

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/BARCM/A/2022/618402**

Shri Panneerselvam J

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

Bhabha Atomic Research Center, Mumbai

Date of Hearing : 16.03.2023

Date of Decision : 16.03.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 11.01.2022
PIO replied on : 08.02.2022
First Appeal filed on : 21.02.2022
First Appellate Order on : 25.03.2022
2ndAppeal/complaint received on : 30.03.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 11.01.2022 and the CPIO/Chief Administrative Officer (A), BARC, Mumbai vide letter dated 08.02.2022 replied as under:-

Sr. No.	Information Sought	Information Given
1	Please provide the office order copy of CAT-II Trainees recruited by BARC, Mumbai in between 01.02.96 to 30.04.1996 with names	The information sought is related to personal information of individual concerned, hence exempted under section 8(1)(j) of RTI Act, 2005.
2.	Please provide the office order copy of Names & Designation of Trainees absorbed after training period (1996-1998) in various BARC Units (1) Mumbai (ii) Tarapur (iii) Kalpakkam	
3	I want order copy of DAE OM No.1/17/98-SCS/383 dated 17.5.1999 related to designation change	Information sought will be made available on payment of ₹ 18/- (@ ₹ 2/- per page for 9 No. of page) by way of Demand Draft or Pay order issued by any Bank payable at Mumbai or Indian Postal Order or e-IPO payable to "Accounts Officer, BARC.
4	Please provide me order copy of BARC Note PD/3(1)97-R-II/689 dated 26.07.1999 related to designation change.	
5	Please provide me Name of the persons moved to CAT (Central Administrative Tribunal) Mumbai, with respect to trainee recruited between 1.2.1996 to 30.4.1996 and same person recruited as a Tradesman in 1998 in BARC, Mumbai	The information sought is related to personal information of individual concerned, hence exempted under section 8(1)(j) of RTI Act, 2005.

6	Please provide the order copy of DAE/BARC order copy of implementing High Court, Mumbai order to our employees with Joining as a Trainee 1.2.1996 to 30.04.1996 and absorbed as a Tradesman in 1998.	Information sought will be made available on payment of ₹ 2/- (@ ₹ 2/- per page for 1 No. of page) by way of Demand Draft or Pay order issued by any Bank payable at Mumbai or Indian Postal Order or e-IPO payable to "Accounts Officer, BARC.
7	Please provide name of the persons implementing the High Court, Mumbai order No.2356/2002 and Notice of Motion 16/2003 in BARC Mumbai and other division and units.	The information sought is exempt from disclosure under section 8(1)(g) of the RTI Act, 2005.
8	Please provide order copy of CAT, Mumbai OA/736/2000 dated 25 Oct 1999.	The information sought is not available.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.02.2022. The FAA/Actg. Controller, BARC, Mumbai vide order dated 25.03.2022 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission has been received from the CPIO and CAO (A), BARC, Trombay vide letter dated 10.03.2023 the relevant extract of which is as under:

- (i) The information regarding copy of DAE OM No.1/17/98-SCS/383 dated 17.05.1999 and BARC Note PD/3(1)/97-R-II/689 dated 26.07.1999 regarding designation change and order copy regarding implementation of High Court, Mumbai order has been provided to the Applicant vide note No. BARC/RTI/2021/02/6639/1094 dated 21.02.2022 on receipt of documentation charges.
- (ii) As regards the information sought at Query Nos. 1, 2 & 5 of the RTI application dated 1.01.2022, It is informed that the information sought is the communication between the employer and employee other than the Appellant which is purely personal in nature and third party information to the Appellant and disclosure of which has no larger public interest/activity and moreover requires the consent of the third party for disclosing such information, hence exempted under section 8(1)(j) of the RTI Act, 2005.

- (ii) It is also reiterated that Hon'ble CIC on numerous occasions has made it clear that the information relates to personal information and disclosure of which has no larger public interest/activity, the same may be exempted under section 8(1)(j) of RTI Act, 2005.
- (iii) As regards the information sought at Query No.7 of the RTI application, it is informed that disclosing the name of officials who implemented that Mumbai High Court Order No.2356/2002 and Notice of Motion 16/2003 would impede the law enforcement functions and also cause undue risk to the life and physical safety of those providing such information, hence the same is exempted u/s 8(1)(g) of the RTI Act, 2005. Moreover, the said information relates to communication between the employer and employee other than the Appellant and disclosure of which has no larger public interest /activity.
- (iv) As regards Query No.8 of the RTI application, deemed PIO has informed that no such information is available. PIO can provide information which exists in material form or held by him or under the control of public authority. PIO is not supposed to create or interpret information and can only provide such information which is available with him or under the control of public authority.
- (v) It is also informed that there is no larger pubic interest/activity is involved for furnishing such information as the Appellant sought that information on his personal capacity for his future career/promotional benefits.
- (vi) As regards Appellant's contention that BARC authorities (Both PIO & FAA) has exempted the information under section 8(1)(j) and 8(1)(g) of RTI Act, 2005 although the personal details of the employees are available on their website, it is cleared that the information available on BARC website is suo-moto disclosure under section 4(1) of RTI Act, 2005, whereas the information sought by the Appellant relates to some officials of particular category (Stipendiary Trainee) for a specific period which is purely personal in nature and third party information to the Appellant., hence exempted as mentioned above.

The Appellant participated in the hearing through video conference. He specifically referred to points 1 and 2 of his RTI application and stated that the copy of the office orders of CAT-II Trainees recruited from 01.04.1996 to 30.04.1996 should be disclosed as the same was required by him for contesting a matter before CAT, Chennai bench. He also prayed for disclosure of information on points 5, 7 and 8 of the RTI application.

The Respondent represented by Shri B V Balaji CPIO and CAO 9A), BARC participated in the hearing through video conference. In addition to the written submissions available on the Commission's records, he stated that that the Appellant has no locus standi in the matter and office orders of third party employees was personal information of such employees exempted from disclosure as per Section 8 (1) (j) of the Act and no larger public interest was justified by the Appellant. Regarding points 5, 7 and 8 he reiterated his contentions mentioned in the written submission.

Decision:

In the light of the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the instant matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeal stands disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
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