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/2019/125282**
CIC/BARCM/A/2019/125283

Smt. Sushma Sarkar ... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO
BARC ...प्रतिवादीगण /Respondent

Date of Hearing : 24.06.2021
Date of Decision : 25.06.2021
Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2nd Appeal received on
125282	21.11.2018	24.12.2018	05.01.2019	27.02.2019	28.05.2019
125283	30.11.2018	28.12.2018	08.01.2019	22.02.2019	28.05.2019

Information sought and background of the case:

CIC/BARCM/A/2019/125282

The Appellant filed an RTI application dated 21.11.2018 seeking the following information:-

1. The name of the recipients of following awards for last five years:
   a. Young scientist award
   b. Young engineer award
   c. Young applied scientist/technologist award
   d. Homi Bhabha Science and technology award
   e. Scientific and Technical Excellence award
   f. Special Contributions award
   g. Group Achievement award: By small/medium sized team
   h. Life time achievement award
2. Please also provide me the brief title of their individual achievements/accomplishments.

The PIO, Chief Admin. Officer (A), BARC vide letter dated 24.12.2018 replied as follows:

Date of receipt of Application fee	:	-	Draft/Cash/IPO Receipt No:	Paid at DAE
Sl. No.	**Information Sought**		**Information Given**	
1.	Name of the recipients of following awards for last five years: a. Young scientist award b. Young engineer award c. Young applied scientist/technologist award d. Homi Bhabha Science and Technology award e. Scientific and Technical Excellence award f. Special Contributions award g. Group Achievement award: By small/medium sized team h. Life time achievement award.		The details of award recipients for last five years is voluminous as the award recipients are from DAE and all its constituent units and collation of this information will disproportionately divert the resources of the public authority. Hence exempted under Section 7(9) of the RTI Act, 2005.	
2.	Please also provide me the brief title of their individual achievements/accomplishments.			

Being dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 05.01.2019. FAA, Controller, BARC vide order dated 27.02.2019 disposed off the First Appeal with the following observations:

4. **AND WHEREAS** the undersigned as the Appellate Authority under RTI Act has called for the records related to this case and it is seen that, the application was received by CPIO, BARC on 28.11.2018 and the RTI application was replied vide letter No. BARC/RTI/2018/11/4516/12755 dated 24.12.2018.

On perusal of the records it is observed that the name of award recipients and brief title of individual achievements/accomplishments sought by the appellant for last five years are the award recipients of not only of BARC, Trombay, Mumbai but from all DAE units which is voluminous and the brief title of individual achievements/accomplishments of the awardees contains scientific work of strategic importance and thus invites exemption as per section 8(1)(a) of the RTI Act, 2005.

However, PIO is directed to provide name of recipients of different awards for past five years i.e. from the year 2013 to 2017. As regards brief title of individual achievements/accomplishments is concerned, the strategic accomplishments of the officers invites exemption as per section 8(1)(a) of the RTI Act, 2005 and the same may be excluded/masked after applying severance clause as per section 10 of the RTI Act, 2005 and other details may be provided within 20 days from the date of issue of the Appellate order.

In compliance with the order of the FAA, the PIO, BARC provided a revised reply vide letter dated 06.03.2019.

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

Facts emerging during the hearing

A written submission dated 21.06.2021 has been received from the Appellant and the same has been taken on record.

