

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/2024/652561**

Rakesh Ranjan

... अपीलकर्ता/Appellant

VERSUS/बनाम

CPIO, Bhabha Atomic Research Centre,
Trombay, Mumbai

..प्रतिवादीगण/Respondent

Date of Hearing : 05.01.2026

Date of Decision : 08.01.2026

Chief Information Commissioner : Raj Kumar Goyal

Relevant dates:

RTI application filed on : 17.09.2024
PIO replied on : 16.10.2024
First Appeal filed on : 17.10.2024
First Appellate Order on : 14.11.2024
2ndAppeal/complaint : 26.11.2024
received on

Information sought and background of the case:

1. The Appellant filed an online RTI application dated 17.09.2024 before the PIO, BARC seeking softcopies of the following information:

"1. Certified copies of remarks/notes/actions taken by the respective authorities date-wise for the letters mentioned below:-

- a. DCSEM/IT/RR/2023/35 dt. 15/06/2023.*
- b. DCSEM/IT/RR/2023/CHSS/516dt11/12/2023.*
- c. DCSEM/171/469/Es/310 dt. 09/05/2024.*

2. A certified copy of the responsibilities and maximum period for action of the authorities mentioned in the letters at point no.1 above.

3. Number of cases where medical facilities are extended to spouses and how many of them are employed with break up for conditions for grant of medical facilities to the spouses.

4. Number of cases where medical facilities are not extended to spouses with break up for conditions for non-grant of medical facilities to the spouses.

[reproduced verbatim]

2. The RTI application was disposed of vide response dated 16.10.2024 by the PIO, BARC, Mumbai in the following manner:

"1. The matter is under consideration by the Competent Authority in the Department.

2. Seeking clarifications, reasons, opinions and answering hypothetical questions are not treated as information under section 2(f) of the RTI Act, 2005.

3-4. Such information is not maintained by this Public Authority. However, as on 30th September 2024, spouses registered in CHSS inside Mumbai DAE units is 27,189. This excludes spouses registered in CHSS at TAPS"

[reproduced verbatim]

3. Not satisfied with the reply, the Appellant filed an online First Appeal dated 17.10.2024, seeking information on the first two points of his original RTI application. The FAA/Actg. Controller Project Director passed an order dated 14.11.2024 upholding the PIO's reply, as under:

"4. As regards Appellant's contention to provide the certified copies of remarks/notes/actions taken by the respective authorities date wise for the letters mentioned, it is informed that a clarification has been awaited from the authorities in the subject matter. Also, with regard to providing the certified copy of the responsibilities and maximum period for the authorities' action mentioned in the letters, it is informed that all communications received in this department are dealt as per the Manual of Office Procedure. Also, the time taken for examination of the case and the resolution process can vary depending on the complexity of the issue and the need for additional clarifications.."

[reproduced verbatim]

4. Not satisfied with the FAA's order, the Appellant has filed the instant Second Appeal.

Facts emerging in course of Hearing:

5. Hearing was scheduled after giving prior notice to both the parties. The Respondent – CPIO, BARC has, vide written submission dated 26.12.2025, reiterated the facts as discussed hereinabove and added as under:

"i) It is submitted that the Appellant has sought certified copies of remarks/notes/action taken on representations dated 15.06.2023, 11.12.2023 and 09.05.2024, pertaining to extension of medical facilities to a spouse who is already covered under a Mediclaim policy as part of her employers remuneration package. The matter involves a policy issue, and the Unit authorities have examined the representations and sought clarification from the Department of Atomic Energy(DAE) for further course of action. As the issue is under active consideration at the policy-making level, no final decision or material record was available for disclosure at that stage.

ii) With regard to the request for certified copies of responsibilities and maximum time limits for action by authorities, it is reiterated that, as a Central Government organization, all the communications are processed strictly in accordance with the Manual of Office Procedure, which is available in the public domain at: [https://darpg.gov.in/sites/default/files/CSMOP 0000.pdf](https://darpg.gov.in/sites/default/files/CSMOP%20000.pdf)

iii) It is further respectfully submitted that, at the First Appeal stage, the FAA furnished a point-wise and reasoned reply based on the information available on record, and no information has been denied or withheld contrary to the provisions of the RTI Act.

iv) It is respectfully submitted that the information sought by the Appellant, insofar as it relates to disclosure of remarks, internal notes, and actions taken during the examination of a policy matter involving inter-departmental consultation with DAE, falls within the category of issues under active consideration. In the case of *Shri R.S. Misra vs. Ministry of Power* (CIC File No. CIC/OK/A/2006/00046) Decision dated: 25.04.2006 The Hon'ble CIC held that, "Information relating to a matter which is still under examination and deliberation cannot be compelled to be disclosed under the RTI act until the decision-making process is complete." Further, the Hon'ble CIC has repeatedly observed that a public authority is required to provide only such information as is available and existing on record, and that the RTI Act does not oblige the authority to generate explanations, draw inferences, prescribe timelines, or furnish opinions.

The reply furnished by the PIO and upheld by the FAA is therefore fully consistent with settled CIC precedents on "information under consideration" and "non-creation of information", reflects due application of mind, and ensures that the RTI mechanism is not converted into a forum for premature disclosure of policy deliberations or adjudication of individual representations."

[reproduced verbatim]

Appellant: Present through video conference notice.

Respondent: Mr. Stanly M K - PIO, BARC, Mumbai was heard through video conference during hearing.

6. The Appellant contended that he was aggrieved because his first question i.e. certified copies of remarks/notes/action taken on representations dated 15.06.2023, 11.12.2023 and 09.05.2024, pertaining to extension of medical facilities had been handled evasively and information sought has been denied.

7. The Respondent contended that the letters mentioned by the Appellant in his RTI application had been received at BARC and forwarded to the Department of Atomic Energy [DAE]. On being enquired by the Commission during the course of hearing, the Respondent admitted that BARC is in custody of the forwarding letter(s) and note(s) by which the letters were forwarded to DAE and the same could be provided to the Appellant.

Decision:

8. In the light of the aforesaid, the PIO from BARC is directed to furnish a revised reply with respect to the query number 1 and provide the copies of the requisite documents. This revised reply shall be sent by the Respondent to the Appellant within two weeks of receipt of this order, under intimation to the Commission.

The appeal is disposed of with the above directions.

Sd/-

Raj Kumar Goyal (राज कुमार गोयल)
Chief Information Commissioner (मुख्य सूचना आयुक्त)



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h
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