

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/2022/617346**

Shri Kunjan Kumar

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

Nuclear Fuel Complex Department of Atomic
Energy, Hyderabad

Date of Hearing : 23.03.2023

Date of Decision : 24.03.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 30.01.2021

PIO replied on : 28.02.2021

First Appeal filed on : -

First Appellate Order on : -

2ndAppeal/complaint received on : 26.03.2022

Information sought and background of the case:

The Appellant filed an online RTI application dated 30.01.2021 and the CPIO/Industrial Relations Officer, Department of Atomic Energy, Nuclear Fuel Complex, vide letter dated 28.02.2021 replied as under:-

S. No.	Information sought	Information furnished
1	Sir, I requested you for Stage-I, Stage-2 and Physical Test in qualified than also out from the merit result than my Rank No. 2, PWD (OH) UR (OBC) what reason for I skill test in disqualified. So, I requested to you again investigated for the skill test.	Hypothetical questions are not supposed to be answered in terms of para 4 of Guide for information seekers circulated by DOPT vide OM dated 8.11.2007. However, it is informed that candidates are selected in the order of the merit category-wise based on their performance in different stages of recruitment.

No document pertaining to filing of the first appeal or the order of the FAA is available on the Commission's record. Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

The Appellant participated in the hearing through video conference. He stated that he was seeking precise information regarding the reasons for his disqualification in the skill test for the examination mentioned in the RTI application which was declined incorrectly stating that the query was hypothetical in nature.

The Respondent represented by Shri D Srinivas Rao, CPIO and AO-III and Shri Ravi Kumar, APIO and Asst Personnel Officer participated in the hearing through video conference. Shri Rao reiterated his written submission dated 20.03.2023, the relevant extract of which is as under:

3. Not satisfied with the reply of the then CPIO, NFC, the appellant preferred first appeal dated 31.03.2022 (**Annexure-III**) on the ground that he was not satisfied with the reply provided by CPIO and requested for once again considering his RTI application and stating the reasons for his disqualification in skill test.

4. The First Appellate Authority (FAA), NFC vide his letter No. NFC/Admn(L)/RTI-317/2021-22/645 dated 22.04.2022 (**Annexure-IV**) intimated that the information sought by the applicant is not defined under Section 2 (f) of RTI Act. However, the Appellate Authority also informed that the reply provided CPIO vide his letter dated 28.02.2022 is in order and the intervention of FAA is not required.

5. Not satisfied with the response from the First Appellate Authority (FAA); the appellant vide his letter dated NIL, preferred second appeal to CIC, New Delhi (Second Appellate Authority).

6. In the light of 2nd appeal preferred by the appellant, respondent CPIO humbly and most respectfully submits that the information sought by the applicant was pertaining to the reasons for his disqualification in the skill test for the post of Lab Technician (Stipendiary CAT-II Trainees) vide NFC's advertisement No. NFC/02/2019, which cannot be provided under RTI Act, 2005 as per DoPT OM dated 08.11.2007 (**Annexure-V**)

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 incorrect reply was provided by the CPIO as the query of the Appellant is clear and specific. Therefore, the Commission directs Shri D Srinivas Rao, CPIO and AO-III to re-examine the RTI application and provide a revised response as per available records to the Appellant by 15.04.2023

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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(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

