

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/DEPDD/A/2023/640221/BARCM**

Shri Rohan K. Lavate

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre (Mumbai)

...प्रतिवादीगण / Respondent

Date of Hearing : 20.01.2025

Date of Decision : 20.01.2025

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 09.06.2023

PIO replied on : 07.07.2023

First Appeal filed on : 11.07.2023

First Appellate Order on : 10.08.2023

2<sup>nd</sup>Appeal/complaint received on : 21.08.2023

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

The Appellant filed an RTI application dated 09.06.2023 seeking information on the following points:-

*"I Rohan Kundalik Lavate working in IHSS, BARC with Employee no. 28307 C.C no. NG/318/14, got a disability and on intimating officially regarding the same, i got the reply that the certificate of my disability is temporary and has to be renewed after expiry of the validity of certificate, so i am not eligible for any benefits under The Rights of Persons with Disabilities Act 2016.I have attached the letter regarding the same for your kind reference.*

*Kindly provide me the information available in written regarding the above decision.*

*Kindly provide me the information in written, where it is mentioned that a person who has got a disability and has the certificate which is temporary in nature, is not eligible for any benefits under The Rights of Persons with Disabilities Act 2016."*

The Chief Administration (A) & PIO, Bhabha Atomic Research Centre (Mumbai) vide letter dated 07.07.2023 replied as under:-

*Point No.1:-As informed by deemed PIO, the applicant may refer to the provisions of the RPWD Act, 2016, available on [www.disabilityaffairs.gov.in](http://www.disabilityaffairs.gov.in). which is in public domain.*

*A copy of the Gazette of India Part-II, Section-I, dated 28.12.2016 under Chapter-IX (Registration of Institutions for Persons with Disabilities and Grants to such Institutions) at Point no. 51(4) is enclosed for ready reference answers the information sought by the applicant.*

*Point No. 2:-Seeking clarifications, reasons, providing interpretations on rules/guidelines and answering hypothetical questions is not treated as 'Information' as per section 2(f) of the RTI Act, 2005."*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 11.07.2023. The FAA vide order dated 10.08.2023 upheld the reply. Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

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

A written submission dated 07.01.2025 has been received from the CPIO reiterating the above facts and adding as under:

*(1) As regards, appellants request for document in written format stating that a person with temporary disability certificate is not eligible for any benefits under RPWD Act, 2016, it is once again reiterated that PIO/appellate Authority, BARC is not the appropriate authority to make a conclusion on RPWD Act, 2016 and furnish the document in written format. PIO is also not supposed to furnish information which requires drawing of inferences or marking assumption or to interpret information and to furnish replies to hypothetical questions. This is in consonance with Hon'ble CIC Decision dated 30.01.2017 and 03.03.2017 in the case of Shri S.G. Ray Vs. CPIO, Jt. Commissioner, Directorate General of Vigilance, Customs & Central Excise, New Delhi.*

Hearing was scheduled after giving prior notice to both the parties.

**Appellant:** Heard through audio conference

**Respondent:** Mr. M K Stanly – PIO, BARC was heard through video conference during hearing.

The Appellant contended that his main grievance arose out of not getting benefits of his temporary disability certificate, which has now been addressed since he has now been given permanent disability certificate. Hence he does not wish to pursue the matter at hand.

Respondent present during hearing stated that information held on record had been duly furnished to the Appellant well within the precincts of the RTI Act.

### **Decision**

Upon perusal of records of the case and hearing averments of the parties, the Commission is of the considered opinion that information available on record with the public authority as defined under Section 2(f) of the RTI Act has been duly furnished to the Appellant, in terms of the provisions of the RTI Act. The Appellant's grievance also stands addressed. In the given circumstances, no further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off 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)  
011-26186535



---

**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil