

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.160/ICPB/2006

F.No.PBA/06/212

November 20, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Mr. Anurag, Allahabad.

Public authority: National Thermal Power Corporation Ltd.
Mr. N.K. Sharma, CPIO
Mr. G.K. Agrawal, Executive Director & Appellate Authority

FACTS:

The appellant vide application dated 23.3.2006 addressed to the CPIO, the appellant has sought for the following information :

- i. Is it a fact that a number of stationery items (like furniture, ACs, TVs, carpets, curtains etc) were provided by NTPC to the offices/residences of the past Ministers/officials in the Ministry of Power and the same was not returned by them while demitting office? If yes, then the details of the items provided during the past two years and the expenditure incurred be indicated.
- ii. Does the NTPC continue to provide stationery items in a similar fashion to the offices of existing Ministers/officials of the Ministry of Power? If yes, then the details of the items provided and the expenditure incurred may be indicated.
- iii. Has NTPC provided staff car/taxis to the existing personal staff of Ministries/officials of the Ministry of Power, office of CAG etc. on a regular basis? If yes, then the details of the persons to whom it was provided and the expenditure incurred?
- iv. Has NTPC paid the residential telephone bills/mobile phone bills of the exiting personal staff of ministers/officials of the Ministry of Power, office of CAG etc. on a regular basis? If yes, then the details of the persons for whom it was paid and the expenditure incurred?
- v. The number of staff/personnel of NTPC working in the Ministry of Power and attached to the offices of officials, ministries etc. for the last two years.

2. By a communication dated 15.5.06, the CPIO informed the appellant that as far as the first two items were concerned, items as per requirement are provided on returnable basis unless these are of consumable nature and in so far 3^d and 4th items are concerned, the CPIO informed the appellant that since the information sought was personal in nature, the disclosure of the same was exempt in terms of Section 8(1)(j) of RTI Act. The AA also concurred with the decision of the CPIO. Hence this appeal.

Decision:

3. In his appeal, the appellant has submitted that the Ministers and the Senior officers of the Government are exploiting the PSUs under their control for personal benefits and that the PSUs also oblige them. Therefore, with the view to expose the nexus between the two, he had sought for the information as per his application, but the same had been denied. He has also submitted that he would not attend hearing for fear of attack on his life.

4. The main object of RTI Act is to ensure transparency in the functioning of public authorities. Both the CPIO and the AA have grossly erred in not furnishing the information sought for by the appellant. In so far as items 1 and 2, the information given is found to be evasive and not to the point. If details of items supplied cannot be given for want of relevant information, at least the expenditure incurred could have been furnished. Accordingly, I direct the CPIO to furnish the information relating to the expenses incurred on the consumable items and non consumable items separately, if available the details also. In so far items 3 and 4 are concerned, what the appellant has sought is the details of expenses incurred to provide facilities to the officers of the Ministry and their names. Every public authority is bound to be transparent in dealing with public money and therefore it is bound to disclose the details sought for by the appellant. The question of applying the provisions of Section 8(1)(j) does not arise as the information sought relates only to the public authority and not of any individual. Therefore, I direct the CPIO to furnish the information sought for by the appellant within 15 days with a copy to this Commission.

5. Let a copy of this decision be sent to the appellant and CPIO.

Sd/
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :
Sd/-

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K. Sharma, CPIO, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003.
2. Mr. G.K. Agarwal, Executive Director & Appellate Authority, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003.
3. Mr. Anurag, 99A New Bairahna, Allahabad-211003.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Review Application No.1/2006
May 16, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Name of Applicant : Shri G. Srinivasan, New Delhi
Name of Public Authority: PIO NTPC Ltd.

Grounds for Review

The appellant has filed this instant application seeking for a review of the order of this Commission dated 5th April, 2006. Normally a review is permissible only if there is a factual error in the decision or there was an omission to consider certain material facts relevant for the decision. In the present application, the main grounds for seeking the review are that the appellant was not given the opportunity of being heard and that the CPIO had not enclosed relevant supporting documents in his comments furnished to this Commission on the appeal of the appellant.

As far as the opportunity to the appellant of being heard is concerned, as is evident from the decision dated 4.3.2006, the appellant had desired certain information and documents which he had not sought originally in his application before the CPIO and that is why he was given the liberty to seek such information through a fresh application if he so desired. Perhaps, he has not done so.

As far as the second ground that the CPIO had not furnished relevant documents along with his comments is concerned, the same is not a valid ground for seeking a review for the decision already taken in the absence of any particulars in the application that the documents would have revealed facts contrary to the comments furnished by the CPIO. The only material that the appellant has furnished is that in a different case relating to an order for supply of safety shoes worth about Rs.6.7 lakhs by M/s Liberty Shoes, even though all the procedures were followed by calling for tenders etc. enquiry was conducted and the concerned officer was awarded penalty, while in the case of contract with M/s CVP worth Rs.45.49 lakhs, proper procedure was not followed but the officials connected with the same were rewarded. This has no relevance either to the original application of the appellant or the appeal before this Commission.

Decision

Accordingly, in the absence of any justifiable ground for a review of the decision of this Commission dated 5th April, 2006, the application is dismissed.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated copy:

(Munish Kumar)
Assistant Registrar

Address of parties:

1. Shri G. Srinivasan, 18/302 East End Apartments, Mayur Vihar Extension, Delhi-110096.
2. CPIO, NTPC Ltd. NTPC Bhawan, Core 7, SCOPE Complex, Lodhi Road, New Delhi-110003.

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.175/ICPB/2006

F.No.PBA/06/239

December 4, 2006

In the matter of Right to Information Act, 2005 – Section 19.

[Date of hearing: 27.11.2006 at 11 a.m.]

Appellant: Shri. G. Srinivasan

Public authority: National Thermal Power Corporation Ltd.
Shri N.K. Sharma, GM & CPIO
Shri G.K. Aggarwal ED & Appellate Authority

Present : For respondent
Mr. G.K. Agarwal, Executive Director(HR)
Mr. N.K. Sharma, General Manager

For appellant
Mr. G. Srinivasan

FACTS :

By an application dated 27.4.2006, the appellant sought for the following information from the CPIO:

1. How many appraisee executives at the levels of E-1 to E5 have made complaints against their erring reporting officers, level-wise.
 2. What action has been taken against these reporting officers.
 3. How many reporting officers and reviewing officers have still been rewarded with their timely promotions despite complaints against them by their subordinates.
 4. How many complainant appraisee executives have been punished by denial of promotion for such complaints.
 5. Why no action has been taken against complaints made by appraisee executive (appellant herein) against his reporting and reviewing officers (who have been granted timely promotions).
 6. Why no action has been taken to correct the appraisal reports in respect of the appellant for the years 1992-2002.
 7. How many appraisee executives at the level of E have made these complaints against their erring reporting officers from 1992 to 2003, what action has been taken against these reporting officers, and how many of these complainant-appraisee executives of E6 level have been punished.
2. By a letter dated 31.5.2006, the CPIO informed the appellant that his application had been sent to the concerned department and on receipt of reply from them, the same

would be furnished to the appellant. Thereafter, the CPIO vide his letter dated 8.6.2006 furnished information in the nature of para-wise comments stating that in regard to serial number (i) and (iv) no complaints were available in the corporate office and as such other information sought were not applicable. no comments, not applicable, etc against each of the information sought for by the appellant. However, the appellant filed his first appeal on 28.6.2006 which came to be disposed of by upholding the information furnished by CPIO. While disposing the appeal the AA also advised the appellant that if the appellant seeks information about his "grievances", he may lodge a fresh application before the CPIO. Hence the second appeal before this Commission.

