

CENTRAL INFORMATION COMMISSION

**Club Building (Near Post Office)
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Decision No. CIC/SM/A/2010/00901426/SG/14633

Appeal No. CIC/SM/A/2010/00901426/SG

Relevant Facts emerging from the Appeal

Appellant : Mr. Kumar Kartikeyan Avasthi
97/16, BARC Staff colony
Boiswar(W), Post- TAPP,
Thane-401504, Maharashtra

Respondent : 1. Mr. Govardhan Rao
PIO & Head Personnel (BARC)
BARC, Trombay
Central Complex, 3rd floor
Mumbai- 400085, Maharashtra

2. Mr. R. D. Changrani
PIO & Scientist
BARC
Tarapur Complex
Post Office Ghivali, Tal- Palghar
District- Thane, PIN- 401502
Maharashtra

RTI application filed on : 07/05/2010
PIO replied : 31/05/2010
First appeal filed on : 30/06/2010
First Appellate Authority order : 18/09/2010
Second Appeal received on : 01/10/2010

Information Sought:

1. What is the purpose of the yearly procedure of Annual Confidential Report? Please provide certified copies of the office orders in this regard.
2. How the promotion of an employee is affected by the ACR? Please provide the certified copies of the office orders in this regard.
3. Whether yearly ACR grading are being communicated to the concerned employee? If yes, on what type of correspondence the information is furnished? If no, please provide the certified copies of the office orders in this regard.
4. Whether BARC is following the DoPT order No. 21011/ 1/12005- Estt(A)(PT-II) dated 14/05/ 2009. If no, when it will be followed as well as follow the reason for not furnishing the same.
5. Please furnish the Applicant's ACR as well as grading from the date of joining till date.

Reply of the Public Information Officer (PIO):

1. Details regarding the first three points are provided in a book called "Compilation on Confidential Report" published by Swami Publications (P) Limited, which is available in the open market at a price of Rs. 80. Orders of the government on the above queries can also be seen on <http://persmin.nic.in/>
2. As for the fourth query, DoPT order is under consideration in BARC.

3. As for the fifth query, since the information pertains to BARC, Tarapur, the same is transferred to PIO, BARC, Tarapur for furnishing the information directly to the Appellant under section 6(3) of the RTI Act, 2005.

On June 4th, 2010, PIO, BARC, Tarapur replied mentioning that the aforesaid information cannot be disclosed to the Appellant under section 8(1)(e) of the RTI Act, 2005.

Grounds for the First Appeal:

Not satisfied with the information provided above on the fifth point.

Order of the First Appellate Authority (FAA):

Enclosed FAA order is incomplete. Page missing.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Kumar Kartikeyan Avasthi on video conference from NIC-Thane Studio;

Respondent(1): Mr. Govardhan Rao, PIO & Head Personnel (BARC) on video conference from NIC-Mumbai;

Respondent(1): Mr. R. D. Changrani, PIO & Scientist, BARC on video conference from NIC-Thane Studio;

The PIO had refused to give information on query-5 initially claiming exemption. The Commission rules that information about the ACRs of a person has to be provided as per the Supreme Court's Ruling as well. All officers must understand that the purpose of an appraisal or ACR is to tell an employee what he is doing right or what he is doing wrong. This simple principal is followed by even primary Teachers to evaluate the students at regular intervals. The concept of ACRs being confidential is a legacy of British Rule when it was believed that the Native Indian Officer need not be told about their performance. Such thinking is contrary to any modern HR Practice anywhere in the world.

The PIO is also directed to provide specific orders regarding ACRs issued by BARC to the Appellant. The Appellant has also sought information about the promotion norms. The Commission believes that these should actually be put up on the website by the Public Authority in pursuance of its obligations under Section-4 of the RTI Act. The Commission directs the PIO to ensure that these details are put-up on the website of the Public Authority in discharge of its obligation under Section 4(1)(b)(xvii). The Commission is giving this order in pursuance of its powers under Section 19(8)(a) (iii) of the RTI Act.

Decision:

The Appeal is allowed.

The PIO at Mumbai is directed to provide specific orders regarding ACRs issued by BARC as directed above to the Appellant before 10 October 2011.

The PIO is also directed to ensure that the details as directed above are put up on the website of the Public Authority before 10 October 2011. The PIO is directed to email a compliance report along with the url address where the information has been uploaded to rtimonitoring@gmail.com before 10 October 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.


Shailesh Gandhi
Information Commissioner
16 September 2011

(In any correspondence on this decision, mention the complete decision number.)(BR)