

Spec Post. Code no. EK 744566/551W
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FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT 2005

To;
Shri P. Goverdhan,
Controller and Appellate Authority,
BARC, 6th floor, Central Complex,
Trombay, Mumbai - 400 085.
Email: controff@barc.gov.in

Sl No	Details	Appeal made
1	Name of the Appliant	Y.S. Mallikarjunaiah
2	Fathers Name	Y.B. Shivarudrappa
3	Present Address with e-mail/Telephone number for correspondence	Y.S. Mallikarjunaiah, No. 59, IIIrd cross, IIIrd main, Bank Colony, off Ring Road, Bogadi, Mysuru, Karnataka State - 570026. Email: subhama61@gmail.com Mobile and whatsapp no; 88618 20395
4	Particulars of the Central Public Information Officer (a) Name (b) Address	(a) Sriram.S, Chief Administrative Officer (A) & Public Information Officer, (b) Central Complex, 3 rd floor, BARC, Trombay, Mumbai-400085. Tele :+91(022) 25505151 Email: caoa@barc.gov.in
5.	Date of submission of application for seeking information	21/12/2020
6.	Date on which 30 days from submission of application are over	20/01/2021
7.	Reasons for appeal (a) Aggrieved by the response received within the specified period (b) Grounds for Appeal	(a) Yes. Aggrieved by the response received within the specified period (b) Grounds for appeal: (i) I request your honor to kindly peruse the Information sought by me in the RTI application dated 21/12/2020. (ii) In the third para I sought information as below; "Please provide the details of employees recruited in 2004 under NPS (National Pension Scheme) and permitted to switch over to pension scheme, under CCS (Pension) Rules 1972 " . (iii) The PIO has provided information in the letter dated 21/01/2021 as below;

		<p>"Total 07 persons recruited in the year 2004 have been permitted to switch over to Pension Scheme under CCS (Pension) Rules 1972". This information is received on 28/01/2021.</p> <p>(iv) I sought the details of employees recruited in 2004. But the PIO has furnished information stating that total 07 persons recruited in the year 2004 have been permitted to switch over to Pension Scheme under CCS (Pension) Rules 1972. But information about the details of employees are not furnished.</p> <p>(v) Hence this first appeal.</p>
8	Last date for filing Appeal	20-02-2021
9	Whether required fees has been paid	Yes vide IPO No. 53F825543 dated 21.12.20
10	Particulars of Information requested and period	As requested in the original application. Please direct the PIO to provide the details of employees recruited in 2004 under NPS (National Pension Scheme) and permitted to switch over to pension scheme, under (Pension) Rules, 1972. (Copy of the Original application and the information furnished by the PIO is attached herewith for reference.

Date: - 1/2/2021

Place: - Mysuru


(Y.S. Mallikarjunaiah)
Appellant. Mobile: 88618 20395

Enclosures;

1. Copy of Original Application submitted to the PIO under the RTI Act through Registered Post.
2. Copy of the letter dated 21/01/2021 by the PIO furnishing the incomplete information.

के. जयकुमार,
नियंत्रक एवं अपील अधिकारी,
सेंट्रल कॉम्प्लेक्स,
बी ए आर सी, ट्रॉम्बे,
मुंबई - ४०० ०८५.
दूरभाष : +(91)(022) 2550 5354
फैक्स : +(91)(022) 2550 354/
(022) 2550 5151
ई-मेल : controff@barc.gov.in



सत्यमेव जयते
भारत सरकार
GOVERNMENT OF INDIA
भाभा परमाणु अनुसंधान केंद्र
BHABHA ATOMIC RESEARCH CENTRE



By Speed Post
K.Jayakumar,
Controller & Appellate Authority
Central Complex,
BARC, Trombay,
Mumbai - 400 085
Tel : +(91)(022) 2550 5354
Fax No.:+(91)(022) 2550 5354/
(022) 2550 5151
email: controff@barc.gov.in

Ref: BARC/RTI/2020/12/5684/2443

March 15, 2021

ORDER

WHEREAS Shri Y. S. Mallikarjunaiah, #58, III Cross, IIIrd Main, Bank Colony, Off Ring Road, Bogadi, Mysuru, Karnataka – 570 026 had submitted an RTI application dated 21.12.2020 requesting to provide the details of employees recruited in 2004 under NPS (National Pension Scheme) and permitted to switch over to pension scheme, under CCS (Pension) Rules, 1972 with regard to Selection/Recruitment of Assistant Security Officer (A) personnel vide BARC Personnel Division, Recruitment Section III, Central Complex, Trombay, Mumbai vide Employment Advt. No. 1/2001-R-III, with Ref. to No. PD/13 (1)2001-R-III/1282 dated 17th October 2002 for the period 2000-2002 and there onwards.

2. **AND WHEREAS** the Central Public Information Officer has disposed of the RTI application vide letter No. BARC/RTI/2020/12/5684/937 dated 21.01.2021 stating that total 07 persons recruited in the year 2004 have been permitted to switch over to Pension Scheme under CCS (Pension) Rules, 1972.

3. **AND WHEREAS** the said Shri Y. S. Mallikarjunaiah has preferred an appeal dated 01.02.2021 to the Appellate Authority, BARC requesting to provide the details of employees recruited in 2004 under NPS (National Pension Scheme) and permitted to switch over to pension scheme, under CCS (Pension) Rules, 1972.

4. **AND WHEREAS** the undersigned as the Appellate Authority under RTI Act has called for the records related to this case and it is seen that the RTI application was received by CPIO, BARC on 24.12.2020 and the RTI application was replied vide letter No. BARC/RTI/2020/12/5684/937 dated 21.01.2021.


5. On perusal of the records it is observed that CPIO, BARC has rightly provided the information in numbers stating that 07 persons recruited in 2004 under NPS (National Pension Scheme) and were permitted to switch over to pension scheme, under CCS (Pension) Rules, 1972. Their name & other details of employees relates to personal information and disclosure would cause unwarranted invasion to the privacy of the individual employee and hence exempt under section 8 (1) (j) of RTI Act, 2005. It is pertinent to mention here that the Hon'ble Supreme Court vide Order dated 31.08.2017 in Civil Appeal No. 22 of 2009 held that the information relating to personal information of an individual employee such as joining, designation, details of promotion, transfer etc. which are not in larger public interest cannot be provided to a third party.

6. Therefore, I uphold the reply given by CPIO, BARC.

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7. **AND NOW THEREFORE** the appeal of Shri Y. S. Mallikarjunaiah stands disposed of.

8. **Shri Y. S. Mallikarjunaiah** is hereby informed that in terms of Section 19(3) of RTI Act, 2005, a second appeal against the decision of Appellate Authority shall lie with the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110 067 within 90 days from the date on which the decision should have been made or was actually received by the Appellant.


(K. Jayakumar)
Actg. Controller, BARC &
Appellate Authority under the
Right to Information Act, 2005

Shri Y. S. Mallikarjunaiah,
#58, III Cross, IIIrd Main, Bank Colony,
Off Ring Road, Bogadi,
Mysuru, Karnataka – 570 026.