Decision:

3. The appeal was heard on 27.11.2006. The appellant contended that a number of executive have made written complaints about their reporting officers and therefore, the stand of the CPIO that no complaints are available is misleading. He specifically referred to many of his own complaints in this regard written in the earlier years. The CPIO took the stand that these are personal grievances and if the appellant desires, information relating to the disposal of these grievances could be furnished to him.

4. As directed during the hearing, the CPIO will furnish information relating to the disposal of the complaints lodged by the appellant from 1992 to 2002, if available, within one month. Likewise, the CPIO will scrutinize the records to find out whether any complaint against reporting officers had been received in the Corporate office during the last 3 years and furnish the number of such complaints, number of promotions made and denied in the last 3 years grade-wise. Further, as directed during the hearing, the information directed to be furnished to the appellant in my Decision dated 18.10.2006 in appeal No PBA/06/205 should be furnished, if not already done, within 15 days.

5. The appeal is disposed of in the above terms.

6. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Shri N.K. Sharma CPIO NTPC Ltd., Core-7 SCOPE Complex, Lodhi Road
New Delhi-1F03

2. Shri G.K. Agrawal, Executive Director & Appellate Authority NTPC Ltd., Core-7
SCOPE Complex, Lodhi Road New Delhi-110003
3. Shri G. Srinivasan 18/302, East End Appartments, Mayur Vihar (Extn) Delhi-
110096

CENTRAL INFORMATION COMMISSION

Appeal No.ICPB/A-12/CIC/2006
April 5, 2006

In the matter of Right to Information Act, 2005 - Sections 18

Name of the Appellant : Shri G. Srinivasan, New Delhi.

Name of Public Authority: NTPC Limited.

DECISION

FACTS OF THE CASE:

By a letter dated 25.10.2005 (but posted on 10.11.2005) addressed to the CPIO, NTPC, the appellant, alleging that NTPC had awarded a contract for Rs.5 crores on a single tender basis in favour of one "Chakriya Vikas Pranali" (CVP) for development of agricultural land around Dadri Plant, sought for various information relating to that project, however, without asking for documents relating to the same. In addition, alleging that one of the directors of the company Shri K.K. Sinha who was involved in the above project has been reportedly asked to resign as he had made hefty amount in the contract, sought for information relating to his case as also documents relating to the same. Alleging further, that the same director, without occupying the company house in Asiad Village, had occupied his own house and had spent a hefty amount out of the funds of the company to renovate the said house, asked for the details of money spent on that house as also houses occupied by other directors.

By a communication dated 6.12.2006, the CPIO informed the appellant that in view of the expertise of "Chakriya Vikas Pranali" in another project in executing sustainable development of the affected villages in the project area, their work was studied by a committee and on the basis of their recommendation, an agreement for a period of 5 years was entered into in 1997 for training the villagers to adopt methods to earn higher income with plantation as well as multi-rooted multi crop system of agriculture. Payment was released on the basis of work done and approximately 91,000 plants had been planted in the 5 years period and a total amount of Rs.45.49 lakhs was distributed as stipend to the project affected families and CVP. The project was completed in May 2002 and CVP left the work place.

In relation to the allegations relating to the resignation of the director, the CPIO informed the appellant that same was not true. In regard to the allegation of spending company money for renovation of the residences of directors, the CPIO informed the appellant that no repairs had been undertaken by the company in the residences of directors, further informing that occupancy of quarters in Asiad Village was reasonably high.

Claiming that the decision of the CPIO was totally devoid of merit and short of queries raised by the appellant and in some cases had not been replied at all, the appellant filed an appeal before the appellate authority on 21.12.2005. In regard to CVP, complaining that information furnished was incomplete, he sought for further information including all documents connected with the same. Likewise, he had also asked for various other information relating to the resignation of the director as also about the expenditure incurred on the houses of the directors. The appellate authority, in a communication dated 25.1.2005, while observing that the CPIO had furnished the information sought for, advised the appellant that since he had sought some more information in the appeal which had not been sought in the original application, to elaborate and give specific details about the information/document sought, to the CPIO.

Grounds of Appeal:

In the present appeal, the appellant has alleged that information and documents sought for by him have not been provided with a view to shield corrupt officials. According to him it is heavily rumored that Shri Sinha was responsible to award the contract worth Rs.5 crores to CVP on a single tender basis and asked to resign on the ground that he had made a hefty amount in the deal with CVP. From the reply of CPIO, it is clear that the contract was awarded to CVP after a study made and that the total amount involved was only around Rs.45 lakhs. Therefore, the premise on which the appellant had sought for information that a single tender was accepted and that the contract was worth Rs.5 crores is not well founded. His claim in the present appeal that the contract was more than Rs. 5 crores is not substantiated to come to the conclusion that the CPIO had given incomplete or false information. Therefore, the information furnished by the CPIO adequately meets with the information sought for by the appellant. He cannot complain that no documents related to this was disclosed as he had not sought for the same in his application to the CPIO. In so far as the resignation of Shri Sinha is concerned, the CPIO has replied that the allegation made by the appellant in this regard was not true and if that be the case, the question of furnishing either documents or other information does not arise. It is his own admission that the appellant had sought for information relating to the resignation of Shri Sinha on the basis of some rumors. When the CPIO has found that it was not correct, the appellant should have furnished some material for this Commission to come to the conclusion that the reply of the CPIO was either false or incomplete. Similar is the position with reference to his allegation relating to expenditure on the houses of directors.

Commission's Decision:

Therefore, I find that the appellate authority has rightly decided that the CPIO had furnished information sought for by the appellant. The appellate authority was also right in finding that the appellant had sought further information in the appeal and advising the appellant to give specific details about the information/document sought to the CPIO. At the appellate stage, an appellant cannot ask for additional information which had not been sought from the CPIO. In case the appellant seeks additional information, he may do so, through a fresh application to the CPIO. Appeal is accordingly dismissed being devoid of merits.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy:

(Prem K. Gera)
Registrar

Address of parties :

1. Shri G. Srinivasan, 18/302 East End Apartments, Mayur Vihar Extension, Delhi – 110096
2. CPIO, NTPC Ltd. NTPC Bhawan, Core 7, SCOPE Complex, Lodhi Road, New Delhi – 110003.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

F.No.PBA/06/108
October 9, 2006

Appeal No.122/ICPB/2006
In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Mrs. Kamalesh Lal, Visakhapatnam.

Public authority: National Thermal Power Corporation Ltd.
Shri N.K. Sharma CPIO, NTPC Limited
Shri G.K. Agrawal, ED & Appellate Authority

FACTS:

The appellant vide her application dated 5.12.2006, referring to her complaints against Shri K.K. Sinha, Ex-Director (Pers) of NTPC and Shri Rajender Singh, Ex-CMD of NTPC of financial irregularities and cheating and misappropriation of NTPC resources worth lakhs of rupees in association with certain other officials and harassment of her husband Shri A.B. Lal, Sr. Manager, sought for copies of three enquiry reports submitted by various officials to the Ministry in this regard. Her allegation is that by using the resources of NTPC and by extending hospitality at the cost of the company to the thesis guide, Shri Rajendar Shigh prepared a thesis and obtained his PhD. The CPIO declined to furnish the information applying the provisions of Section 8(1)(j), which decision was upheld by the AA. In the present appeal, relying on the decision of this Commission in Shri M S Sidhu Vs Indian Airlines (Appeal No CIC/Ok/2006/00075) that there should be “Transparency and Accountability” in functioning of a public authority, the appellant has urged that copies of the enquiry reports, especially, when conducted on her complaints, should be furnished to her. Comments were called for from the CPIO who has reiterated his earlier stand. In the rejoinder, the appellant has again reiterated her stand in the appeal.

