

FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT 2005



To:-
 Shri. K Jayakumar
 Actg. Controller and Appellate Authority,
 BARC, 6th Floor, Central Complex,
 Trombay, Mumbai – 400 085
 E mail: controff@barc.gov.in

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 SP SARASWATHIPURAM H.O (570009)
 Counter No:1.77/05/2071.10:7A
 To:1 JAYAKUMAR CENTRAL COMPLEX
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SI No	Details	Appeal made
1	Name of the applicant	Y.S. Mallikarjunaiah
2	Fathers name	Y. B. Shivarudrappa
3	Present Address with e-mail/Telephone number for correspondence	Y.S. Mallikarjunaiah No. 59, 3 rd Main, 3 rd Cross, Bank Colony, Off Ring Road Bogadi, Mysuru Karnataka state – 570026 E mail; subhama61@gmail.com Mobile No 8861820395
4	Particulars of the Central Public Information Officer a) Name b) Address	Shri. Sriram S Chief Administrative Officer (A) & Public Information Officer BARC, 3 rd Floor, central Complex Trombay, Mumbai – 400085 E mail: caoa@barc.gov.in
5	Date of submission of application for seeking information	31-03-2021
6	Date on which 30 days for submission of application are over	29-04-2021
7	Reason for appeal:- a) Aggrieved by the response received with in the specified period b) grounds for Appeal	a) Yes. Aggrieved by the response received within specified period. b) Grounds for Appeal: RTI with reference to BARC advertisement No 1/2001/R-III. A copy of the list of names of govt appointed employees in 2004 against the above said advertisement AND converted in to old pension scheme under CCS (pension) rules 1972.

		<p>You may please note that you have released the names of list of candidates suitable for appointment as ASO/A in the order of merit (selection panel) vide your RTI reply RTI/BARC/2021/5742/2488 dated 15-03-2021.</p> <p>I may please be permitted to inspect the record of list of govt employees appointed vide above said advertisement appointed in 2004 AND converted in to old pension scheme under CCS (pension) rules 1972 by masking all personnel information of the individual vide RTI act chapter 1(j)(i).</p> <p>In turn PIO of BARC has replied vide RTI letter number BARC/RTI/2021/04/5922/3880 dated 03.05-2021 stating that information is provided vide RTI letter number BARC/RTI/2020/12/5684/937 dated 21.01.2021, <u>where as in the reply only 07 employees in number is only mentioned instead of personnel names.</u> Therefore, as an applicant/employee I am deprived of information to know exactly where is my position since all the employees recruited in 2004 mentioned in the BARC issued seniority list of ASO/A as on 01-01-2006 have been already converted in old pension system except me including my juniors as per the panel.</p> <p>It is further informed by PIO stating that information available is in the personnel file of the employees concerned and it may not be practically possible to mask all personnel information and allow inspection of documents from the files of employees. Hence exempt from disclosure under section 8(1)(j) of RTI Act. (requested here is only consolidated common list of employees)</p>
8	Last date for filling of appeal	29-05-2021
9	Whether required fees has been paid	Yes, paid
10	Particular information requested and period	<p>Applicant is requesting only the common list names of government employees recruited in 2004 vide advt 1/2001/R-III and not their personnel information (whereas in the similar case in one more RTI list of suitable candidates' names eligible and placed in the panel is already provided) Now also only the names of employees appointed in 2004 and converted in to old pension system under CCS pension (Rules) 1972 is requested and same is being denied stating as personnel information which is not true.</p>

		<p><i>As per the available seniority list with me, there are total 18 personnel appointed against advertisement in 2003 and 2004 (BARC seniority list copy enclosed) and except me alone all other employees of the selection panel including 2003 & 2004 recruitment have been converted in to old pension scheme under CCS (pension) rules 1972 by which I am only has been deprived of the privileges provided by the latest Government order.</i></p> <p>Therefore, you are requested to instruct Public Information Officer, BARC to provide only list of employee names (not their personnel information) recruited in 2004 and converted in to old Pension scheme as per latest government order to know exactly where my position is as per the list and the same is being denied even after repeated RTI request.</p>
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Date: - 21-05-2021

