

केन्द्रीयसूचनाआयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2021/620416**  
**CIC/BARCM/A/2021/634702**

Shri Y S Mallikarjunaiah

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण /Respondent

Bhabha Atomic Research Centre, Trombay,  
Mumbai

Date of Hearing : 18.08.2022

Date of Decision : 24.08.2022

**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	2 <sup>nd</sup> Appeal received on
<b>620416</b>	22.01.2021	01.03.2021	18.03.2021	06.05.2021	27.05.2021
<b>634702</b>	31.03.2021	03.05.2021	21.05.2021	09.07.2021	04.08.2021

**Information sought and background of the case**

**(1)CIC/BARCM/A/2021/620416**

The Appellant filed an RTI application dated 22.01.2021 and the CPIO/Chief Administrative Officer, Bhabha Atomic Research Centre, Trombay, Mumbai vide letter dated 01.03.2021 replied as under:-

Date of RTI Application	: 22.01.2021	Draft/Cash/IPO Receipt No:	IPO
<b>Information Sought</b>		<b>Information Given</b>	
Information regarding Selection for recruitment of Assistant security Officer (A) personnel vide BARC personnel Division, Recruitment Section -III, Central Complex, Trombay, Mumbai vide Employment Advt No. 1/2001-R-III, with ref no. PD/13(1)/2001-R-III/1282 dated 17 <sup>th</sup> October 2002. Time period to which information relates : 2000-2004 and there onwards		Copies of vacancy/appointment register contains personal details of individual employees such as their designation, date of joining/vacancy details, place of posting etc. Hence, the same is exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.	
1. Copy of Vacancy register of ASO's from 2000 to 2003 & 2004			
2. Copy of persons appointed as ASO's from 2000 to 2004.			
3. Copy of vacancy register & appointment register of ASO's giving the appointment made against each vacancy.		It has been informed by the Deemed PIO that the information sought is not available in this office. The same may be obtained from RMP, Mysuru. Hence, The query is transferred to PIO, RMP, Mysuru under section 6(3) of the RTI Act, 2005.	
4. Copy of the noting of the approval of my appointment as ASO/A			

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 18.03.2021. The FAA/Actg. Controller, Bhaba Atomic Research Centre, Trombay, Mumbai vide order dated 06.05.2021 upheld the reply of the CPIO.

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

A written submission has been received from CPIO/Chief Administrative Officer (A), BARC vide letter dated 17.08.2022 stating that point no. 1, 2 & 3 of the RTI application relates to personal information of other individuals and hence exempted under section 8(1)(j) of RTI Act. Moreover, information sought by Appellant does not cover larger public interest. Furthermore, the Respondent had never asked for any charges from the Appellant under the RTI Act. The IPOs for Rs 50 and Rs 100 remitted by the Appellant vide his letter dated 03.03.2021 have been sent back to the Appellant. As regards point 4 of the RTI application PIO, RMP (Mysuru) vide their reply dated 16.03.2021 had directed the Appellant to remit Rs 8/- for providing the requisite copies of noting of approval of his appointment. The Respondent has no information whether payment of requisite charges has been made by the Appellant or not.

## (2) CIC/BARCM/A/2021/634702

The Appellant filed an RTI application dated 31.03.2021 and the CPIO/Chief Administrative Officer, Bhaba Atomic Research Centre, Trombay, Mumbai vide letter dated 03.05.2021 replied as under:-

Date of receipt of Application fee	: 05.04.2021	Draft/Cash/IPO Receipt No:	IPO 53F 825661
<b>Information Sought</b>		<b>Information Given</b>	
<p>Information regarding Selection/Recruitment of Assistant Security Officer (A) personnel vide BARC Personnel Division, Recruitment Section III, Central Complex, Trombay, Mumbai vide Employment Advt. No. 1/2001-R-III, with Ref. to No. PD/13 (1)2001-R-III/1282 dated 17<sup>th</sup> October 2002.</p> <p>Period 2001-2004 and there onwards.</p> <p>A copy of the list of names of Govt. appointed employees in 2004 against the above said advertisement and converted into old pension scheme under CCS (Pension) Rules, 1972.</p>		<p>Information provided vide RTI reply - letter No. BARC/RTI/2020/12/5684/937 dated 21.01.2021</p>	
<p>You may please note that you have released the names of list of candidates suitable for appointment as ASO/A in the order of merit (selection panel) vide your RTI reply RTI/BARC/2021/5742/2488 dated 15.03.2021.</p> <p>I may also be permitted to inspect the record of list of Govt. employees appointed vide above said advertisement appointed in 2004 and converted into old pension scheme under CCS (Pension) Rules, 1972 by masking all personnel information of the individual vide RTI Act chapter 1(j)(i)</p>		<p>The information sought is available in the personal files of the employee concerned and it may not be practically possible to mask all personal information and allow inspection of documents from the files of employees. Hence, exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.</p>	

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.05.2021. The FAA/Actg. Controller, Bhaba Atomic Research Centre, Trombay, Mumbai vide order dated 09.07.2021 upheld the reply of the CPIO.

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

A written submission has been received from CPIO/Chief Administrative Officer (A), BARC vide letter dated 17.08.2022 stating that requisite information has been duly supplied to the Appellant. As regards the inspection of records, it is not practically possible to permit inspection of documents as data/information pertains to personal information of other individuals. Moreover, the information sought by the Appellant does not cover larger public interest and hence was denied under Section 8(1) (j) of RTI Act. Furthermore Appellant has already received the desired information in reply to his previous RTI applications. Certified copy of list of candidates found suitable for the post of ASO/A in order of merit was provided to the Appellant vide note dated 15.03.2021.

### **Facts emerging during the hearing**

The Appellant participated in the hearing through video conference. He specifically referred to point no 1 and 2 of the RTI application under consideration in Second Appeal No CIC/BARCM/A/2021/620416 and stated that copy of the vacancy register of ASOs and details of the persons appointed as ASOs from 2000

to 2004 should be provided in accordance with Section 4 (1) (b) of the RTI Act, 2005. With regard to the RTI application in Second Appeal No CIC/BARCM/A/2021/634702, he argued that the list of names of government appointed employees in 2004 against advertisement dated 17.10.2002 was not clear.

The Respondent represented by Shri B V Balaji, CAO, BARC participated in the hearing through video conference. He stated that although the seniority list was provided to the Appellant in CIC/BARCM/A/2021/620416, the list of candidates was not disclosed. However, he maintained that the list can now be provided if so directed by the Commission.

**Decision:**

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that information on points 1 and 2 of the RTI application in Second Appeal No CIC/BARCM/A/2021/620416 should be provided to the Appellant since exemption u/s 8 (1) (j) of the RTI Act, 2005 is not applicable. Hence, the CPIO and Chief Administrative Officer (A) BARC is directed to re-examine the above mentioned points and provide a revised response to the Appellant by 15.09.2022 under intimation to the Commission. With regard to the Second Appeal No CIC/BARCM/A/2021/634702, the Commission finds that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the said matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

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

**Y. K. Sinha** (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)

Dy. Registrar (उप-पंजीयक)

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