DECISION:

The basic premise on which the appellant has sought for copies of the enquiry reports was her understanding that three officers had conducted enquiries on the basis of complaints made by her. Unfortunately, in the comments, the CPIO has neither confirmed nor denied that 3 enquiries had been conducted nor there is any mention whether the appellant had been given any reply on the complaints made by her. When a complaint made by a citizen is enquired into,

he/she is entitled to know the results of the enquires made and in such cases, the provisions of Section 8(1)(j) cannot be applied. Applying this provision to deny the result of enquiry on the complaint would defeat the very purpose of the Act “to promote transparency and accountability in the functioning of a public authority”. Accordingly I direct that whatever enquiry had been conducted on the basis of the complaints of the appellant, copies of the enquiry reports, if action has been completed on them, be given to the appellant within 15 days and an affidavit of compliance be filed within a week thereafter.

Appeal is disposed of in the above terms.

Let a copy of this decision be sent to the appellant and CPIO.

(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO Corporate Centre, NTPC Bhawan, Core-7, Scope Complex, 7-Institutional Area, Lodhi Road, New Delhi-110003
2. Shri G.K. Agarwal, ED (HR & PMI) & Appellate Authority (RTI), NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi-110003
3. Mrs. Kamlesh Lal, D-9, Deepanjali Nagar, P.O.-NTPC, Simdhari, Distt-Vishakhapatnam -531021, Andhra Pradesh

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.66/ICPB/2006
F.No.PBA/06/148
August 8, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Shri K.S.C. Babu, NTPC Simhadri Power Station.

Public authority: National Thermal Power Corporation
Shri N.K. Sharma, CPIO
Shri G.K. Agrawal, Executive Director & Appellate
Authority.

FACTS:

By an application dated 25.3.2006, the appellant sought for the following information:

- (1) The final promotion selection panel list of all candidates considered for promotion from E-6 to E-7 grade during CPC 2005.
- (2) The total marks gained by each individual out of the maximum of 80 marks.
- (3) Comments of CPC for non promotion of the appellant.

2. By a decision dated 7.4.2006, the CPIO informed the appellant that the information sought in serial no.1 and 2 is exempted from disclosure under Section 8(1)(j) of RTI Act and in so far as the information sought in serial no.3 is concerned, the CPIO informed the appellant that CPC did not recommend the appellant for promotion based on related assessment of PAR marks, performance in interview, seniority etc. Aggrieved with the decision, the appellant filed an appeal before appellate authority on 11.4.2006 which was disposed by appellate authority on 4.5.2006 confirming the decision taken by CPIO that the exemption from disclosure was not only in terms of 8(1)(j) but also under Section 8(1)(e) of the RTI Act. In the present appeal, the appellant has relied on certain decisions of this Commission wherein the Commission has directed furnishing of marks etc.

DECISION:

3. This Commission has time and again held in the matter of selection/promotion etc, there should be transparency without compromising the confidentiality of the

process of selection/promotion and that provisions of Section 8(1)(j) cannot be applied in disclosing the marks obtained by candidates. Even in respect of the same public authority, recently I had decided accordingly - (Sanjay Kumar Vs NTPC – A.No 51/ICPB/2006 dated 17.7.2006). Likewise, application of Section 8(1)(e) may be justified if an examinee seeks copies of evaluated answer sheets or the selection process involved fiduciary relationship. In the comments, the CPIO has not explained the process of selection to examine whether Section 8(1)(e) could be applied. Since the appellant only seeks the marks, I direct the CPIO to furnish the total marks obtained by the successful/selected candidates along with that sought for in SI No.1 within 15 days of this decision.

4. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, National Thermal Power Corporation, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003.
2. Shri G.K. Agarwal, Executive Director & Appellate Authority, NTPC, New Delhi-3.
3. Shri K.S.C. Babu, Sr. Manager (FES), Simhadri Power Station, Flat No.D-19, NTPC Township, Deepanjalinagar (P.O), Paravada Mandal, Visakhapatnam – 531020.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

F.No.PBA/06/168
September 4, 2006

Appeal No. 87/ICPB/2006

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Manohar Singh, New Delhi.

Public authority: National Thermal Power Corporation Ltd.
Shri P.D. Hindwan - CPIO
Shri G.K. Aggarwal, Executive Director & Appellate Authority.

FACTS:

The appellant is an ex-employee of NTPC who, by his letter dated 12.4.2006 sought for information from CPIO NTPC regarding the time taken and procedure followed in opening sealed covers of himself and Shri K.B. Dubey (then AGM). The CPIO vide his letter dated 16.5.2006 informed the appellant that the information sought was personal in nature and hence is exempted from disclosure u/s 8(1)(j) of the RTI Act. Aggrieved with the decision, the appellant filed an appeal on 5.6.2006 before the appellate authority on the ground that since larger public interest was involved in assessing consistency and uniformity in procedure of implementation, the CPIO should have applied the provisions of Section 10(1) of the RTI Act. In his decision dated 4th July, 2006, the appellate authority has informed the appellant that since the information regarding time taken and procedure followed in opening sealed covers is not available in any document, the same could not be furnished. Aggrieved with the said decision, the appellant filed this appeal on 19.7.2006. In his appeal, the appellant has submitted that he was issued with a charge sheet in November, 2001 when he was due for promotion in 2002. In view of the pendency of the disciplinary proceedings, the appellant case for promotion was kept in a sealed cover. Since the appellant retired in 2003, the disciplinary proceedings were closed in September, 2003. Even thereafter, the sealed cover has not been opened. The contention of the AA that the information is not available in any document cannot be accepted as there should be some procedure regarding opening of the sealed covers. Therefore, the CPIO should be directed to furnish the information and also be directed to pay compensation. Comments were called for from the CPIO wherein the

CPIO has pointed out that the case against the appellant who had retired was closed on the basis of the decision of the High Court of Punjab and Haryana and since the case was closed, the question of opening the said sealed cover did not arise. He further stated that the time taken for opening of sealed covers depends on the completion of the vigilance case and since the sealed cover in respect of the appellant was not opened, the procedure for opening the sealed covers does not apply in his case.

DECISION

Whether the sealed cover should have been opened or not is not for the Commission to decide. However, as submitted by the appellant, the NTPC should have some instructions/guidelines in opening of sealed covers. If such instructions/guidelines are available, a copy of the same should be furnished to the appellant within 15 days from the date of receipt of this decision.

Let a copy of this decision be sent to the appellant and CPIO.

(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(P. K. Gera)
Addl. Secretary &
Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003.
2. Shri G.K. Agrawal, Executive Director (HR) & Appellate Authority, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003.
3. Shri Manohar Singh, B-33, Mandirwali Gali, Bhagwati Garden, Uttar Nagar, New Delhi-110059.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

F.No.PBA/06/178
18th September , 2006

Appeal No.107/ICPB/2006
In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Shri. Manohar Singh

Public authority: NTPC Limited, NTPC.
Shri N.K. Sharma - CPIO
Shri G. K. Agrawal Executive Director & Appellate Authority.

FACTS:

By an application dated 12.4.2006 addressed to the CPIO, the appellant had sought for a certified copy of 'rating sheet of Regional Promotion Committee – Western Region 1998' of KWGPP and Grade E3. By a letter dated 11.5.2006, CPIO declined to furnish the information on the ground that the information sought has no relationship to any public activity or interest and disclosure would tantamount of evasion of privacy of the concerned individual employees and therefore exempted under Section 8(1)(j) of the RTI Act. He filed an appeal before AA on 24.5.2006, contending that since the NTPC had already provided a copy of rating sheet of RPC –1999-WR, the CPIO cannot rely on Section 8(1)(j) of the Act to deny furnishing of the rating sheet of RPC WR 1998. The AA confirming the decision of the CPIO rejected the appeal.

