

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NFCOM/A/2022/606986**

Shri Rohit Gupta
With Shri S K Singh

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Industrial Relations Officer, Nuclear Fuel
Complex, ECIL, Department of Atomic Energy,
Hyderabad

...प्रतिवादीगण / Respondent

Through: Shri D Srinivas Rao – Administrative
Officer and Shri Ravi Kumar – APIO

Date of Hearing : 01.03.2023

Date of Decision : 09.03.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 13.11.2021

PIO replied on : 07.12.2021

First Appeal filed on : 21.12.2021

First Appellate Order on : 19.01.2021

2ndAppeal/complaint received on : 03.02.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 13.11.2021 seeking information on the following 10 points:-

1. Details of Gurukul Guest House, address, location, phone number, email address.
2. Information regarding ownership of the guest house and how it is managed and maintained (departmentally or through a contract on a private firm/ contractor).
3. If maintained through a private contractor please provide a certified copy of the running contract along with technical specification awarded to the private firm including its name, address, names list of contractor staff employed for various roles in this guest house, their responsibilities, duties and minimum required educational qualification for the role they were employed for.
4. Number of rooms available (category wise list) in this guest house and the amenities provided in each category.

5. Number of rooms available or reserved for Group A and Group B officials and eligibility criteria for booking of these rooms by each Group.

6. People (Departmental staff, other Govt. officials and General Public) who are eligible to book accommodation in this Guest House and for how long.

7. Booking procedure for each category listed in point 6.

8. If permission for booking is granted for official or personal work.

9. Please provide certified copies of the pages pertaining to last 8 years of complaint book maintained at this guest house, from the date of this RTI application.

10. Please provide the mechanism of complaint redressal system of the complaints logged in this complaint book along with action taken on the same.

The PIO/Industrial Relations Officer, Department of Atomic Energy vide letter dated 07.12.2021 replied as under:-

S.No.	Information sought	Information furnished
1	Details of Gurukul Guest House, address, location, phone number and email address	Government of India, Department of Atomic Energy, Nuclear Fuel Complex, ECIL post, Hyderabad- 500062. Phone No. 040-27184339, e-mail:- gurukul@nfc.gov.in
2	Information regarding ownership of the guest house and how it is managed and maintained (departmentally or through a contract on a private firm/contractor).	Government of India (Central Government), Outsourced through contractor.
3	If maintained through a private contractor please provide a certified copy of the running contract along with technical specification awarded to the private firm including its name, address, names list of contractor staff employed for various roles in this guest house, their responsibilities duties and minimum required educational qualification for the role they were employed for.	Prism hospitality Services Pvt. Ltd. 22/A, M/E, Hafeexpet, Miyapur, Hyderabad 500 049. (An ISO 9001: 2015 Certified)
4	Number of rooms available (Category wise list) in this guest house and the amenities provided in each category.	Suite Rooms – 5 A/C Rooms with Single Bedded – 5 A/C Rooms with Double Bedded – 16 Non- A/c Rooms – 35
5	Number of rooms available or reserved for Group-A and Group-B officials and eligibility criteria for booking of these rooms by each Group.	As per the Eligibility
6	People (Departmental Staff, other Govt, Officials and General Public) who are eligible to book accommodation in this Guest House and for how long	Departmental Staff, Govt. Officials can book the accommodation in Guest House, General public are not entitled for booking of guest house subject to availability.
7	Booking procedure for each category listed in point 6	Official Booking is done as recommended by the administrative authorities subject to availability of rooms & personal requests are also entertained subject to availability.

8	If permission for booking is granted for official or personal work	Permission for booking is granted for official or personal work of departmental staff & other constituent units of DAE
9	Please provide certified copies of the pages pertaining to last 8 years of complaint book maintained at this guest house, from the date of this RTI application	Since the information sought is diverting the resources of the public authority the information cannot be disclosed under Rule 7 (9) of RT Act, 2005.
10	Please provide the mechanism of complaint redressal system of the complaints lodged in this complaint book along with action taken on the same.	A complaint register is kept at register counter for registration of complaints.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.12.2021. The FAA/Chief Administrative Officer vide order dated 19.01.2021 informed that the information sought by the Appellant has already been provided.

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 CPIO vide letter dated 24.02.2023, reiterating the above facts and placing reliance on the PIO's reply dated 07.12.2021.

Hearing is held through video conference upon serving notice of hearing in advance to both parties. Both parties are present for the hearing held through video conference and reiterated their respective contentions. The deliberations between parties reveal that the instant appeal is an outcome of a conflict between the Appellant with the Respondent which arose during his stay at the Gurukul Guest House located at the premises of the Respondent.

Decision:

Perusal of the records of the case reveals that information as defined under Section 2(f) of the RTI Act has been duly provided by the PIO, well within the precincts of the Act.

Considering the nature of queries, no legal infirmity is found in the replies furnished by the Respondent, therefore, no cause of action subsists under the RTI Act for further adjudication. In so far as the Appellant's grievance or quest for dispute resolution is concerned, the same cannot be adjudicated within the framework of the RTI Act. This aspect stands settled by the following decisions:

a) decision dated 11.01.2013 passed by the Delhi High Court in the case of Hansi Rawat & Anr. vs Punjab National Bank & Ors., relevant excerpt whereof is as follows:

".. 6. The proceedings under the RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No.2 from the employment of the respondent Bank is admittedly pending consideration before the appropriate fora. The purport of the RTI Act is to enable the appellants to effectively pursue the said dispute. The question,

as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished. Moreover, there is a categorical finding of the CIC, of the appellants misusing the RTI Act, as is also evident from the plethora of RTI applications filed by the appellants. In view of the said factual findings of the CIC and which is not interfered by the learned Single Judge, we are not inclined to interfere with the order of the learned Single Judge....”

b) It is also noteworthy that the Hon’ble Supreme Court of India in the matter of Union of India v. Namit Sharma in Review Petition [C] No.2309 of 2012 in Writ Petition [C] No.210 of 2012 with State of Rajasthan and Anr. vs. Namit Sharma Review Petition [C] No.2675 of 2012 In Writ Petition [C] No.210 of 2012 had held as under:

“While deciding whether a citizen should or should not get a particular information “which is held by or under the control of any public authority”, the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority.

In the light of the aforementioned decisions, the legal position is abundantly clear about the jurisdiction, scope and ambit of the RTI Act. The Commission finds that no further intervention is deemed necessary in the aforementioned appeals, under the RTI Act.

The appeals are disposed off accordingly.

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

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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