

Central Information Commission

Mr.P Suresh Babu vs Ministry Of Home Affairs on 1 April, 2010

Central Information Commission
Room No. 5, Club Building, Near Post Office
Old J.N.U. Campus, New Delhi - 110067
Tel No: 26161997

Case No. CIC/WB/A/2009/0002

Name of Appellant	:	Sh. P. Suresh Babu
Name of Respondent	:	M/o Home Affairs

Background

The Appellant, Sh. P. Suresh Babu, General Secretary, Akhil Bhartiya Operational Staff Association Directorate of Coordination (Police Wireless), had filed an application dated 18.09.2008 under the RTI Act. seeking information on various issues concerning Technical staff working in the Directorate of Coordination (Police Wireless), M/o Home Affairs. The CPIO / Directorate of Coordination (Police Wireless) vide his letter dated 15.10.2008 provided information at point no. 1, 2, 3, 5(a&b) and 6 of the RTI application, while informing the Appellant that information on other points were being obtained from the concerned sections of the Directorate. Subsequently, reply to point no. 10(a & b), 11 & 12 and to point no. 3 were provided. The Appellant thereafter filed a first appeal dated 24.10.2008 before the First Appellate Authority (FAA)/Jt. Director Coordination (Police & Wireless), submitting therein that information sought at query nos. 4, 7, 8 & 9 had not been furnished by the CPIO, and that incomplete, not to the point and misleading replies had been provided on various other points. The FAA vide his order dated 20.11.2008 replied to query no. 4, 7, 8 & 9 and also clarified / upheld the replies of the CPIO on various other points. The Appellant has thereafter, filed a second appeal before the Commission, wherein he submits that the Respondent has provided misleading / false / not to the have point information to query no. 8(a), 8(b), 9, 10(a), 11 and 12 and denied information to query at point no. 7(a &

b) and 13 of the RTI Application.

2. The matter was heard on 20.01.2010

3. Sh. P. Suresh Babu, the Appellant was present.

4. Sh. P. K. Singh, Director, Sh. M.S.N. Swamy, Dy. Director, Sh. C. P.S.

Nagra, A.D.(M) and Sh. Phool Kumar, A.D. represented the Respondent Public Authority.

The points raised in the second appeal and the para-wise comments provided by the Respondent are as follows: □ Query No. 7(a): □ "Is it true that discrimination is offence as per Indian Constitution?"

Query No. 7(b): □ Is it true that equal wages for equal works are natural justice? Comments of the Respondent: □ The Respondent have held that "the information sought does not come under the purview of the RTI Act, 2005. Hence, no comments." Query No. 13: □ "As per Recruitment Rules of Senior Technical Assistant, Wireless Supervisor and Technical Assistance are also eligible for promotion if they have passed Grad □ Radio Technician Test. Similarly as per the R.R. of Senior Supervising Officer, TA (M) and TA are also eligible for promotion if they have passed Grad □ Wireless Operator test. But Wireless Operators and T.A. from Operational Side are not being provided the Grad □ Radio Technician Course and vice versa. Kindly intimate as to why Wireless Supervisors and TA who have passed Grad □ Operational Test are not being called for Grad □ Radio Technician Course and vice versa."

Comments of the Respondent: □ As per the Right to Information Act, 2005, the applicant is required to explore the channel of first Appellate Authority for providing the desired information if the applicant is not satisfied with the reply of CPIO. In this case, the applicant has not explore the channel & scope for obtaining the information from the first Appellate Authority."

The Appellant has also expressed his dissatisfaction with the information provided to query no 8(a), 8(b), 10(a), 11 & 12 of his RTI application. Query No. 8(a & b): □ "Kindly intimate the reason as to why a Wireless Operator is getting promotion years later than a Radio Technician when both are having equal wages in lieu of equal works and when both Operational and Maintenance Wings are identical limbs of Technical Cadre?"

8(b): Kindly intimate the reasons as to why Operational Staff are being discriminated in promotional avenues in DCPW?"

Information Provided: □ The Wireless Operators and Radio Technicians are promoted to their next higher grade as per Recruitment Rules of the post as and when vacancy(s) arise.

8(b): □ As such no discrimination."

Query No. 10(a): □ "As per the Guidelines of DOP&T, Cadre Review should be carried out in all Departments in every five years. If the guidelines/orders of DOP&T are applicable to all departments, kindly intimate as to why no Cadre Review has been taken place in DCPW ever since its inception as stated by Sh. Sher Singh, the then J.D.(Admn.) in one his file noting." Information Provided: □ "Although efforts were made earlier, but because of the

complexities in the work force of DCPW could not materialize. However, an in-house committee has recently been set up in this regard." Query No. 11:

"A Departmental Committee comprising of eight members was set up for examining the feasibility of merger of Operational, Maintenance and Cipher Wing in DCPW. As per the minutes of the meeting, the view of six members were in supportive to the merger of three wings. Only two members (General Secretaries of Maintenance and cipher Associations) have opposed the merger. Kindly intimate whether the decision of a Departmental Committee is as per the views of majority members of the committee or the committee will be dissolved for want of a unanimous decision, which may result into the interest of minority member? Kindly intimate the guidelines/procedures of a Departmental Committee in arriving a decision.

Information provided: "The Committee have recommended for dissolution due to non arrival of unanimous decision."

Query No. 12: "The total numbers of posts of Senior Technical Assistant of DCPW is 45 and the total number of posts of Technical Assistant (Maintenance), which is the feeder post of Senior Technical Assistant, is 49. A proposal demanding 15 more posts of STA for Disaster Management is also under process. At present, the ratio of number of post of STA is to number of TA(M) is 1:1 approximately. If 15 more posts of STA will be sanctioned, the ratio will become 60:49 (the Pyramid will become inverted). As per the guidelines of Department of Personnel & Training, Para 3.12.2 of OM No. AB-4017/12/87-Estt® Dated 18th March, 1988, "feeder grade should range from 3 to 5 times the number of sanctioned posts in the higher grade". As per the norms of UPSC/SSC/DOPT, if sufficient numbers of feeder posts are not available for promotion to a higher post, i.e. if the ratio, some of the posts should be earmarked for Direct Recruitment through U.P.S.C. or Staff Selection Commission, kindly intimate the reason as to why 50% or sufficient percentage posts of Senior Technical Assistant has not been earmarked for Direct Recruitment through UPSC or Staff Selection Commission when there are crores of qualified persons seeking for a job in the country." Information provided:

"The posts of STAs are created by concerned authority as per job requirement and filled adhering to the Recruitment Rules of the post in DCPW."

Decision In reply to this query No. 13 the Respondent have only submitted that the Appellant has not explored the channel for obtaining the desired information from the First Appellate Authority. The Commission does not find merit in the plea the Respondent. The Appellant had in fact filed a first appeal before the First Appellate Authority (FAA) who should have ensured that an appropriate reply was provided. The FAA is therefore, directed to provide the requisite reply to the Appellant within 15 days of receipt of the order of the Commission.

However, the Commission does not find any reason to interfere in any of the other replies of the Respondent. With these observations/ directions, the matter is disposed of accordingly.

(S u s h m a S i n g h)

Information Commissioner 1.04.2010