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

शिकायत संख्या / Complaint No. **CIC/GSOKP/C/2023/614574**

Shri Lakshmipathi S — शिकायतकर्ता /Complainant

VERSUS/बनाम

PIO, General Services Organisation, Kalpakkam — ...प्रतिवादीगण /Respondent

Date of Hearing	:	02.04.2024
Date of Decision	:	02.04.2024
Chief Information Commissioner	**:**	**Shri Heeralal Samariya**

Relevant facts emerging from complaint:

RTI application filed on	:	08.12.2022
PIO replied on	:	18.01.2023
First Appeal filed on	:	21.01.2023
First Appellate Order on	:	NA
2nd Appeal/complaint received on	:	23.03.2023

Information sought and background of the case:
The Complainant filed an RTI application dated 08.12.2022 seeking information on the following points:-

"1. It is Requested to kindly provide the detailed Calculation Sheets for Per-capita Expenditure for the financial years 2016-2017, 2017-2018, 2018-2019, 2019-2020. All the Annexures should be included.
2. It is requested that Annexure-2 and 4 of Per-Capita expenses calculation sheets for the year 2020-21 may kindly be provided.
3. It is requested that breakup details for capital expenditure during 2016-2017, 2017-2018, 2018-2019, 2019-2020 and 2020-2021 may be provided.
4. It is requested that break-up details for Non-Plan expenditure during 2016-2017, 2017-2018, 2018-2019, 2019-2020 and 2020-2021 (Salaries paid to CHSS Doctors/staff, Payments made to Referral Hospital, Purchase of Medicines including outsourced pharmacy if any and maintenance) may be provided.
5. Per-capita expenditure for IMSc. And MRPU also may be provided for the years 2016-2017, 2017-2018, 2018-2019, 2019-2020 and 2020-2021 may be provided."

The CPIO, DAE vide letter dated 18.01.2023 replied as under:-

DEO(SR&V)
15.4.24

"It is a glaring example of misuse of RTI mechanism where it is evident that a never-ending process of seeking information is resorted to by the information seeker by manufacturing a series of queries based on the response provided by CPIO. Also, the information ex facie has no relationship to any public activity. Absence of even a remote connection with any larger public interest, the information is not disclosed."

Dissatisfied with the response received from the CPIO, the Complainant filed a First Appeal dated 21.01.2023 which was not adjudicated by the FAA.

A response dated 06.03.2023 from the PIO, BARC is found on record which reveals as under:

Under Secretary(R&D-1)/CPIO, DAE vide note No.45015/7/2023/Gen/R&D-1/1764 dated 07.02.2023 has transferred the RTI application dated 05.01.2023 of Shri Lakshmipathi S, under section 6(3) of RTI Act, 2005 and the same is received by APIO, BARC through email on 07.02.2023.

Application Fee Payment Details — *Online*

Q. No.	*Information Sought*	*Information Given*
1.	*Per Capita Expenditure of CHSS for the financial years 2016-17 to 2020-21 pertains all constituent units, Aided Institutes, Public Sector Undertakings under DAE may kindly be provided*	*The information sought has already been provided to the to Applicant in response to his earlier application dated 09.12.2022 vide reply No. BARC/RTI/2022/12/7558 dated 05.01.2023.*

2. The information may be provided financial year wise in the following formats:
2.1 Name of the Unit and Place of Unit
2.2 Total No. of Employees
2.3 Total No. of Beneficiaries under CHSS
2.4 Expenditure on Capital Projects if any
2.5 Expenditure on Salaries and allowances for medical professionals and their staff (doctors to work assistant-including casual labourer/outsourced workers if any)
2.6 Revenue Expenditure consist of payment to referral hospitals, purchase of medicines, reimbursement for medicines, purchase and maintenance of apparatus, other maintenance expenditure etc.
2.7 Per-capita expenditure of CHSS

The information sought is attached in tabular format (01 page)

Aggrieved and dissatisfied, the Complainant approached the Commission with the instant Complaint.

Facts emerging in Course of Hearing:

A written submission dated 15.03.2024 has been received from the Complainant seeking action under Section 20 of the RTI Act. I submit that I am visiting Dar

Es Salaam, Tanzania from 29-03-2024 to 04-05-2024 and I am not in a position to attend the hearing on the scheduled date.

The Respondent has also furnished a written submission dated 21.03.2024 reiterating the aforementioned facts and added that:

> *It is hereby informed that the information as obtained from deemed CPIO has been provided to the Appellant by post to his residential address. Moreover, the RTI application was transferred to deemed CPIO seeking information. However, the information was not provided by deemed CPIO stating the sections of 8(1) of RTI Act, 2005. As many RTI applications were received from the applicant, such a response was given to his RTI application. However, another RTI application on the same subject was transferred from DAE dated 05.01.2023 and the importance of RTI was explained to the deemed CPIO and the information as obtained from deemed CPIO was provided to the appellant. Hence, the information has been provided to the applicant. The information to be provided under RTI Act was sent to his Residential Address. There was delayed action in closing the information in the portal due to voluminous work and reduced manpower. It is highly regretted for not closing the information in the portal on time.*
> *It is hereby assured that utomost care will be taken in future to dispose the RTI applications and appeals on time.*

Hearing was scheduled after giving prior notice to both the parties.

Complainant: Not present
Respondent: Shri B V Balaji – CPIO and Smt. Sharmila Shende – PIO were heard through video conference during hearing.

The Respondents reiterated their respective contentions, as already borne out of the aforementioned records.

Decision:
Upon perusal of the records of the case and after hearing the averments of the parties it is noted that the Respondent had furnished information as available on record and as permissible under the provisions of the RTI Act. Since the Complainant has chosen to approach the Commission with this Complaint under Section 18 of the RTI Act, the only question which requires adjudication is whether there was any willful concealment of information. From the deliberation between parties, it appears that the Respondent had sent responses based on information available on record with them, in terms of the provisions of the RTI Act, 2005. Therefore, no question of deliberate or wilful denial of information arises in this case.

It is pertinent to place reliance on the judgment of the Hon'ble Supreme Court of India in the case of *Chief Information Commissioner and Another v. State of Manipur and Anr. in Civil Appeal Nos. 10787-10788 of 2011 dated 12.12.2011*, relevant extract whereof is as under:

"...30. ...The only order which can be passed by the Central Information Commission or the State Information Commission, as the case may be, under Section 18 is an order of penalty provided under Section 20. However, before such order is passed the Commissioner must be satisfied that the conduct of the Information Officer was not bona fide."
31. We uphold the said contention and do not find any error in the impugned judgment of the High court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information."

In the given circumstances, the Commission is of the opinion that information provided by the Respondent suffers no legal infirmity and no case of deliberate or *malafide* denial or concealment of information by the Respondent is found in this case. Hence, no action under Section 18 of the RTI Act is required.

The Respondent is directed to send a copy of the written submission dated 21.03.2024 to the Complainant within four weeks of receipt of this order and submit a compliance report in this regard before the Commission within a week thereafter.

The case is disposed off as such.

Sd/-
Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

Copy to:-

Shri Lakshmipathi S
Plot No. 19, Thirumalainagar
Main Road, Thirumalai Nagar,
Madambaakkam, Tambaram
Taluk,, Kanchipuram Dist.,
Tamilnadu-600126

The CPIO
General Services Organization,
Department of Atomic Energy,
Kalpakkam, Chengalpattu Dist
Kalpakkam 603102 Tamil Nadu

Central Public Information Officer
Bhabha Atomic Research Centre,
Central Complex, Trombay,
Mumbai-400085