DECISION:

Comments were called from CPIO to which the appellant has also furnished his rejoinder. The Promotion Committee prepares the rating sheet after taking into consideration various aspects including the confidential records of the officials. In a recent appeal decided by this Commission, CIC/80/8 20060069 dated 13th July, 2006, it has been held that disclosure of complete proceedings of DPC and grade given by various officers may lead to disclosure of ACRs. It was further held that, that as ACR themselves are barred from disclosure, by inference, the DPC proceedings should be similarly barred from disclosure. Since in the present case, the rating list as sought for by the appellant is nothing but a copy of the proceedings of DPC, the above decision squarely applies to the present case also. Further, as the rating sheet contains rating given to other officials also, the CPIO has correctly applied the provisions of Section 8(1)(j) of the Act. It appears that the rating list for 1999 which the

appellant has enclosed along with his appeal, as averred by the appellant himself, was an exhibit filed with an affidavit filed by one Shri D.S. Sharma in the trial court and therefore, the appellant cannot rely on this to seek for the rating sheet for the year 1998.

Appeal is accordingly disposed of.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi
2. Shri G.K. Agrawal, Executive Director (HR), NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi
3. Shri Manohar Singh B-33, Bhagwati Garden, Uttam Nagar, New Delhi-110059

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

F.No.PBA/06/177
19th September, 2006

Appeal No. 108/ICPB/2006
In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Shri. Manohar Singh

Public authority: NTPC Limited, NTPC.
Shri N.K. Sharma - CPIO
Shri G. K. Agrawal Executive Director & Appellate Authority.

FACTS:

The appellant vide his communication dated 12.4.2006 addressed to the CPIO had sought certified copy of 'rating sheet of Corporate/ Regional Promotion Committee – 1991' of KWGPP and Grade E1. By a communication dated 4.5.2006, applying the provisions of Section 8(1)(e) & (j) of the RTI Act, the CPIO declined to furnish the information. His appeal to the AA dated 24.5.2006 was rejected by the AA on 21.6.2006 who upheld the decision of the CPIO. Hence the present appeal.

DECISION:

By a decision dated 18th Sept. 2006, in Appeal No 107/ICPB/2006, I have disposed of an appeal preferred by the same appellant in regard to his application for a copy of rating sheet of Regional Promotion Committee –Western Region 1998, in the following terms. "*In a recent appeal decided by this Commission, CIC/80/8 20060069 dated 13th July, 2006, it has been held that disclosure of complete proceedings of DPC and grade given by various officers may lead to disclosure of ACRs. It was further held that, that as ACR themselves are barred from disclosure, by inference, the DPC proceedings should be similarly barred from disclosure. Since in the present case, the rating list as sought for by the appellant is nothing but a copy of the proceedings of DPC, the above decision squarely applies to the present case also. Further, as the rating sheet contains rating given to other officials also, the CPIO has correctly applied the provisions of Section 8(1)(j) of the Act.*

The present appeal is also disposed of in the above terms.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi
2. Shri G.K. Agrawal, Executive Director (HR), NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi
3. Shri Manohar Singh B-33, Bhagwati Garden, Uttam Nagar, New Delhi-110059

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI-110067

Appeal No. 80/ICPB/2006
F.No.PBA/06/169
August 28, 2006

In the matter of Right to Information Act, 2005-Section 19

Appellant Shri Manohar Singh, New Delhi

Public authority National Thermal Power Corporation Ltd.
 Shri N.K. Sharma-CPIO
 Shri G.K. Agarwal, Executive Director & Appellate Authority

FACTS:

The appellant is an ex-employee of NTPC who, by his letter dated 12.4.2006 sought for information from CPIO, NTPC regarding his pay fixation calculation note sheet (1984) on receipt of LPC from Intelligence Bureau/parent department. The CPIO vide his letter dated 16.5.2006 informed the appellant that the information sought was personal in nature and hence was exempt from disclosure under Section 8(1)(j) of the RTI Act. The appellant filed an appeal on 5.6.2006 before the appellate authority on the ground that the information sought for by the appellant cannot be denied under Section 8(1)(j) of the Act. By a decision dated 4th July, 2006, the appellate authority has informed the appellant that since the matter regarding the appellant's grade and pay fixation was in Delhi High Court, the matter was sub-judice and as such the information could not be provided. Aggrieved with the decision, the appellant filed this appeal on 19.7.2006 contending that in terms of provisions of RTI Act, there is no provision to deny the information on the matter being sub-judice and even otherwise the matter pending before the High Court relates to revise the LPC dated 22.3.2002 and not the one related to LPC of 1984.

DECISION:

Comments were called for from the CPIO who has reiterated that the information sought for by the appellant is an issue before the High Court and therefore is sub-judice. Under RTI Act, information cannot be denied on the ground of a matter being sub-judice unless in terms of Section 8(1)(b), a court has expressly forbidden the disclosure.

Likewise, in case when a citizen seeks information concerning himself, the same cannot be denied applying the provisions of Section 8(1)(j) stating that disclosure has no relationship to any public interest or activity or would invade the privacy of the individual. In a recent appeal (Appeal No 50/ICPB/2006 dated 20.7.2006), this Commission has interpreted the provisions of Section 8(1)(j) as follows:

“Section 8(1)(j) deals with personal information. This Section reads *“information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information”*. This Section has to be read as a whole. If done so, it would be apparent that that “personal information” does not mean information relating to the information seeker, but about a third party. That is why, in the Section, it is stated *“unwarranted invasion of the privacy of the individual”*. If one were to seek information about himself or his own case, the question of invasion of privacy of his own self does not arise. If one were to ask information about a third party and if it were to invade the privacy of the individual, the information seeker can be denied the information on the ground that disclosure would invade the privacy of a third party. Therefore, when a citizen seeks information about his own case and as long as the information sought is not exempt in terms of other provisions of Section 8 of RTI Act, this section cannot be applied to deny the information.”

In view of the above legal position, I set aside the decision of the AA and direct the CPIO to furnish the information sought for by the appellant within 15 days of this Decision.

Let a copy of this decision be sent to the appellant and CPIO.

(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)

Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003.
2. Shri G.K. Agrawal, Executive Director (HR) & Appellate Authority, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003.
3. Shri Manohar Singh, B-33, Mandirwali Gali, Bhagwati Garden, Uttar Nagar, New Delhi-110059.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.51/ICPB/2006
July 17, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Shri Sanjay Kumar, New Delhi.

Public authority: National Thermal Power Corporation Ltd.
Shri P. D. Hindwan - CPIO
Shri G.K. Agarwal, Executive Director, Appellate Authority.

FACTS:

The appellant had applied for a post of Human Resources Executive Trainee in NTPC. The selection process involved written tests, group discussions and final interview. The appellant having come out successful in the written tests and group discussion, attended the interview also. But his name was not in the list of selected candidates. By an application dated 1.12.2005 to the CPIO, the appellant sought for various details like the number of candidates who had applied for the said posts, how many posts were to be filled up – category wise like General, ST,SC, OBC,PH etc, details of the names, qualifications, marks obtained etc in the selection test and also in the group discussion and interview etc. While the CPIO furnished the information relating to the number of candidates applied and appeared in the tests, he also furnished the number of posts-category wise of the total number of posts of 25. However, he declined to furnish the other information sought on the ground that the same was exempt in terms of Section 8(1)(j) of the RTI Act. Aggrieved with this decision, the appellant filed an appeal before the appellate authority on 14.1.2006. In this appeal he had sought some additional information. By a decision dated 21.2.2006, while furnishing the additional information sought in the appeal, the Appellate authority also applied the provisions of Section 8(1)(j) to deny information relating to the details of the candidates and the marks obtained by them as sought for by the appellant. In the present appeal before this Commission, the appellant has sought additional information that he should be provided access to pertinent files, policies,

rules, regulations etc for recruitment and selection in NTPC should be provided in diskettes and also copies of the specific rules relating to the impugned recruitment.

