Central Information Commission, New Delhi
File No.CIC/SM/A/2010/000426
Right to Information Act-2005-Under Section (19)

Date of hearing	:	15 November 2010
Date of decision	:	15 November 2010
Name of the Appellant	:	Shri C B Pachauri F/o. Rahul Sharma, R/o. 11, Vinay Nagar Bodla Road, Shahganj, Agra - 282 010.
Name of the Public Authority	:	CPIO, Bhabha Atomic Research Centre, Central Complex, 3rd Floor, BARC, Trombay, Mumbai - 400 085.

The Appellant was present in person.

On behalf of the Respondent, Shri Govardhan Rao, CPIO, was present.

Information Commissioner : Shri Satyananda Mishra

Decision Notice

Appeal partially allowed.

Elements of the decision:

Section 8(1)(j) - Directed the CPIO to provide information

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2. We heard this case through videoconferencing. The Appellant was present in the Agra studio of the NIC. The Respondent was present in the Mumbai studio.

3. We heard their submissions. The Appellant had wanted (a) the name of the TC whose pay scale had been upgraded since 2006 in the HWD and had also asked for (b) the reasons for not upgrading the pay scale of Sri Rahul Sharma including (c) the copy of his ACR. The CPIO had provided some of the desired information but had declined to disclose some others by claiming exemption under Section 8(1) (j) of the Right to Information (RTI).

In his order, the Appellate Authority had directed the CPIO to provide the general reasons for not considering Sri Rahul Sharma for promotion while he upheld the decision of the CPIO not to disclose the ACR of Shri Sharma.

4. We carefully considered the submissions of both the parties. The Respondent submitted that under the flexible complementing scheme, employees were to be upgraded from time to time if they met the laid down norms. Even if this is so, surely the details of the denial of upgradation to this particular employee should be provided. Therefore, we direct the CPIO to provide to the Appellant within 10 working days from the receipt of this order the photocopy of the relevant file noting etc showing the reasons for not upgrading this particular employee along with the others.

5. With the above direction, the appeal is disposed off.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
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.

(Vijay Bhalla)
Assistant Registrar