

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2018/635984**

Shir K. Paramasivam

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

Chief Administrative Officer (A)
Bhabha Atomic Research Centre,
Centre Complex,
3rd Floor, BARC Trombay,
Mumbai-400085

Date of Hearing : 03.12.2020

Date of Decision : 04.12.2020

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 18.06.2018

PIO replied on : 04.07.2018

First Appeal filed on : 27.07.2018

First Appellate Order on : 24.08.2018

2ndAppeal/complaint filed on : 20.11.2018

Information sought and background of the case:

The Appellant filed an RTI application dated 18.06.2018 seeking photocopy of his DQE(STPT) Answer sheet of Section A & B for the year 2012, 2013, 2014.

The PIO, Chief Administrative Officer (A) vide letter dated 04.07.2018 stated that the answer booklets of the STPT examination up to 2014 have been weeded out. Hence, it is not available with the Department.

Dissatisfied with the response received from the PIO, the Appellant filed a First Appeal dated 27.07.2018. The FAA, Controller, BARC vide order dated 06.11.2018 upheld the reply of the PIO while referring to Section 2 (f) of the RTI Act as per which only information held and available can be provided.

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

Facts emerging in Course of Hearing:

A written submission has been received from PIO and Chief Administrative Officer (A) vide letter dated 27.11.2020 wherein while reiterating the reply / order of the CPIO/ FAA, it was stated that as per the promotion norms, change of track for technicians to Scientific Assistants and vice versa is only permissible on acquiring additional qualification and after qualifying Departmental Qualifying Examination (DQE) (Now Scientific Technical Proficiency Test) which are conducted at Mumbai and Kalpakkam centres every year from 2009 onwards hence a need was felt to weed out the records and records upto 2014 were weeded out in 2016. Due to non-availability of records, the same was informed by the CPIO to the Appellant and that as per Section 2 (f), PIO can provide information which exists in material form.

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

The Appellant was not present during the hearing despite being informed about the venue of video conferencing in advance.

The Respondent is represented by Shri Sriram S, Chief Administrative Officer through audio conference. He reiterated the response of the CPIO/ FAA and their written submission and stated that the record of the Departmental Qualifying Examination conducted from the year 2009 onwards was weeded out in 2016 for the period upto 2014 hence no information was available with them as on date. On being queried by the Commission regarding the existence of a record retention schedule pertaining to the destruction of records sought in the instant matter, the Respondent stated that there existed a letter pertaining to the destruction of the record sought herein which will be provided to the Appellant together with the record retention schedule, if so directed by the Commission.

Decision:

Having heard the Respondent and on perusal of the available records, the Commission directs Shri Sriram S, Chief Administrative Officer to provide a copy of the record retention schedule together with any other document/ letter pertaining to the destruction of record sought in the RTI Application to the Appellant, as agreed. The above-mentioned direction should be complied with by the Respondent by 31.12.2020 under intimation to the Commission.

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)

Ram Parkash Grover (राम प्रकाश ग्रोवर)
Dy. Registrar (उप-पंजीयक)
011-26186535