

**Central Information Commission**

Room No.306, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066  
Tele:011-26180512 & 011-26717355 Fax : 01126106145 website-cic.gov.in

**Appeal: No. CIC/SM/A/2013/000569/DS**

Appellant /Complainant : Ms. Saroj Kumari  
(Represented by Shri Chandrabhan Pachauri)

Public Authority : Bhabha Atomic Research Centre  
(Shri Govindankutty, CPIO)

Date of Hearing : 30 October 2013  
Date of Decision : 30 October 2013

**Facts:-**

1. RTI application dated nil was submitted by the applicant before the CPIO, Bhabha Atomic Research Centre, Trombay, Mumbai- 400 085, to obtain information with respect to her son Mr. Rahul Sharma's ACR, adverse remarks, if any, in his ACR, action taken on complaint letters and appeal filed by the appellant and promotion related information through 8 points.
2. Vide CPIO order dated 4 January 2013, point wise information was provided to the appellant which failed to satisfy her and she preferred appeal dated 1 February 2013 before the FAA.
3. Matter was decided vide FAA order dated 4 March 2013, by which FAA disposed of the appeal and upheld the order passed by CPIO and held that the RTI application and appeal, in essence, is the complaint in respect of promotion of Appellant's son and CPIO can only provide information which exists on record and cannot create the information or deal with complaints.
4. Not satisfied with the order of the FAA, the appellant had preferred second appeal before the commission.
5. Matter was heard today via videoconferencing. Respondent as above was heard from Mumbai. Appellant made submissions from Agra. Appellant submitted that he had not been provided specific information by the CPIO that his son's ACR grading for the years 2002 – 09 were not communicated to Shri Rahul Sharma.



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Shri Pachauri

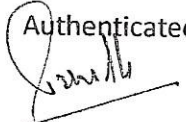
Decision notice

6. After hearing both parties Commission directs the CPIO to take action as prescribed under section 11 of the RTI Act to seek the submissions of the third-party namely, Shri Rahul Sharma within one week of receipt of the order. Thereafter, keeping in mind the submissions of the third-party CPIO will take a decision within two weeks regarding disclosure of the requested information to the appellant who is the mother of Shri Sharma.
7. In respect of seeking inspection of the ACRs, Shri Rahul Sharma is free to make application in the light of the decision of the honourable Supreme Court of India in the Dev Dutt case.

Sd

(Smt. Deepak Sandhu)  
Chief Information Commissioner

Authenticated true copy:



(Vijay Bhalla)  
Deputy Registrar  
Tel. No. 011-26183996



Copy to:-

Ms. Saroj Kumari  
M/o. Shri Rahul Sharma-Tradesman D,  
R/o. 11, Vinay Nagar, Bodla Road Shahganj,  
Agra – 282 010

Central Public Information Officer under RTI  
Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> Floor,  
BARC, Trombay,  
Mumbai – 400 085

First Appellate Authority under RTI  
Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> Floor,  
BARC, Trombay,  
Mumbai – 400 085