CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/A/2011/002989/16783
Appeal No. CIC/SG/A/2011/002989

Relevant Facts emerging from the Appeal

Appellant:
Mr. Sudarshan Nair
R/o: C-17, Shayadri, Amrutklii Nagar,
Mumbai 400094.

Respondent:
Mr. S. Goverdhan Rao
PIO & Head (Personnel)
Central Complex, IIIrd Floor,
Bhabha Atomic Research Center (BARC),
Trombay, Mumbai 400085.

R II application filed on:
08/03/2011
PIO replied:
31/03/2011
First appeal filed on:
29/04/2011
First Appellate Authority order:
23/05/2011
Second Appeal received on:
29/06/2011

Information Sought:
1. What is my Designation on 01-01-2006 (As TR&D/F has been merged as per promotion rule Jan 2010).
2. What is my Designation on 01-05-2006. Since I have got promotion from TR to TR/F (As per promotion rule Jan 2010 2.2.1 All promotion cases are considered for the Next Higher Grade (NHG)).
3. What is my Designation on 01-07-2009. As I have got promotion from TR to T/G (As per promotion rule Jan 2010 2.2.1 All promotion cases are considered for the Next Higher Grade (NHG)).
4. What is benefit of promotion to the employ, when person got promotion under MERIT BASED PROMOTION SCHEME, Whether it can be withdrawn please provide copy of rule.
5. As the pay fixation copy showing we have been considered for promotion from TR/F to T/G without any benefit of Promotion. Again I have been promoted from TR/F to T/G. But according oral information I have been promoted from TR to T/G. Please provide us a rule copy in which employ can be send for promotion two or more times from same grade.
6. Please clarify what is the standard rule followed w.r.t. fixation of pay on promotion.
7. Please arrange to provide a copy of Govt. of India’s rules / clarification for merger of Grade Pay/Scale of Pay.
8. Please provide way to approach for justice for the above explained problems.

Reply of the Public Information Officer (PIO):
1. Your designation as on 01.01.2006 was TR/F
2. Your designation as on 01.05.2007 was TR/F
3. Your designation as on 01.07.2009 was T/G.

Reply to Q.Nos. 4-8: Public Information Officer is not expected to answer hypothetical questions. Moreover clarifications on any issue does not form part of definition under Section 2(1) of RTI Act. However, a copy of the merger of scale wherein pay fixation is not considered and notified by DAE.
Grounds for the First Appeal:
Not enclosed by the appellant.

Order of the First Appellate Authority (FAA):
"I have called for the records related to this case from the Public Information Officer and found that the query raised by Shri Sudarshan Nair in his RTI application dated 08.03.2011 has been replied by the PIO in an adequate manner within the prescribed time limit."

Grounds for the Second Appeal:
Unsatisfactory Information.

Relevant Facts emerging during Hearing:
The following were present
Appellant: Mr. Sudarshan Nair on video conference from NIC-Mumbai Studio;
Respondent 1: Mr. N. G. Krishnan, Dy. Establishment Officer on video conference at NIC-Mumbai Studio;
Respondent 2: Mr. S. Gaveshiran Rao, PIO & Head (Personnel Division) on video conference from BARC Studio;

The PIO has provided information on queries 1, 2 & 3 and for the balance queries he has stated that what is being sought is not information as defined under Section 2(f) of the RTI Act. The Appellant is seeking clarifications and interpretations. The PIO is expected to give information which is available and records and queries 65 to 68 do not seek information.

Decision:
The Appeal is disposed.
The PIO has provided information available on the records.

This decision is announced in open chamber.
Notices 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.

Shailtesh Gandhi
Information Commissioner
11 January 2012

(In any correspondence in this decision, mention the complete section number, i.e., 7(6))