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/2021/150566**

Shri Kunal Birwadkar ... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO ...प्रतिवादीगण /Respondent
Bhabha Atomic Research Centre
Mumbai

Date of Hearing	:	18.01.2023
Date of Decision	:	23.01.2023
Chief Information Commissioner	**:**	**Shri Y. K. Sinha**

Relevant facts emerging from appeal:

RTI application filed on	:	16.06.2021
PIO replied on	:	13.07.2021
First Appeal filed on	:	15.07.2021
First Appellate Order on	:	24.08.2021
2nd Appeal/complaint received on	:	25.11.2021

Information sought and background of the case:

The Appellant filed an RTI application dated 16.06.2021 which was responded to by the CPIO/Chief Administrative Officer (A) vide letter dated 13.07.2021 as under:-

Sr. No.	Information Sought	Information Given
1.	Period of Information : 01st March 2020 till date (i.e. 16th June 2021) Certified copy of the monthwise list of Divisions in BARC working for COVID related activities.	No such compiled list of essential services readily available/exists presently in BARC.
2.	Certified copy of the monthwise list of Divisions declared as Essential Services.	
3.	Certified copy of the Name, Designation and Official Contact details of the Competent Authority, authorized to declare the Divisions mentioned in Query 2 above as Essential Services.	No information available.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 15.07.2021. The FAA/Actg. Controller, BARC vide order dated 24.08.2021 upheld the reply of the CPIO.

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

Facts emerging in Course of Hearing:

The Appellant alongwith Smt Shradha Kunal Birwadkar participated in the hearing through video conference. The Appellant denied the receipt of the written submission from the Respondent and stated that consolidated information should exist with the Respondent of such divisions which were declared as Essential Services.

The Respondent represented by Shri V V Balaji CPIO and CAO (A) participated in the hearing through video conference. He referred to his written submission dated 12.01.2023 (copy sent to the Appellant through email) the relevant extract of which is as under:

(i) As regards certified copies of the month-wise list of Divisions in BARC working for COVID related activities and month wise list of Divisions declared as 'Essential Services', it is informed that no such compiled list of essential service is available or maintained.

(ii) For certified copies of Name, Designation and official contact details of the Competent Authority, authorized to declare as Essential Services, it is stated that no such data or written orders of communication were issued during the COVID pandemic as the officials were not physically attending office during that time. Further, to be more specific to the query, it is mentioned that Director, BARC being the Head of the Unit, all activities related to BARC were supervised and coordinated under his charge however, there was no official communication or orders issued in the name of Director, BARC authorizing him to declare as 'Essential Services'.

(iii) It is further reiterated that PIO can provide information which is under the control of public authority or part of record. RTI Act does not cast an obligation on public authority to collect and collate such non-available information and furnish the same.

(iv) It is also informed that BARC being a Research Organization, the plants and other services were running during COVID period with minimum staff by following the all COVID guidelines issued by Central Government as well as State Government and local authorities.

(v) Further, it is mentioned that this Centre had strictly complied with the COVID directives/guidelines issued by the Central/State Govt. and respective Local/Municipal Authorities for prevention and to contain spread of COVID-19 from time to time.

Decision:
Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view 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 instant matter. Shri V V Balaji CPIO and CAO (A) is however directed to forward a copy of his written submission to the postal address of the Appellant for his ready reference. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, 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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