CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No.**CIC/CC/A/2015/03025-YA**

Date of Hearing	:	08.03.2016
Date of Decision	:	29.04.2016
Appellant/Complainant	:	**Shri C.B. Pachauri** Agra
Respondent	:	**Bhabha Atomic Research Centre Mumbai** Through: Shri B.P. Joshi, CPIO
Information Commissioner	:	**Shri Yashovardhan Azad**

Relevant facts emerging from appeal:

RTI application filed on	:	28.11.2014
PIO replied on	:	08.12.2014
First Appeal filed on	:	07.01.2015
First Appellate Order on	:	10.02.2015
2nd Appeal/complaint received on	:	29.05.2015

Information sought and background of the case:

Vide RTI application dated 28.11.2014, the appellant sought information regarding promotion prospectus of a working Technical Assistant grade-c under 5 points. Vide reply dated 08.12.2014 the PIO informed the appellant that the information sought was beyond the purview of ' information' as enumerated under the RTI Act. The appellant preferred first appeal whereupon the FAA upheld the decision of PIO. The rationale behind the foresaid order is extracted hereunder as:

> *"Appellant vide his appeal dated 07.01.2015 has again brought out a hypothetical case of an Technician and also sought interpretation of his promotion with respect of Confidential Report gradings of different years.*

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As per Section 2(f) of the RTI Act, 2005 the information which exist in material form can be provided and it is not expected of the public authorities to clarify or interpret the rules/guidelines. The PIO has correctly denied the information as it is not covered under the definition of 'Information'. Therefore, I uphold the reply given by PIO, BARC."

Feeling aggrieved with the aforesaid order, the appellant approach the Commission.

Relevant facts emerging during hearing:

Both Parties are present and heard. The appellant states that the PIO as well as FAA deliberately denied the information sought without any plausible reason. He states that the information sought is required to expose the differential treatment meted out to some employees posted as technical assistants since some of the employees of the respondent authority had been denied promotion in contravention of the promotion policy. Per contra, the CPIO states that the appellant had sought comments and opinion upon a hypothetical promotion case which would necessarily involve interpretation and application of statutory rules, which is impermissible under the expression "information" under the RTI Act. He further states that had the appellant referred to some actual case of an employee, he would have furnished the information. Upon a query from the Commission the CPIO states that the relevant promotion policy is already posted on the website of respondent authority.

Decision:

After hearing parties and perusal of record, the Commission finds the decision of CPIO as well as FAA to be in order. The query raised by the appellant is hypothetical, indeed. The relevant promotion policy is readily accessible over internet and anyone aggrieved by non implementation of the same can avail remedies under the law.

The appeal is misconceived and dismissed accordingly.

Sd/-
(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(V.D.Naniwadekar)
Designated Officer

Copy to:-

Central Public Information Officer under RTI
Chief Administrative Officer-(P),
Bhabha Atomic Research Centre,
3rd Floor, Central Complex, Trombay,
Mumbai-400085 (Maharashtra).

First Appellate Authority under RTI
Controller & FAA,
Babha Atomic Research Centre,
6th Floor, Central Complex, Trombay,
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