commission is warranted in this case under the RTI Act.

Appeal is disposed of accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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



Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil