

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2021/118157**

Shri R Thirumurugan

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

Bhabha Atomic Research Centre, Trombay,
Mumbai

Date of Hearing : 18.08.2022

Date of Decision : 24.08.2022

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 23.10.2020

PIO replied on : 11.11.2020

First Appeal filed on : 04.12.2020

First Appellate Order on : 06.01.2021

2nd Appeal/complaint received on : 30.04.2021

Information sought and background of the case:

The Appellant filed online RTI application dated 23.10.2020 and the CPIO/Chief Administrative Officer, Bhabha Atomic Research Centre, Trombay, Mumbai vide letter dated 11.11.2020 replied as under:-

Information Sought	Information Given
Information or detail of statutory orders in terms to Article 309 for the Guideline issued by Bhabha Atomic Research Centre for screening of promotion proposals of personnel in Scientific & Technical grades upto SO/E and equivalent (Ref : TC/1(2)/89/2011/56035 dated June 09, 2011). The guideline is available at www.barc.gov.in/rti/careerdigest.pdf . First two pages of guideline is attached as supporting document.	As per Allocation of Business Rules of Government of India, Department of Atomic Energy is empowered to frame policy concerning recruitment, promotion and conditions of service of their employees. Department is headed by Secretary, DAE who discharges the powers on behalf of the President of India.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 04.12.2020. The FAA/Controller, Bhabha Atomic Research Centre, Trombay, Mumbai vide order dated 06.01.2021 stated as under:-

5 On perusal of the records it is observed that PIO has provided the available information. However, the appellant may refer Allocation of Business Rules available on the Cabinet Secretariat, Government of India website www.cabsec.gov.in which is self explanatory.

6 Therefore, I uphold the reply given by CPIO, BARC.

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 CPIO/Chief Administrative Officer (A), BARC vide letter dated 16.08.2022 stating that requisite information has already been provided to the Appellant. The website of Cabinet Secretariat has Allocation of Business Rules which is self-explanatory.

The Appellant participated in the hearing through video conference. He stated that the reply given to him does not answer his RTI query as Article 309 of the Indian Constitution was not quoted in the rules related to screening of promotion proposals.

The Respondent represented by Shri B V Balaji, Chief AO, BARC participated in the hearing though video conference. He stated that the Appellant was directed to refer to the Allocation of Business Rules under Cabinet Secretariat, Government of India wherein detailed information about the business in ministries and amongst different departments had been explained clearly. Furthermore, the Appellant can also refer to page 130 of the Allocation of Business Rules available at <https://cabsec.gov.in/allocationofbusinessrules/completeaobrules/> to get clarity about the recruitment process and conditions of service of personnel appointed.

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. 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)

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S. K. Chitkara (एस. के. चिटकारा)
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