2. This Commission has, time and again, taken the decision that in case of recruitment by public authorities, if the same is either competitive or qualifying and by way of examination, the public authority should disclose the qualification/s and marks obtained by the successful candidates, if sought for by a citizen. The provisions of Section 8(1)(j) cannot be applied, as transparency, which is in public interest is required in any selection process. Therefore, I direct the CPIO to furnish the final marks obtained by the successful candidates along with their qualification/s. There is no need to furnish the marks obtained by unsuccessful candidates except that of the appellant. As far as the additional information that the appellant has sought for in this appeal, he may make a separate application to the CPIO, if he so desires, as at the appellate stage, there is no provision to seek additional information.

3. Let a copy of this decision be sent to appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Shri S. Sanjay Kumar, House No. 5/21, Staff Flats, 5 University Road, University of Delhi, Delhi-110007.
2. Shri P. D. Hindwan, Central Public Information Officer, National Thermal Power Corporation Ltd., SCOPE Complex, Lodi Road, New Delhi-110003.
3. Shri G.K. Agarwal, Executive Director & Appellate Authority, National Thermal Power Corporation Ltd., SCOPE Complex, Lodi Road, New Delhi-110003.

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.179 /ICPB/2006

F.No.PBA/06/266

December 7, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Shri V.S.A. Ramarao, Ramagundam

Public authority: National Thermal Power Corporation Ltd.
Shri N.K. Sharma, GM & CPIO
Shri G.K. Agrawal, ED & Appellate Authority.

FACTS:

By an application dated 11.5.06 to the PIO, NTPC Ramagundam, the appellant had sought for the following information:

- i. Number of vacancies allotted to W8 (Stenographer trade) at NTPC, Ramagundam in DPC July 2005 for consideration of candidates for promotion from W7 to W8 grade (Stenographer trade).
- ii. AAR ratings of candidates considered in DPC in July 2004 in W7 steno grade for the year 2001-01, 2001-02, 2003-04 for each of the candidates including the appellant.
- iii. Panel position of the candidates in DPC July 2005.
- iv. Copy of the process note and findings of the grievance committee at NTPC Ramagundam, with particular reference to appellants' grievance dated 21.1.2006 for promotion to W8 grade along with the orders of the GM.
- v. Whether relaxation was granted in the case of G. Ramesh for his promotion to W8 grade in DPC held in July 2004 and if so under whose approval/rule.
- vi. Copy of recruitment policy and promotion policy related to workmen category employees.

2. In his decision dated 14.9.2006, the CPIO informed the appellant that the information sought in Serial No 1 to 3 being confidential is exempt from disclosure in terms of Section 8(d) of the RTI Act. He further informed that in so far as serial no 4 is concerned, information in the form of a letter dated 29.3.2006 had already be given to the appellant. In regard to serial 5, CPIO informed the appellant that ATR ratings of Shri Ramesh were higher than that of the appellant. In regard to serial No 6, the CPIO sent a copy of the rules. However, not satisfied with the reply, the appellant appealed to the AA. The AA held that there was no document for allocation of specific vacancies for stenographer trade, that there was no documents in respect of any relaxation in service period in the case of Shri Ramesh for awarding promotion to W8 grade

in DPC July 2004. However, still not satisfied with the response of the appellate authority, the appellant has preferred the second appeal before the Commission. In the appeal the main grievance of the appellant is that even though Shri Ramesh had not completed the qualifying period of service, he had been promoted in preference over the appellant who has the qualifying service.

Decision

3. From the information sought and furnished by the CPIO and the AA, I find that AA has given the information in respect of Serial No 1 and 5 and the CPIO, in regard to serial Nos 4 and 6. In so far as Serial Nos 2 is concerned, the CPIO has rightly denied disclosure, but under a wrong provision. In Gopal Kumar V DGW (CIC/AT/A/2006/00069 dated 13.7.2006, after examining the matter relating to disclosure of CRs and DPC minutes in detail, this Commission decided that DPC minutes are exempt from disclosure. This Decision has been applied by this Commission in similar cases also and therefore, the appellant cannot have any grievance that the CPIO has declined to furnish this information. As far as serial No 3 is concerned, no exemption is available and therefore, the CPIO will furnish a copy of the list of candidates selected in that DPC.

4. The appeal is disposed of in the above terms.

5. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy:

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties:

1. Shri N.K. Sharma, General Manager & CPIO, National Thermal Power Corporation Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003.
2. Shri G.K. Agarwal, Executive Director & Appellate Authority, National Thermal Power Corporation Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003.
3. Shri C.V.S. Ramarao, Steno, Elect. Maintenance Township, Quarter No.B-11/75 PTS, NTPC, Jyothinagar, Ramagundam (A.P) 505215.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No. 237/ICPB/2006
F.No.PBA/06/286
December 21, 2006

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Shri V.S.A. Ramarao, Ramagundam

Public authority: National Thermal Power Corporation
Shri N.K. Sharma, CPIO
Shri G.K. Agarwal, Appellate Authority

FACTS:

The appellant, employed as a stenographer in NTPC, aggrieved that his date of annual increment had been shifted from 1st January to 1st July due to which he is incurring financial loss for 6 months, sought for the following information by his application dated 24.7.2006:

1. The maximum time limit for deciding a representation in the organization.
 2. Whether any decision taken in applicants case not to reply and, if so, who approved such decision.
 3. If such delay is socially accountable practice as per Sa-8000 accreditation.
 4. Punishment prescribed for delay or non-reply to such representation and the quantum of punishment.
 5. What is the maximum time limit for taking a decision for punishment in such cases.
2. The CPIO vide his letter dated 21.8.2006 furnished the following information point wise:
- no time limits had been fixed for deciding representations;
 - the appellant had been orally informed and his case was settled;
 - representations are not covered by SA 8000 policy;
 - no punishment is prescribed for non replying to representations and therefore fixing of time limit for punishment did not arise.
3. Aggrieved that the information furnished was not complete, the appellant filed an appeal before the AA on 28.8.2006. The appellate authority held that the CPIO had adequately replied to the RTI application and advised the applicant to file a fresh application for additional information sought by

him in the appeal. Aggrieved by the said decision, the appellant preferred second appeal before the Commission. Comments were sought from the NTPC. The CPIO and AA reiterated their stand in the matter to which the appellant has filed his rejoinder on 27.11.2006.

Decision:

4. In so far the information sought and furnished in respect of Sl. Nos 1,3,4, and 5 is concerned, the CPIO has furnished the factual information and no better information could have been furnished. In so far as the information sought in serial No 2. is concerned, it appears that the appellant had made representations on his pay fixation and the same appear to have not been replied by NTPC and when he desired to know whether any decision had been taken or not to reply his representation, CPIO has informed him that he had been orally informed and his case had been settled. According to the appellant, his pay had been fixed even before he made representations and therefore, the information furnished in this regard is misleading. The CPIO will check from the concerned files and find out whether any noting/recording is available on the disposal of the representation of the appellant that he had been orally informed etc and furnish a copy of the said notings. If nothing is available, the same may also be intimated to the appellant, within 15 days. Further, even though the AA had rightly informed the appellant to file a fresh application for the information sought for the first time at the appellate level, yet since what he desires is only a copy of the policy regarding pay fixation, if the same is available, a copy of the same be furnished to the appellant, free of cost within 15 days of this Decision.

