

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/NFCOM/A/2019/104859**
CIC/NFCOM/A/2019/110495

Shri S K Jain

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण /Respondent

Nuclear Fuel Complex (Legal Section)

Date of Hearing : 27.04.2021

Date of Decision : 28.04.2021

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 nd Appeal received on
104859	29.09.2018	17.10.2018	17.11.2018	28.11.2018	01.02.2019
110495	29.09.2018	17.10.2018	17.11.2018	28.11.2018	08.03.2019

Information sought and background of the case:

- (1) CIC/NFCOM/A/2019/104859**
- (2) CIC/NFCOM/A/2019/110495**

The Appellant filed an RTI application dated 29.09.2018 seeking copy of his entire APAR for the year 2017-18.

The CPIO /Administrative Officer vide letter dated 17.10.2018 replied as under:-

Instructions have been received from the Department, not to disclose the entire APAR of the Officials except where the disclosure of entire contents of the APAR will be in public interest. Since no public interest is established, in disclosing the entire APAR of Shri Jain, providing copy of entire APAR is not agreed to.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 17.11.2018. The FAA/Chief Administrative Officer vide letter dated 28.11.2018 upheld the reply of the CPIO and stated that the copy of the APAR for the year 2017-18 cannot be provided in view of the directions of DAE vide circular dated 21.09.2016.

Feeling 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 Industrial Relations Officer, D/o Atomic Energy vide letter dated 21.04.2021 wherein it was stated that there was no public interest in providing the entire copy of APAR and in view of the DAE circular dated 21.09.2016, the same was not provided.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearings through video conference were scheduled after giving prior notice to both the parties. Later, the hearings were held in audio conference mode after informing both the parties, in view of the rapid increase in Covid-19 infections.

The Appellant participated in the hearing through audio conference. He stated that copy of his own APAR was incorrectly denied despite several orders of the Commission and the Hon'ble Supreme Court. He further stated that in case some confidential/ secret/ strategic information was mentioned in his APAR, the Respondent at this stage can redact the same and provide the remaining information to him, specifically the comments of his superior officer.

The Respondent represented by Shri G Naveen Kumar, SO, participated in the hearing through audio conference. He referred to the reply of the CPIO/ FAA and stated that since no larger public interest was justified by the Appellant copy of his entire APAR was denied to him in accordance with the DAE circular dated 21.09.2016. He further stated that copy of entire APAR is not disclosed by them as many strategic and sensitive information relating to the affairs of the DAE is included in the same.

Decision

Keeping in view the facts of the case and the submissions made by both the parties during the hearing, the Commission directs the CPIO and Administrative Officer, DAE to provide a copy of his own APAR to the Appellant for the period mentioned in the RTI application after redacting sensitive and strategic information, if any, exempted u/s 8 (1) (a) of the RTI Act, 2005. The above mentioned direction should be complied with by 30.05.2021 under intimation to the Commission.

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

Y. K. Sinha (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

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