

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/2018/637486**

Shri Narsi Lal Meena

... अपीलकर्ता /Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण /Respondent

Administrative Officer
Nuclear Fuel Complex,
Department of Atomic Energy

Date of Hearing : 06.04.2021

Date of Decision : 09.04.2021

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 10.09.2018

PIO replied on : 16.10.2018

First Appeal filed on : 13.11.2018

First Appellate Order on : 19.12.2018

2ndAppeal/complaintdated : 25.12.2018

Information sought and background of the case:

The Appellant filed an RTI application dated 10.09.2018 seeking clarification in respect of the letters dated 30.03.2017 and 23.05.2018 regarding the promotion of employees in NFC.

The PIO/Administrative Officer vide letter dated 16.10.2018 informed that the information provided by Under Secretary (I&M), DAE vide letter No. 11/8(5)/2018-I&M(HWB)/6522, dated 23.05.2018 is correct.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 13.11.2018. The FAA/Chief Administrative Officer(R) vide order dated 19.12.2018 stated that the information provided by PIO, NFC vide letter dated 16.10.2018 is found to be correct. It was further stated that the Appellant had preferred an appeal on an earlier occasion as well vide appeal letter dated 11.04.2018 for which the then PIO, NFC vide reply dated 30.05.2018 had explicitly stated that the officials listed were promoted on track change and not based on acquiring additional qualifications.

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 Appellant vide letter dated 30.03.2021 and the same has been taken on record.

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.

None was present on behalf of the Respondent despite prior intimation.

The Appellant participated in the hearing through video conference. He stated that incorrect and misleading information was provided by the Respondent since in reference to an earlier RTI application dated 25.02.2017 where he had sought the list of employees promoted from Scientific Assistant to Scientific Officer Grade on the basis of additional qualifications, he was provided a list of 4 officers vide reply dated 30.03.2017. However, in reply to the present RTI application he was essentially informed that promotions were not based on additional qualifications.

Decision:

Having heard the Appellant and on perusal of available records, it appears that there is prima facie a contradiction in the reply provided earlier to the Appellant vis a vis' the reply provided in the present matter. Moreover, none was present from the Respondent to explain the factual position in the matter. Hence, the Commission directs the CPIO and Administrative Officer, D/o Atomic Energy, Nuclear Fuel Complex, Hyderabad to furnish a sworn affidavit on a non judicial stamp paper regarding the correctness of the reply dated 16.10.2018 in the backdrop of the issues raised in the hearing to the Appellant under intimation to the Commission. The CPIO and Administrative Officer, D/o Atomic Energy, Nuclear Fuel Complex, Hyderabad is also directed to furnish an explanation to the Commission for his/ her absence during the instant hearing. The above mentioned direction should be complied with by 15.05.2021 under intimation to the Commission.

With the above observation, 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)
011-26186535