

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/2022/141624**

Shri G. Ramakrishnan

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO,  
Bhabha Atomic Resarch Centre (Mumbai)

...प्रतिवादीगण / Respondent

Date of Hearing : 10.01.2024

Date of Decision : 10.01.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 20.02.2022  
PIO replied on : 22.03.2022  
First Appeal filed on : 13.04.2022  
First Appellate Order on : 09.06.2022  
2<sup>nd</sup>Appeal/complaint received on : 09.09.2022

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

The Appellant filed an RTI application dated 20.02.2022 seeking certified copy of the letter dated 07.03.1967, signed by then Director, H N Sethna.

The CPIO vide letter dated 22.03.2022 replied as under:-

*"The applicant has requested to certify some document allegedly issued by BARC during 1967. No such document as cited by the applicant is available in this Centre."*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 13.04.2022. The FAA vide order dated 09.06.2022 upheld the reply given by the CPIO.

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

Written submission dated 05.01.2024 has been received from the CPIO/CAO(A), BARC. The relevant extract whereof is as under :

- (i) *The information sought by the appellant in his RTI application is in the nature of making statements and issuing directives to Competent Authority to certify some old documents. Under the provisions of the RTI*

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DEO(S/As)  
Atk(S/As)  
For n.c.g.  
19/01/2024

CAO/17  
22/01/2024

Act, 2005, PIO can provide only such information which exists in material form and is held by or under control of the public authority. PIO is not supposed to create or interpret any rules/guidelines for the purpose of furnishing information under the said Act.

- (ii) As regards to Appellant's contention that DAE has accepted the copy of Memorandum available with Shri S. Laxminarayanan, and could certify the same, similarly, BARC can also consider and certify the letter of Director H.N Sethna, it is pertinent to state that from the available records it is observed that DAE's letter No. 4/5(17)/2017-PSU/6699 dated 25.05.2018 addressed to Chief Information Commissioner was issued by DAE consequent on transfer of RTI Query of Shri Sonwalkar to DAE by PIO, BARC (as per the decision of Hon'ble CIC vide order No. CIC/YA/A/2016/001891 dated 20.03.2017). The requested documents were provided to Shri Sonwalkar (i.e. OM dated 01.03.1967 & 27.04.1967) by DAE from the representation File of Shri Lakshminarayanan (which is related to consideration for Pension under Rule 37-A of CCS (Pension) Rules, 1972). Hence, it does not necessarily mean that the document as cited by the Appellant exists with PIO, BARC.
- (iii) The request of the Appellant to certify a document allegedly issued by BARC during 1967 which was shared by the DAE for a different case to another individual/ RTI applicant cannot be acceded to as there is no provision under RTI Act, 2005.

#### **Facts emerging in Course of Hearing:**

##### **The following were present:**

**Appellant:** Absent

**Respondent:** Mr. B.V. Balaji, CAO(A)/PIO

The Respondent stated that the Appellant has requested to certify some document allegedly issued by BARC during 1967. He stated that no such document dated 07.03.1967, alleged to be signed by then Director, H N Sethna as cited by the applicant, is available in their official record. He stated that it is not feasible to certify a document which is not available in their official record.

##### **Decision:**

Commission after perusal of the case records as well as submissions made during hearing observes that as submitted by PIO the document dated 07.03.1967, alleged to be signed by then Director, H N Sethna is not available in their official record. In the given circumstances, the Commission directs the PIO to file an appropriate affidavit stating that the relevant record as sought in the instant RTI Application is not available in their official record.

The said affidavit shall be sent by the PIO to the Commission with its copy duly endorsed to the Appellant. The said direction of the Commission must be complied

within 30 days from the date of receipt of this order and accordingly compliance report to this effect be duly sent to the Commission by the PIO. No further action lies.

**Appeal is disposed of accordingly.**



**Heeralal Samariya (हीरालाल सामरिया)**  
**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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