5. Appeal is disposed of in the above terms.

6. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(P.K. Gera)
Addl. Secretary & Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003

2. Shri G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
3. Shri V.S.A. Ramarao, Qtr. No. B-11, 75, PTS, NTPC – Jyothinagar, Ramagundam, Karimnagar Distt, Andhra Pardesh - 505215

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No.1016/IC(A)/2007
F. No.CIC/PB/A/2007/00079

Dated, the 11th July, 2007

Name of the Appellant: Mrs. Ritu Sharma

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not appear for personal hearing on 10/7/2007.
2. The appellant had asked for the following information:
“the recent salary certificate including the details of basic pay, DA, allowances and other incentives of Shri. Daya Sharma, Sr. Engineer (SC), employment no.007324.”
3. The CPIO denied furnishing the information on the ground that:
“the information sought for relates to personal information of a third party/person, the disclosure of which will cause un-warranted incursion to the privacy and has no relationship to any public activity, thus the same is exempted u/s 8(1)(j) of the Act.”
4. The appellate authority upheld the decision of the CPIO. Being not satisfied with their replies, the appellant has filed her 2nd appeal before the Commission.
5. The appellant has pleaded as under:
“(i) Mr. Daya Sharma is my husband and we have a 3 year old daughter Soumya Sharma. Me and my daughter are living separately from Mr. Daya Sharma since two years and had applied for our maintenance and livelihood in the family court. Mr. Daya Sharma has misled the court by presenting wrong information regarding his salary.

(ii) *NTPC Limited is a Government undertaking Enterprise and the information I am seeking is related to the salary structure of a government employee.*

(iii) *So, as Mr. Daya Sharma is my husband and a Government employee, asking for his salary certificate cannot be taken as a cause for unwarranted incursion to his privacy.*

So, in the view of above facts, I request you to listen to my prayer for which I am already delayed, and help me by giving your decision as earliest.”

6. The comments of the respondent have been endorsed to the appellant also.

Decision:

7. Under the RTI Act, the public authorities have the obligation to disclose the monthly emoluments paid to their employees. U/s 4(1)(b)(x) of the Act, *“the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations”* should be published.

8. In view of this, the denial of information u/s 8(1)(j) of the Act, by the CPIO is un-tenable. The CPIO is, therefore, directed to furnish the information sought within 15 working days from the date of issue of this decision.

9. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Mrs. Ritu Sharma, House No.27/587, Street No.4, New Shanti Nagar, RAIPUR (CG).
2. Shri. N.K. Sharma, CPIO, NTPC Limited NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.269/ICPB/2006

F.No.PBA/06/119

January 9, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Shri A.B. Lal, Vishakhapatnam

Public authority: National Thermal Power Corporation
Shri N.K. Sharma, CPIO
Shri G.K. Agarwal, Appellate Authority

FACTS:

The appellant vide his RTI application dated 17.1.2006 has sought information from the CPIO regarding promotion of non-entitled executives from E-4 to E-6 cadres in the years 1994 to 2005. Since he did not get any reply from the CPIO, he filed an appeal before the AA on 8.3.2006. Alleging that he had not received any response from the AA also, the appellant filed the present appeal on 9.6.2006. Comments were called for from the CPIO, who has, by enclosing copies of the reply given by him on 17.2.2006 and also the Decision of the AA dated 6.4.2006, stated that the application and the appeal had been disposed of within the time stipulated in the RTI Act. In his rejoinder, the appellant has denied the receipt of either of the letters dated 17.2.2006/6.4.2006 and has sought for directions to the CPIO to furnish the information on the ground that there had been irregularities in the promotions involving corrupt practices which should be exposed in public interest.

DECISION:

2. I find from the Decision of the CPIO, that he had declined to furnish the information under Section 8(1)(e) stating that the information sought was information available to a person in his fiduciary relationship and therefore exempt from disclosure. However, the AA had applied the provisions of Section 8(1)(j) of the RTI Act to claim exemption. In the matter of promotions, any citizen is entitled to know the names and qualifications of the candidates promoted. Therefore, there can be no exemption from disclosing the information sought in the first and the second columns of the application as the appellant has only sought for the names and whether the promoted candidates have passed an examination equivalent to Graduation in Engineering. In so far as the information sought in the third, fourth and fifth columns is concerned, in a number of cases, this Commission has taken the view that deliberations of selection committees, DPCs are exempt from disclosure and therefore the appellant is not entitled to this information. Accordingly, I direct the CPIO to furnish the information sought in the first and second column of the application within 15 days of this Decision. In so far as the

show cause notice issued to the CPIO is concerned, in view of the fact that he had replied the appellant within the prescribed time, even though according to the appellant, he had not received the same, the show cause notice stands withdrawn.

3. The appeal is disposed of in the above terms.
4. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
2. Shri G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
3. Shri A.B. Lal, D-9, Deepanjali Nagar, PO – NTPC – Simhadri, Distt. Visakhapatnam (A.P)

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 1690/IC(A)/2007

F. No. CIC/MA/A/2007/00545

Dated, the 17th December, 2007

Name of the Appellant : Shri Anil Agarwal
Name of the Public Authority : N.T.P.C. Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 13.12.2007. The appeal is therefore examined on merit.
2. A T.V. news channel disseminated the following information on January 25, 2007:

“The National Thermal Power Corporation, a public sector enterprise under the Ministry of Power, had incurred expenditure out of the Corporation’s funds on furnishing the Minister’s office and payment of telephone bills of certain officers of the Ministry of Power in the following manner.”

On Minister’s office/residence:

1. Furniture – Rs. .50 lakhs
2. Chairs for visitors – Rs. 2 lakhs
3. Sofa set – Rs. 1.22 lakhs
4. Carpet – Rs. 1.5 lakhs

Payment of telephone bills:

1. Shri R.V. Sahi, Power Secretary – Rs. 2 lakhs
2. Shri Mrutunjay Saho, Joint Secretary – Rs. 1.22 lakhs
3. Shri Harish Chandra, Joint Secretary – Rs. Rs. 1.50 lakhs

3. In this backdrop, the appellant vide his application dated 27.01.2007 had asked for copies of relevant office orders on the basis of which the respondent was authorized to incur the expenditure, as above.

4. The CPIO replied on 17.05.2007 and furnished a point-wise response, with which the appellant is not satisfied. The 1st Appellate Authority has also clarified the issue raised by the appellant. Being not satisfied with their responses, he has pleaded in his petition that complete information should be provided to him.

Decision:

5. As there is no denial of information, the appellant is advised to seek inspection of relevant documents so as to satisfy his information needs and to identify the information which should be furnished as per the provisions of the Act. The CPIO and the appellant should mutually decide a convenient date and time for inspection of records within 15 working days from the date of issue of this decision.

6. In response to the application for information, dated 27.01.2007, the CPIO responded on 17.05.2007, after the lapse of stipulated period of 30 days. He is thus, held responsible for violation of section 7(1) of the Act. The CPIO is therefore directed to show cause as to why penalty of Rs. 250/- per day, up to maximum of Rs. 25,000/-, should not be imposed on him u/s 20(1) of the Act. He should submit his explanation within 15 working days from the date of issue of this decision and also appear in person on **20.01.2008 at 3.30 pm** to explain the causes for delay in furnishing the information. The appellant may also be present.

7. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name and address of parties:

1. Shri Anil Agarwal, D-403, Veena Nagar, S.V. Road, Malad (West), Mumbai-400064.
2. Shri N.K. Sharma, CPIO (RTI), NTPC Limited, NTPC Bhawan, Core-6, 7th Floor, SCOPE Complex, Lodhi Road, New Delhi-110003.
3. Shri G.K. Agarwal, ED- HR & PMI & 1st Appellate Authority (RTI), NTPC Limited, NTPC Bhawan, Core-6, 7th Floor, SCOPE Complex, Lodhi Road, New Delhi-110003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

**Decision No.1024/IC(A)/2007
F. No.CIC/PB/A/2007/00235**

Dated, the 12th July, 2007

Name of the Appellant: Shri. Ashok Kumar

Name of the Public Authority: NTPC Limited

Decision

1. The appellant was heard on 11/7/2007.
2. The appellant had sought certain information on behalf of the Employees' Union, for which he is the President. The CPIO did not entertain his request for information u/s 3 of the Act, which is justified.
3. While the appellant is advised to seek information as per the provisions of the Act, the CPIO is directed to adhere to the principle of maximum disclosure and make *suo motu* disclosure of information so that the individuals or institutions do not have to necessarily seek information under the provisions of the RTI Act.
4. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Ashok Kumar, B-499 NTPC Vidyut Nagar, Distt. Gautambudh Nagar – 201 008 (Uttar Pradesh)
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block-IV, 5th Floor,
Old JNU Campus, New Delhi-110067
Website: www.cic.gov.in

Decision No. 1026/IC(A)/2007

F. No. CIC/PB/C/2007/00085

Dated, the 16th July, 2007

Name of the Appellant : Shri Dhirendra Singh.
Name of the Public Authority : Singrauli Super Thermal Station (NTPC)

Facts:

1. The complainant was heard on 11th July, 2007.
2. The appellant has grievances relating to payment of his wages. In this context, he had made a representation to the respondent through which he asked for an action taken report. The CPIO however did not furnish the information sought by the complainant.
3. During the hearing, he stated that the Manager (HR) of the respondent had written on November 2, 2003 to the Managing Director of M/s. Timetech Enterprises Ltd., the Contractor of the respondent, for release of salary due to the complainant. It was also mentioned in the said letter that if the wages were not paid to the complainant, the respondent would be constrained to deduct the amount of salary from the bills presented by the aforesaid Contractor. The complainant mentioned that he has so far not been informed as to whether his salary have been recovered from the Contractor and, if so, why it has not been paid to the complainant. He therefore pleaded that his grievances relating to payment of salary should be redressed and information sought through his RTI application dated 17th August, 2006 should be furnished to him.

Decision:

4. It is not understandable as to why the CPIO has not responded to RTI application. The Commission vide its letter dated 10th April, 2007 sought comments of the CPIO, who has however ignored it, which is unfortunate.

5. The CPIO is therefore directed to furnish the information sought, mainly the action taken by the respondent with respect to payment of his salary in question.

6. The CPIO should also show cause as to why penalty proceedings should not be initiated against his u/s 20(1) of the Act. His reply should reach the Commission latest by August 30, 2007.

7. The complaint is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name and address of parties:

1. Shri Dharendra Singh, 5/329, Vikas Nagar, Lucknow (U.P.).
2. Shri Rahul Ghosh, CPIO (RTI), Singrauli Super Thermal Station, National Thermal Power Corporation Ltd., P.O. Shaktinagar, Distt. Sonbhadra (UP).

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
website: www.cic.gov.in

**Decision No.1387/IC(A)/2007
F. No.CIC/MA/A/2007/00574**

Dated, the 29th October, 2007

Name of the Appellant: Shri. G.B. Singh

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 26/10/2007. The appeal is, therefore, examined on merit.
2. The appellant had asked for certain information on behalf of an Employees' Union of which he is an office bearer. The CPIO has refused to entertain his application u/s 3 of the Act.
3. On perusal of the documents submitted by the appellant, it is observed that the appellant had asked for information in the form of various queries. He had sought to know as to when the respondent would allow representation of the union member in the Management of the respondent.

Decision:

4. Under Section 2(f) of the Act, an information seeker is required to clearly specify the information which may be available in any material form. A requester should also be covered u/s 3 of the Act. The appellant is accordingly advised.

5. In the instant case, the application for information was not submitted in accordance with the above provisions. Therefore, the decision of the CPIO is justified.

6. This appeal was unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. G.B. Singh, Regional Secretary, National Thermal Power Employees' Union, 6B-17, Vidyut Vihar, Shakti Nagar, Sonbhadra.
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.358/ICPB/2006
F.No.PBA/06/388
February 27, 2007

In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Mr. G.L. Sharma

Public authority: National Thermal Power Corporation
Mr. N.K. Sharma, CPIO
Mr. G.K. Agarwal, Appellate Authority

FACTS:

The appellant has sought information under RTI Act by his letter dated 1.2.2006 addressed to the APIO & Senior Manager (PR), NTPC Ltd, Bilaspur, regarding transfer order issued by NTPC Ltd. In this connection the appellant has requested for the following information as listed below :

- i. Entire set of Note-sheets including approvals and office orders of the transfers including deputation of all Legal Executives of NTPC Ltd. since January 1990 till date.
- ii. Complete details of transfer profiles of all Executives of NTPC Ltd. showing their names, designation, employee no. office order no. & its date (i.e. movement from one station to another station) during last 10 years. Cases of transfers made on employees request should be shown specifically.

2. The appellant has again taken up the matter with CPIO on 18.2.2006 for furnishing of the said information. The CPIO vide letter dated 23.2.2006 has provided an interim reply to the appellant. Since he did not receive any substantive reply from CPIO within 30 days, the appellant filed his first appeal before the appellate authority on 10.3.2006. The AA has given his decision on 4.4.2006 by instructing the CPIO to

furnish information to the appellant immediately. Again the appellant has sent a letter on 17.4.2006. The CPIO furnished his reply to his RTI request on 4.5.2006. The CPIO denied to furnish any information since the information sought is personal in nature and exempted under section 8.1(j) of the RTI Act.

3. Dissatisfied with the reply furnished by the CPIO, the appellant preferred another appeal before the AA on 24.5.2006. The AA considered his appeal once again and given his decision on 4.8.2006. The AA has indicated in his reply that the appellant is seeking information regarding transfer details of all executives from legal department of NTPC since 1990. However AA has not applied section 8.1(j) in toto for denying the information. He has applied Section 8.1(j) in respect of note sheets and approvals; however the details regarding transfer orders can be provided to the appellant.

4. Again aggrieved with the non-furnishing of information by CPIO the appellant has filed the present appeal on 27.11.2006. The comments were called from CPIO on 15.12.2006 which was received in the Commission vide letter dated 18.1.2007. The appellant has submitted his rejoinder on 3.2.2007.

5. I have gone through the CPIO's reply and AA decision. It is pertinent to mention the CPIO has entered into correspondence on three occasions without furnishing any substantive information. On both the occasion, the CPIO has responded to give the information only after the appellant has approached the AA. The appellant is seeking information about his own transfer as well as other executives transfer issued during certain period. The application of section 8.1(j) is of no relevance under the circumstances. Transfer was issued only by the management and disclosure of this information is not in any way interfere with the privacy of the individual. The CPIO has taken a different stand while giving replies to the appellant. After the receipt of direction from the AA for providing the information regarding transfer order, the CPIO has indicated in his letter dated 28.8.2006, that this information can be provided for the period of 3 years from 2003 to 2005. For the remaining 4 years, retrieval and compilation will take atleast 3 months more.

6. In the comments the CPIO has mentioned that the data sought in the RTI application would be voluminous and it would disproportionately divert the resources of the company and he has also cited the provisions of section 7(9).

DECISION

7. After going through the RTI request and the comments furnished by the CPIO, I consider the application of Sec. 8.1(j) is not correct for denying to furnish information regarding transfer. However the appellant is seeking information for the period of 15 years since January 1990, which would definitely require lot of time for retrieving and compiling the data. The CPIO vide letter dated 28.8.2006 has agreed to provide the information for a period of 3 years. However the appellant has not responded to this, but filed the present appeal before the Commission. Since CPIO has agreed to provide the information, if appellant is still interested in collecting the information, he can collect the information, after paying the required fees. With this direction the appeal is treated as disposed off.

