

CENTRAL INFORMATION COMMISSION
Room No.306, 2nd Floor, B-Wing, August Kranti Bhawan
Bhikaji Cama Place, New Delhi-110066.
Website: cic.gov.in

File No.CIC/SM/A/2013/001328/RM

Appellant:
Public Authority:
Date of Hearing:
Date of Decision:

Shri Vikas K. Telang, Navi Mumbai
Bhabha Atomic Research Centre,
Mumbai.
18.06.2014
18.06.2014

Heard today, dated 18.06.2014.

Appellant is heard over telephone.

Public Authority is represented by Shri V.Govindankutty, PIO.

FACTS

Vide RTI dt 5.6.13, appellant had sought a copy of his APAR for 2011-12.

2. PIO vide letter dt 18.6.13, provided a copy of the assessment sheet after applying principle of severance u/s 10 of the RTI Act.

3. An appeal was filed on 26.6.13 observing that the entire set of APAR was not provided.

4. AA vide order dt 8.7.13, admitted that in the past, entire set of APAR was provided under the RTI Act but as per department's policy on APAR in terms of point no. 3.5 and 3.6 of the guidelines on the subject issued by Secretary, TC and TSC, PIO's decision was upheld.

5. Written submissions dt 3.6.14 from appellant are received and taken on record.

6. Submissions made by the appellant and public authority were heard. Appellant submitted that the public authority is quoting a 2010 order to the effect that complete APARs are not to be provided. The fact of the matter is he has been provided his complete APAR IN 2011. He further referred to the decision of Hon'ble Supreme Court in the case of Dev Dutt Vs Union of India in support of his arguments.

7. PIO referred to a decision taken by the Commission on 5.3.14 (appeal no.CIC/DS/A/2012/000658) wherein a reference is made to the matter being subjudice before the Hon'ble Supreme Court.

DECISION

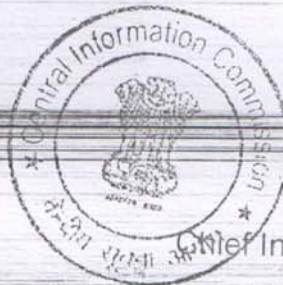
8. The Commission has gone through the decision dt 5.3.14 referred to by the PIO during the course of the hearing and finds that the order of the Hon'ble Supreme Court in the case of Dev Dutt does not seem to have been stayed.

9. The Hon'ble Supreme Court in the case of Dev Dutt Vs Union of India dated May 12, 2008 has referred to the issue of disclosure of ACR gradings in detail. Relevant para is extracted below :

"14. In our opinion, every entry (and not merely a poor or adverse entry) relating to an employee under the State or an instrumentality of the State, whether in civil, judicial, police or other service (except the military) must be communicated to him, within a reasonable period, and it makes no difference whether there is a bench mark or not. Even if there is no bench mark, non communication of an entry may adversely affect the employee's chances of promotion (or getting some other benefit), because when comparative merit is being considered for promotion (or some other benefit) a person having a 'good' or 'average' or 'fair' entry certainly has less chances of being selected than a person having a 'very good' or 'outstanding' entry."

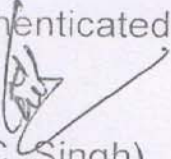
10. In the light of the decision of the Hon'ble Supreme Court, we direct the PIO to provide a complete copy of the APAR to the appellant within fifteen days from date of receipt of the order.

The appeal is disposed of.



Sd/-
(Rajiv Mathur)
Chief Information Commissioner

Authenticated true copy:



(D.C. Singh)
Deputy Registrar

Address of the parties:

Shri Vikas K. Telang,
B-32-5, Kendriya Vihar,
Sector-11, Kharghar,
Navi Mumbai-410210.

The Deputy Establishment Officer/CPIO,
Bhabha Atomic Research centre,
Central Complex, 3rd Floor,
Trombay,
Mumbai-400085.

The Controller, BARC/FAA,
Bhabha Atomic Research centre,
Central Complex,
Trombay,
Mumbai-400085.