

Central Information Commission

Ram Raj Rai vs Lok Sabha Secretariat on 25 August, 2022

Author: Vanaja N Sarna

CENTRAL INFORMATION COMMISSION

Baba Gangnath Marg
, - 110067
Munirka, New Delhi-110067

File no.: - CIC/LOKSS/A/2021/612020

In the matter of
Ram Raj Rai

... Appellant

VS

CPIO
Lok Sabha Secretariat,
Room No. 112, Parliament House Annexe,
New Delhi-110001

... Respondent

RTI application filed on : 11/11/2020
CPIO replied on : 22/12/2020
First appeal filed on : 01/01/2021

First Appellate Authority order : 17/03/2021 Second Appeal filed on : 01/04/2021 Date of Hearing : 24/08/2022 Date of Decision : 24/08/2022 The following were present:

Appellant :Present over intra VC Respondent: V Ganapathy, Deputy Secretary & CPIO alongwith Y K Indu and D Chatterjee, all present over intra VC Information Sought:

The Appellant, in his second appeal has sought information on points no. 3, 4, 5, & 7 which are stated below:

3. Provide a copy of the criteria adopted by the Internal Assessment Committee for marking / grading of the eligible officers for promotion to the post of AS and JS and the matrix prepared in that regard. Also provide a copy of the notification published in this regard for the information of officers for their awareness and prepare them to be judged through any new system.

4. Overall grading of each eligible candidate in the APARs/CRs of all the years under consideration and criteria followed for giving marks based on CR grading and total marks obtained by each person eligible for promotion to the post of AS and JS during 2020.

5.(i) Biometric attendance details of all the eligible persons considered for promotion from the post of JS to AS and Director to JS during 2020 and criteria for marking and grading by the Assessment / Screening Committee and marks obtained by each person.

5.(ii) Consideration of other factors / exemptions like average time consumed in marking attendance by each employee, server / machine glitches, etc.

7. And other related information.

Grounds for Second Appeal The CPIO has provided the incomplete and misleading information on point no. 3, 4, 5, & 7.

Submissions made by Appellant and Respondent during Hearing: The appellant submitted that he is not satisfied with the reply of the CPIO as the information on points no. 3, 4, 5 & 7 was incorrectly denied by the CPIO. administrative powers they adopt different criteria The CPIO submitted that an appropriate reply was given to the appellant on 22.12.2020 & 28.07.2021. He also reiterated the contents of his written submissions dated Nil.

Observations:

From a perusal of the relevant case records, it is noted that in compliance with the FAA's order, additional comments were sought from the concerned Section on points no. 3, 4 & 5 and thereafter on 28.07.2021, a reply was given to the appellant whereby he was informed that the posts of JS/AS are selection posts and appointment to these posts are made by the Hon'ble Speaker, Lok Sabha who is the appointing authority and is the prerogative of the Hon'ble Speaker. Since the matter is confidential, the same was not referred to the concerned branch. The Commission does not find this reply satisfactory as firstly no exemption under the RTI Act was claimed and secondly, it is not understood as to why the information which is sought on point 3, which is general in nature cannot be disclosed, if the same is available.

With regard to point no.4, the information is exempted from disclosure u/s 8(1)(j) of the RTI Act, hence, no relief can be given.

With regard to point no. 7, the information regarding the average time taken to mark the attendance and the glitches that occurred in machines, both are very general information and could have been provided. To this, the CPIO explained that the gadgets used for marking the attendance are not meant for attendance purpose only but there are other security reasons due to which this information cannot be provided u/s 8(1)(a) of the RTI Act. The Commission accepts the submissions of the CPIO on this point and therefore no relief can be given on this point.

Decision:

In view of the above, the CPIO is directed to provide a revised reply to the appellant on point no. 3 as per the discussions held during the hearing within a period of 15 days from the date of receipt of this order under intimation to the Commission.

The appeal is disposed of accordingly.

Vanaja N. Sarna (.)
Information Commissioner ()

Authenticated true copy
()

A.K. Assija (.)
Dy. Registrar (-)
011- 26182594 /
/ Date