Place: - Mysore


Y.S. Mallikarjunaiah)
Appellant

Enclosures: -

- 1) Copy of RTI application dated 31-03-2021.
- 2) Copy of the RTI reply of BARC letter No BARC/RTI/2021/04/5922/3880 dated 03-05-2021.
- 3) Copy of the List of names in the panel released by BARC vide RTI reply RTI/BARC/2021/5742/2488 dated 15-03-2021.
- 4) Copy of list of BARC ASO/A employee's seniority list (excluding not appointed/VRS/removed from service etc..) vide BARC/RMP letter number 03(13) (2)/RMP/2006/592 dated 21 March 2006. As per the list except me rest all have been cover under old pension system Ie.2003 recruitment & 2004 recruited converted in to ops.
- 5) Copy of RTI reply in which 7 members are converted in to Old pension system vide BARC RTI reply BARC/RTI/2020/12/5684/937 dated 21-01-2021.

by speed post

के. जयकुमार,
कार्यकारी नियंत्रक एवं
अपीली अधिकारी,
सेंट्रल कॉम्प्लेक्स, बी ए आर सी,
ट्रॉम्बे, मुंबई - ४०० ०८५.
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सत्यमेव जयते

भारत सरकार

GOVERNMENT OF INDIA

भाभा परमाणु अनुसंधान केंद्र

BHABHA ATOMIC RESEARCH CENTRE

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Ref: BARC/RTI/2021/04/5922/ 5760

July 09, 2021

ORDER

WHEREAS Shri Y.S Mallikarjunaiah, #59, III Cross, IIIrd Main, Bank Colony, Off Ring Road, Bogadi, Mysuru, Karnataka – 570 026 had submitted an RTI application dated 31.03.2021 (received by PIO, BARC on 05.04.2021) requesting to provide the following information under RTI for the period 2001-2004 and there onwards :

- i. A copy of the list of names of Govt. appointed employees in 2004 against Advertisement No. 1/2001-R-III, with Ref. to No. PD/13 (1)2001-R-III/1282 dated 17th October 2002 and converted into old pension scheme under CCS (Pension) Rules, 1972 and further mentioned,
- ii. You may please note that you have released the names of list of candidates suitable for appointment as ASO/A in the order of merit (selection panel) vide your RTI reply RTI/BARC/2021/5742/2488 dated 15.03.2021.

I may also be permitted to inspect the record of list of Govt. employees appointed vide above said advertisement appointed in 2004 and converted into old pension scheme under CCS (Pension) Rules, 1972 by masking all personnel information of the individual vide RTI Act chapter 1(j)(i).

2. **AND WHEREAS** the Public Information Officer has disposed of the RTI application vide RTI reply letter No. BARC/RTI/2021/04/5922/OPA-3880 dated 03.05.2021 stating that information was provided earlier vide RTI reply letter No. BARC/RTI/2020/12/5684/937 dated 21.01.2021. As regards inspection of records of list of Government employees appointed vide above said advertisement appointed in 2004, the PIO has informed that the information sought is available in the personal files of the employee concerned and it may not be practically possible to mask all personal information and allow inspection of documents from the files of employees. Hence, exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.

3. **AND WHEREAS** the said Shri Y. S. Mallikarjunaiah has preferred an appeal dated 21.05.2021, received by Appellate Authority, BARC on 28.05.2021 requesting to provide information/documents.

4. **AND WHEREAS** the undersigned as the Appellate Authority under RTI Act has called for the records related to this RTI application and it is seen that the RTI application was received by PIO, BARC on 05.04.2021 and the RTI application was replied vide RTI reply letter No. BARC/RTI/2021/04/5922/OPA-3880 dated 03.05.2021.

5. On perusal of the records it is observed that the appointment details of employees and other benefits received during the tenure of service relates to personal information of the employee concerned. As per CIC decision No. CIC/ACCGI/A/2017/163946 dated 07.06.2018 "the information in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion, where he/she is posted etc., are personal in nature." Hence, exempt under section 8(1)(j) of the RTI Act, 2005.

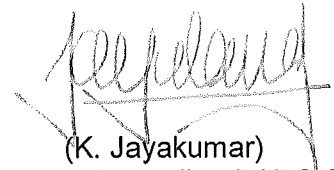
Contd/-

6. This is also in consonance with decision dated 13.11.2019 of Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 titled as CPIO, Supreme Court of India vs Subhash Chandra Agarwal.

7. Therefore, I do not see any scope for review or intervention in the Appeal.

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

9. **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
#59, III Cross, IIIrd Main,
Bank Colony, Off Ring Road,
Bogadi, Mysuru,
Karnataka – 570 026.