

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/2023/141069**

Shri KAUSHAL KIRAN THAKKER (ADVOCATE)

... 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 : 30.06.2023

PIO replied on : 01.08.2023

First Appeal filed on : 17.08.2023

First Appellate Order on : 18.09.2023

2ndAppeal/complaint received on : 05.10.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 30.06.2023 seeking information on following points:-

“Action taken against Dr. Rajesh Gangadhar Dashaputra, pursuant to my Complaint dated 21st April, 2023, addressed to Dr. A.K. Mohanty and Shri. K. Jayakumar.

All the relevant information regarding the above.”

The Chief Administrative Officer (A) & PIO, Bhabha Atomic Research Centre (Mumbai) vide letter dated 01.08.2023 replied as under:-

“As informed by deemed PIO, the matter is under examination. Therefore, information sought is exempted from disclosure under section 8(1)(h) of the Right to Information Act, 2005.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 17.08.2023. The FAA vide order dated 18.09.2023 upheld the reply of CPIO. The relevant extract as under :

7. As regards RTI application dated 30.06.2023 (received on 07.04.2023), PIO has rightly, stated that the information sought is under examination

and hence exempted u/s 8(l)(h) other RTI Act.2005 as disclosure of such information at the examination stage would hamper/impede the investigation. It is also informed that the complaint has been referred to concerned vigilance unit of BARC and the same is under investigation. If Shri Rajesh G Dashaputre is found guilty action will be initiated accordingly against Dr. Rajesh G. Dashaputre under the provisions of CCS (CCA) Rules 1965.

8. Further, information with respect to all communication between department (BARC) and Dr. Rajesh G Dashaputre based on the complaint dated 21.04.2023 (i.e. action taken report) cannot be provided under Section 8(1)(j) of the RTI Act,2005 as such information attracts the nature of personal information. In relation to instant appeal, attention of the Appellant is drawn in Hon'ble CIC Decision dated 22.04.2019 in the case of Dr. Arvind Kumar Verma Vs. CPIO, National Institute of Ayurveda Madhav Vilas Place, Jaipur, Rajasthan wherein Hon'ble CIC referred to the judgment dated 03.10.2012 of the Hon'ble Supreme Court in Girish Ramachandra Deshpande Vs. Central Information Commission & others (in SLP (C) No.27734 of 2012) wherein it was held that

"the performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. Such type of information can be provided by PIO/FAA, if satisfied that there is larger public interest/activity is involved, but the same cannot be claimed as a right by the Appellant/petitioner".

9. Considering the present status of the case and the facts as mentioned at Para-8 above, I UPHOLD the reply given by PIO, BARC.

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 and same has been taken on record for perusal.

Facts emerging in Course of Hearing:

Appellant: Present through audio-conferencing

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

The Appellant stated that the relevant information has not been furnished to him till date. He further stated that the information sought has been wrongly denied under Section 8(1)(h) and 8(1)(j) of the RTI Act. He requested to direct the PIO to furnish the information sought.

The Respondent stated that the relevant information from their official record has been duly furnished to the Appellant. He further stated that it has been duly informed to the Appellant that the matter related to which information has been sought by the Appellant, has been referred to the vigilance unit and the process of investigation is still in process. He further stated that the documents or further information related to the Complaint dated 21.04.2023 is exempted under Section 8(1)(h) of the RTI Act since its disclosure would impede the process of investigation.

Decision:

Upon perusal of records and examining the facts of the case at hand, it is noted that the Appellant's queries had been appropriately answered by the concerned PIO. The reply is self-explanatory and information as permissible under the provisions of the RTI Act has been duly supplied 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