A written submission has been received from the CPIO and Chief Administrative Officer (A) vide letter dated 17.06.2021 wherein it was stated that the Appellant in her Second Appeal has requested for providing remaining information viz. Special Contribution Award and Group Achievement Award (by small/ medium sized teams) during 2013 to 2017 as stated in the original RTI application dated 21.11.2018. It was stated that the Appellant was provided with the requisite information after applying the severance clause under the RTI Act as per the directive of the FAA. Information on the remaining three types of awards was also conveyed to the Appellant vide letter dated 05.04.2019. However, in view of the submissions made by the Appellant before the Commission, it was decided to provide the name of recipients of Group Achievement Award by small/ medium sized team by indicating name of the Group Leader and the year of award for the period from 2013-17. Since the Group Achievement Awards contain a large number of officers, only the name of the Group Leader and total number of persons in the group was provided. A regards the names of recipients of Special Contribution Award for the period from 2013-17, it was stated that this category of award was meant for those directly connected with accomplishments in strategic sector of the department hence revealing their names will be detrimental to the public interest and qualifies for exemption u/s 8 (1) (a) of the RTI Act. In view of the above it was stated that out of the 8 items of information sought, information pertaining to 7 awards running into several pages has been provided to the Appellant. Thus, it was prayed to dispose off the appeal and uphold the exemption claimed u/s 8 (1) (a) for disclosure of information regarding Special Contribution Award.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through audio conference was scheduled after giving prior notice to both the parties.

The Respondent represented by Shri Sriram S, CPIO and Chief Administrative Officer (A) participated in the hearing through audio conference. He referred to his written submission dated 17.06.2021 and stated that it has now been decided to provide the name of recipients of Group Achievement Award by small/ medium sized team by indicating name of the Group Leader and the year of award for the period from 2013-17. However, information regarding recipients of Special Achievement Award cannot be provided as per Section 8 (1) (a) as revealing their name is not in the larger public interest as it would result in revealing the identity of key officials involved in indigenous development of nuclear energy capabilities of the country and would thus compromise the national interest.

The Appellant's representative participated in the hearing through audio conference. While acknowledging the receipt of the reply from the CPIO, the Appellant's representative stated that he would not want to contest the matter further if any part of the information sought was exempted u/s 8 (1) (a) of the RTI Act, 2005 which could hamper the security or strategic interest of the state.

Decision

Keeping in view the facts of the case and the submissions made by both the parties, the Commission concurs with the stand taken by the Respondent with

regard to non disclosure of awardees of the special achievement award. The Commission thus directs Shri Sriram S, CPIO and Chief Administrative Officer (A), BARC to only disclose the name of Group leaders who were recipients of Group Achievement Award by small/ medium sized team for the period from 2013-17 to the Appellant by 31.07.2021, as agreed. No other intervention of the Commission is required in the instant matter.

With the above direction, the instant Second Appeal stands disposed off accordingly

CIC/BARCM/A/2019/125283

The Appellant filed an RTI application dated 30.11.2018 seeking the following information:-

1. **Please provide me the information in attached format (A) indicating how many total officers, Scheduled Caste Officers and Scheduled Tribe Officers are there in the individual grades from SO/C to the Highest Grade in different units of BARC?**

2. **Provide me the information in attached format (B) indicating the promotions in different officer grades effected in BARC and how many of them had been from SC/ST categories in last six years.**

PIO, Chief Admin. Officer (A), BARC vide letter dated 28.12.2018 replied as follows:

Date of receipt of Application fee	:	-	Draft/Cash/IPO Receipt No:	**Paid at DAE**

Sl. No.	**Information Sought**	**Information Given**
1.	Please provide me the information in attached format (A) indicating how many total officers, Scheduled Caste Officers and Scheduled Tribe Officers are there in the individual grades from SO/C to the Highest Grade in different units of BARC?	Number of officers of different categories in BARC as on 13.12.2018 are given below (Table 'A'):-

Grades	BARC (TROMBAY)			BARC (TARAPUR)			BARC (KALPAKKAM)			BARC (VIZAG)		
	Total	**SC**	**ST**	**Total**	**SC**	**ST**	**Total**	**SC**	**ST**	**Total**	**SC**	**ST**
SO/C	274	13	4	41	2	-	50	-	-	15	1	-
SO/D	625	45	3	54	2	-	95	6	2	37	3	-
SO/E	693	39	8	68	8	1	101	5	1	24	-	-
SO/F	639	26	6	43	1	-	65	4	-	18	1	-
SO/G	469	13	2	19	-	-	34	-	-	7	-	-
SO/H	385	3	1	7	-	-	15	-	-	5	-	-
SO/H+	-	-	-	-	-	-	-	-	-	-	-	-
OS	79	-	-	1	-	-	1	-	-	2	-	-
DS	9	-	-	1	-	-	1	-	-	-	-	-

