

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/2022/110857**

Shri K Srinivas

... अपीलकर्ता /Appellant

VERSUS/बनाम

PIO, Industrial Relations Officer, Nuclear Fuel
Complex, Telangana
Through: Shri Naveen Kumar - PIO

...प्रतिवादीगण /Respondent

Date of Hearing : 15.03.2023

Date of Decision : 16.03.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 11.09.2021
PIO replied on : 27.10.2021
First Appeal filed on : 27.11.2021
First Appellate Order on : 13.01.2022
2ndAppeal/complaint received on : 07.03.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 11.09.2021 which was responded to by the CPIO/Relations Officer, vide letter dated 27.10.2021 as under:-

S. No.	Information sought	Information furnished
	(b) Selection Committee Guidelines	There is no specific Selection Committee guidelines as far as R-II Section is concerned.
03	(i) Selection Committee Guidelines in the under mentioned interviews: 2008, 20 th February, 2013, 16 th December 2013, 4 th January 2017 (ii) 2008, 2012-2017 interviews (iii) Promoted to SO/C in 2008 and SO/D in 4 th January 2017 interviews and deferred in the 20 th February 2013 and 16 th December 2013 interview SO/D promotion w.e.f. July 2016	The information sought is not clear. Hence, no information is furnished

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 27.11.2021. The FAA/Chief Administrative Officer, Department of Space vide order dated 13.01.2021 held as under:-

3. After careful examination of aforementioned appeal, you are hereby informed that the information sought in hypothetical format cannot be provided under RTI Act. However, it is to inform that at the time of promotion interview, the respective Selection Committee will assess suitability of the candidate for promotion based on his working knowledge and overall performance.

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

Facts emerging in Course of Hearing:

A written submission dated 07.03.2023 has been received from the CPIO reiterating the above facts. Copy of the submission has been duly supplied to the Appellant.

Hearing is held through video conference upon serving notice of hearing in advance to both parties. Both parties are present for hearing, wherein the Respondent contended that there are no specific guidelines as sought by the Appellant since promotion is decided on the basis of performance, suitability etc. of the candidate. Hence, the Appellant had been replied accordingly. The Appellant seeks justification behind the promotion.

Decision:

In the light of the contentions of the parties, the Commission finds it pertinent to refer to a decision dated 03.04.2018, passed by the Bombay High Court while deciding the case of Dr. Celsa Pinto vs. The Goa State Information Commission wherein it had been held that:

“ ..The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information...”

From the records of the case, it is evident that information held by the public authority, as defined under Section 2(f) of the RTI Act, has been duly disseminated, in terms of the Act. The RTI Act does not oblige public authorities to furnish justification or clarification for decisions taken by them, particularly when there is no record available in this regard. Moreover, resolution of service related grievance does not fall within the purview of the RTI Act.

Therefore, no further direction is deemed necessary in this case under the RTI Act and the appeal is disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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(अभिप्रमाणित सत्यापित प्रति)

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