

**CENTRAL INFORMATION COMMISSION**  
August Kranti Bhawan, Bhikaji Cama Place,  
New Delhi-110066

F. No. **CIC/YA/A/2015/902361**  
**CIC/YA/A/2016/000839**  
**CIC/YA/A/2015/002875**

Date of Hearing : **23.11.2016**  
Date of Decision : **23.11.2016**  
Appellant/Complainant : **Shri Hariprasad Motiram Moon,  
Anumala, Gujarat**  
Respondent : **CPIO, Nuclear Power Corporation of  
India Ltd., Anumala, Gujarat  
Through:  
Mr. S K Shrivastava, CPIO  
Mr. Vasudevan  
Mr. Mathew Mammen, CPIO-  
Kakrapara**  
Information Commissioner : **Shri Yashovardhan Azad**

Since common parties are involved in the present appeals, they are being clubbed together for hearing and disposal to avoid multiplicity of the proceedings.

**Relevant facts emerging from appeal:**

| Case No. | RTI filed on                  | CPIO reply | First appeal filed | FAA order  | 2 <sup>nd</sup> appeal filed on |
|----------|-------------------------------|------------|--------------------|------------|---------------------------------|
| 2361     | 03.08.2015                    | 26.08.2015 | 27.08.2015         | 23.09.2015 | 28.10.2015                      |
| 0839     | 04.09.2015                    | 01.10.2015 | -                  | 10.11.2015 | 29.02.2015                      |
| 2875     | 09.08.2015<br>&<br>26.08.2015 | 03.09.2015 | 20.09.2015         | 16.10.2015 | 10.12.2015                      |

**CIC/YA/A/2015/902361**  
**CIC/YA/A/2016/000839**

**Information sought and background of the case:**

Through both the RTI applications mentioned above, the appellant sought copies of his APARs, list of persons who have completed 27/33 years of service and got two times promotion and related issues under 4 points. CPIO

vide letter dated 26.08.2015 replied stating that information requested by Applicant was not maintained in the format as sought and collation thereof shall disproportionately divert the resources of the public authority. Aggrieved with the response, the appellant preferred first appeal which was disposed of by the FAA upholding the reply of CPIO. Feeling aggrieved the appellant approached the Commission.

**Relevant facts emerging during hearing:**

Both parties are present and heard. The appellant states that he sought information about list of persons who have completed 27 years and 33 years and got two times promotion in all unit of DAE. He also states that he has sought information about the persons who have rendered continuous regular service of 24/27/33 are granted special dispensation in promotion to next higher grade during 2011-2015. He has further stated that NPCIL follows the central scale of pay as adopted by DAE and training period is counted as regular service for benefit of pension and gratuity but the same treatment has not been meted out to him and therefore he finds the policy as discriminatory. The appellant has elucidated that information sought though held by respective unit and Hqrs. of DAE but complete information has not been provided to him. The respondent states that information as available on record has already been provided to the appellant. The respondent explained in a point wise manner that as against query relating to APARs, copies of the same for the period 01.02.1987 to 30.06.2012 have already been provided to the appellant. With regard to APAR gradings in consolidated format, the respondent states that there are more than 20 Screening Committees in BARC where eligibility of candidates are weighed before recommending them for interviews. More than 1000 Technicians are called for interview and based on their performance they are recommended for promotion. The information sought by the appellant would have involve going through countless minutes of screening committee proceedings of various divisions spread over five years and the specific information as sought by the appellant cannot be retrieved as it involves collation of data from various divisions by going through individual service records of employees. Hence the PIO had denied disclosure of the said the information u/s 7(9) of RTI Act, 2005. Furthermore, the APARs of third persons cannot be disclosed to the applicant since they do not relate to him. Regarding counting of training period, the respondent states that rules regarding promotion norms are issued by the apex body with regard to framing of norms i.e. Trombay Council & Trombay Scientific Committee (TC&TSC), BARC. The respondent clarifies that that the orders quoted by the applicant are issued by TC&TSC, BARC which granted one time dispensation to Technical Category employees for promotion to next higher grade by virtue of their completing 27 or 33 years. There is relaxation in number of years

eligibility to next higher grade by virtue of the above norms and the benefit is only granted once i.e. either on completion of 27 or 33 years.

**Decision:**

After hearing parties and perusal of record, the Commission finds that RTI application has been dealt with appropriately by the Respondent and no further action is called for at this stage.

The appeals are disposed of accordingly.

**CIC/YA/A/2015/002875**

**Information sought and background of the case:**

The appellant vide RTI application dated 09.08.2015 sought information regarding details of technical cadre and non technical cadre pay scales and approvals of various ministries for increase in emoluments of an existing post. CPIO vide letter dated 03.09.2015 furnished information as available on record. The appellant preferred first appeal which was decided by the FAA vide order dated 16.10.2015 affirming the reply of CPIO. Feeling aggrieved the appellant approached the Commission.

**Relevant facts emerging during hearing:**

Both parties are present and heard. The appellant states that NPCIL follows the central scale of pay as adopted by DAE and no approval has been taken from Ministry of Finance, Trombay Council/Scientific & Technical Cadres in Department of Atomic Energy for granting higher grade pay to re-designated non-technical employees to Technical. He also states that there is no provision for promotion within three months in TCSTC that too without due approvals from appropriate authority. There has been no rationalisation of technical cadre and as a result the technical cadre are at a relatively lower pay-scale. The respondent states information as available on record has already been provided to the appellant. Upon being probed by the Commission, the Respondent clarified that in 2006 EDP cadre was dismantled and the employees therein divided into Technical and Non technical staff. The technical staff absorbed in various divisions from this dismantled EDP cadre are not paid at par with the non technical staff since Non-technical persons are governed by NPCIL where as technical employees are governed by BARC and it is a management decision.

**Decision:**

After hearing parties and perusal of record, the Commission finds that information as available on record has already been provided to the appellant. Hence no further action is required.

The appeal is disposed of accordingly.

**(Yashovardhan Azad)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(R.P.Grover)**  
**Designated Officer**

Copy to:-

Central Public Information Officer under RTI  
Senior Manager – (HR) & CPIO,  
Nuclear Power Corporation of India Ltd.,  
Kakrapar Atomic Power Station,  
Post Office – Anumala, Via – Vyara,  
District – Tapi-394651 (Gujarat).

First Appellate Authority under RTI  
Executive Director–(Engg.) & FAA,  
Nuclear Power Corporation of India Ltd.,  
C-02-04-NJB, Nabhikiya Urja Bhawan,  
Central Avenue Road, Anushakti Nagar,  
Mumbai-400094 (Maharashtra).

Central Public Information Officer under RTI  
Nodal Officer – HQ. / RTI Cell,  
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