

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/2021/117133**

Shri Amarjeet Singh Bhatia

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO, BARC, Mumbai  
Through: Shri Ram - CAO

...प्रतिवादीगण /Respondent

Date of Hearing : 06.10.2022

Date of Decision : 10.10.2022

**Chief Information Commissioner : Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

RTI application filed on : 20.11.2020

PIO replied on : -

First Appeal filed on : 15.01.2021

First Appellate Order on : 24.02.2021

2<sup>nd</sup>Appeal/complaint received on : 20.04.2021

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

The Appellant filed an RTI application dated 20.11.2020 seeking information on the following point:-

I was appointed as Assistant Accountant in AMD by Director,AMD Hyderabad. I joined BARC on transfer in the same grade. On my transfer I was again appointed in the same grade by Head,Planning and Co-ordination Division. The rules and the provisions under which my re-appointment was necessitated and hence reappointed in BARC may please be intimated together with the copy of such rules etc.

Having not received any information from the CPIO, the Appellant filed a First Appeal dated 15.01.2021. The FAA/Actg. Controller, BARC vide order dated 24.02.2021 held as under:-

5. On perusal of the records the appellant is informed that Head, Planning & Co-Ordination Division, BARC is the Appointing Authority for General Central Services Group 'B' post in BARC as per Order dated 16.05.2013 issued by Department of Atomic Energy which was already forwarded to the appellant vide RTI reply letter No. BARC/RTI/2020/11/5572/10886 dated 02.12.2020. On further analysis it is observed that appellant is asking "the rules and provisions under which his re-appointment was necessitated and hence reappointed in BARC" is in the nature of asking/seeking clarification which is not treated as 'Information' as per section 2(f) of the RTI Act, 2005 which is in line with CIC decision No. CIC/RK/A/2016/901016 dated 18.08.2017.

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

**Facts emerging in Course of Hearing:**

A written submission dated 27.08.2022 has been received from the Appellant and duly taken on record.

Another written submission has been received from PIO, BARC vide letter dated 07.09.2022, reiterating the facts of the case, annexing copies of the replies dated 22.12.2020 and 02.12.2020 therewith.

**Decision:**

Considering the responses and the written submission furnished by the Respondent, the Commission is of the opinion that information as defined under Section 2(f) of the RTI Act and as permissible under the Act has been duly provided by the Respondent, from records available with them. The reply dated 02.12.2020 mentioned in the FAA's order and the order dated 16.05.2013 answers the queries raised by the Appellant. In the given circumstances no further intervention is deemed necessary in this case, under the RTI Act.

The appeal is 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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