2.	Please provide me the information in attached format (B) indicating the promotions in different officer grades effected in BARC and how many of them had been from SC/ST categories in last six years.	Reservation is applicable only upto lowest rung of Group 'A'. Moreover, the Scientific/Medical promotions are based on Merit based Promotion Scheme. Hence, no roster is maintained and information sought for by the applicant is not available. Hence, information as per Table 'B' could not be provided.

Being dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 08.01.2019. FAA, Controller, BARC vide order dated 22.02.2019 disposed off the First Appeal with the following observations:

> 4. **AND WHEREAS** the undersigned as the Appellate Authority under RTI Act has called for the records related to this case and it is seen that, the application was received by CPIO, BARC on 07.12.2018 and the RTI application was replied vide letter No. BARC/RTI/2018/12/4527/2847 dated 28.12.2018.
>
> After careful consideration of the appeal it is observed that the appellant in query No. (2) of the RTI application had requested to provide the information in Tabular format (B) indicating total number of officers promoted in last six years from 2013 to 2018 in different grades from SO/E to DS and of these how many of them are SC/ST. The PIO has categorically stated that the details of SC/ST among those promoted are not available in the form in which it is required as no reservation is applicable for scientific promotions.
>
> Hence, PIO is directed to provide the data of number of officers promoted from the grade of SO/E to DS for the last six years in the available form within 15 days from the date of issue of the Appellate order.
>
> 5. **AND NOW THEREFORE,** the appeal of Smt. Sushama Sarkar stands disposed of.

In compliance with the order of the FAA, the PIO, BARC provided a revised reply vide letter dated 07.03.2019 wherein the data of number of officers promoted from the grade of SO/E to DS for the period from 2013 to 2018 was provided.

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

Facts emerging in Course of Hearing:

A written submission dated 21.06.2021 has been received from the Appellant and the same has been taken on record.

A written submission has been received from the CPIO and Chief Administrative Officer (A) vide letter dated 17.06.2021 wherein it was stated that on the basis of the order of the FAA, PIO, BARC provided information with regard to the total number of employees who got promotions in different grades from 2013 to 2018 but did not give information indicating the number of SC/ ST officers promoted to different higher grades with respect to the total number during 2013 to 2018. It was stated that the details of SC/ST category among those promoted in different officer grades in last 6 years is not available in the form in which it was sought as reservation is applicable only upto lowest rung of Group A. Thus, BARC is not in a position to provide the details sought by the Appellant.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through audio conference was scheduled after giving prior notice to both the parties.

The Appellant's representative participated in the hearing through audio conference. He stated that incorrect and misleading information was provided on point no 2 of the RTI application since information regarding the number of SC/ ST candidates who were promoted in different grades for the period mentioned in

the RTI application should be maintained at the headquarter level and can be compiled and provided to him.

The Respondent represented by Shri Sriram S, Chief Administrative Officer (A), BARC participated in the hearing through audio conference. He reiterated the earlier reply of the CPIO dated 28.12.2018 and written submission dated 17.06.2021 and stated that the details of SC/ST among those promoted in different officer grades in last 6 years is not available in the compiled form in which it was sought as reservation is applicable only upto lowest rung of Group A.

Decision:

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that adequate information is provided by the Respondent. As per the provisions of the RTI Act, 2005, the CPIO is only required to provide information that is available on the record of the public authority and no obligation vests on the officer to collate and compile the records in the form it is sought by the information seeker. Thus, no further intervention of the Commission is required in the instant matter.

With the above direction, the instant Second Appeal stands disposed off accordingly

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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