Let a copy of this order be sent to the parties.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Pankaj K.P. Shreyaskar)
Under Secretary & Asst. Registrar

Address of parties :

1. Mr. N.K. Sharma, CPIO, National Thermal Power Corporation, NTPC Bhavan, Core-7, Scope Complex, 7, Industrial Area, Lodhi Road, New Delhi – 110003
2. Mr. G.K. Agarwal, Appellate Authority, National Thermal Power Corporation, NTPC Bhavan, Core-7, Scope Complex, 7, Industrial Area, Lodhi Road, New Delhi – 110003
3. Mr. G.L. Sharma, B-407, Krishna Complex, Opposite Sardar Bridge, Adajan Road, Surat - 395009

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.515 /ICPB/2007

F.No.PBA/07/75

May 28, 2007

In the matter of Right to Information Act, 2005 – Section 19.

[Hearing on 25.05.2007 at 12.30 p.m.]

Appellant: Mr. G.L. Sharma, Gujrat

Public authority: National Thermal Power Corporation
Mr. N.K. Sharma, CPIO
Mr. G.K. Agarwal, Appellate Authority

Present: For Respondent:
Mr. N.K. Sharma, CPIO
Mr. S. Kumar, Executive Director (HR)

For Appellant:
Ms. Poli Katak, Advocate

FACTS

The appellant has sought information under RTI Act by his letter dated 1.2.2006 addressed to the CPIO regarding VRS Scheme. He has requested for the following information:

Entire set of Note-sheets including approvals, applications and relevant annexures granting voluntary retirement to various employees under NTPC VRS Schemes from time to time since inception.

2. The then CPIO vide his letter dated 23.2.2006 has forwarded the application to the concerned person with direction to provide the information to the appellant. Since the appellant did not receive any information, the appellant preferred first appeal on 10.03.2006. The AA vide letter dated 4.4.2006 has given direction to CPIO to furnish reply to the appellant. The CPIO vide letter dated 4.5.2006 has refused to furnish information since it is personal in nature and cited the provisions of section 8.1(j) of RTI Act. The appellant has submitted another appeal before the AA on 24.5.2006. AA by his letter dated 4.7.2006 has not made any comment on the CPIO's decision of not providing information under section 8.1(j) of the Act. He has taken a stand that this information is voluminous, hence the appellant has to indicate any specific case or cases that he is

interested in for furnishing information. Again aggrieved with the said decision, the appellant has filed the present appeal.

3. Para-wise comments were called for and the CPIO has furnished his comments on 22.2.2007.

4. This case came up for hearing on 25.05.2007, which was attended by the present CPIO in person and the Executive Director (HR). The appellant was represented by Ms.Poli Kataki, Advocate. It was pointed out during the hearing that RTI application was not clear and it was very general in nature. However, the AA has indicated in his letter dated 4.2.2007 that he would provide information in case if the appellant asks for specific information in respect of certain cases. The appellant in his second appeal has requested for some relief by asking for copies of records pertaining to VRS cases granted by NTPC in favour of Shri J.S.Uadhayaya of Lohari Nagpala, Sadashivam, Manager (Contracts) WRHQ/Mumbai, and MS.Savitri of Simadhari Project and Sh.Gupta Manager(Vigilance). Since AA has made a commitment to provide the information in case if the appellant asked for specific information, the CPIO is hereby directed to provide this information within 15 days from the date of receipt of this decision. The Executive Director (HR) contended that this information has to be collected from various projects, hence it may take some more time. It is further directed to CPIO that this information should be provided within 15 days and by any circumstances, it should not go beyond one month. With these directions, the appeal is treated as disposed of.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Pankaj K P Shreyaskar)
Under Secretary & Assistant Registrar

Address of parties :

1. Mr. N.K. Sharma, CPIO, National Thermal Power Corporation, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi
2. Mr. G.K. Agarwal, Appellate Authority, National Thermal Power Corporation, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi
3. Mr. G.L. Sharma, B-407, Krishna Complex, Opp. Sardar Bridge, Adajan Road, Surat - 395009

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.260/ICPB/2006

F.No.PBA/06/296

January 4, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Mr. G. Srinivasan

Public authority: National Thermal Power Corporation Ltd.
Mr. N.K. Sharma, GM &CPIO
Mr. G.K. Aggarwal, ED & Appellate Authority

FACTS:

By a letter dated 16.4.2006 addressed to the CPIO NTPC, the appellant has asked for certain information under the RTI Act regarding a contract awarded to M/s Chakriya Vikas Pranali and also the agreement entered into with the said organization in 1997 for the development of project affected families under the said RR activities. In this connection, he has asked for certain information under RTI along with copies and documents. In his application he has raised as many as 23 queries.

2. By letter dated 19.5.06 the CPIO has rejected to furnish any information as the same is commercial confidence, trade secret and would harm the competitive position of a third party and has also cited Section 8.1(d) of RTI Act for not disclosing the information. Since the reply has gone beyond the permissible period of time, the appellant had already submitted his first appeal on 17.5.06. The AA by letter dated 21.6.06 had disposed off the appeal by citing the reply given by CPIO to his letter dated 19.5.06, by endorsing a copy of the CPIO reply.

Decision

3. While going through the CPIO's decision, it is quite clear that when the appellant has raised so many issues, he has given one consolidated reply telling that the information sought is of commercial confidence involving trade secret and it would harm the competitive edge of the third party. He has not issued a speaking order in order to understand under what procedure he has denied the information. When the appellant has submitted his first appeal, the appellate authority has not taken care to go into the details of first application and the reply furnished by the CPIO in order to know whether the CPIO has covered all points under RTI Act while giving reply. He has simply cited that the reply has crossed

and has sent one more copy to the appellant and disposed of the appeal. It is also noticed that whenever the Commission calls for comments, the comments are received in such a brief manner by mentioning 'yes/no' without giving proper picture of the issue raised by the appellant. It is once again reiterated to CPIO as well the AA to take proper care while disposing appeals and while sending comments to the Commission.

4. Hence, I am remanding back the case to the first appellate authority for a thorough examination and pass speaking order on all matters that have been raised by the appellant. This direction may be carried out by the AA within 30 days of receipt of this decision. In case the appellant, after receipt of decision by AA, is still aggrieved, he can approach this Commission by raising second appeal. With this direction the appeal is disposed of.

5. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :
Sd/-
(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K. Sharma, GM &CPIO, National Thermal Power Corporation Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
2. Mr. G.K. Aggarwal, ED & Appellate Authority, National Thermal Power Corporation Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
3. Shri G. Srinivasan, 18/302 East End Apartments, Mayur Vihar Extn. Delhi 110096.

Central Information Commission

Block-IV, 5th Floor,
Old JNU Campus, New Delhi-110067
Website: www.cic.gov.in

Decision No. 1018 /IC(A)/2007

F. No. CIC/PB/A/2007/00148
CIC/PB/C/2007/00126

Dated, the 11th July, 2007

Name of the Appellant : Shri G. Srinivasan.
Name of the Public Authority : (1) Ministry of Power.
(2) National Thermal Power Corporation

Facts:

1. Both the parties were heard on 10th July, 2007.
2. The appellant had sought information from the CPIOs of the respondents. The CPIO of the respondent (1) transferred the application to respondent (2), who possessed the information. The information relate to M/s. Chakriya Vikas Pranali (M/s. CVP) project. A part of information sought was furnished while the remaining was denied on the ground of commercial confidence. During the hearing, information asked for was discussed in detail and the following was agreed between the parties.

Decision:

3. The CPIO of NTPC would furnish a copy of MOU between the NTPC and M/s.CVP. He would also allow inspection of documents mainly the correspondence relating to the CVP project during 1997 and 1999. In addition to this, the CPIO would acquire the details of disbursement of stipends through M/s. CVP to the beneficiaries of the project and allow the appellant inspection of relevant receipts of payment of stipends. The inspection of relevant document

should be provided within 15 working days from the date of issue of this decision. The CPIO and the appellant would mutually decide a convenient date and time for inspection of relevant records.

4. Both the appeal and the complaint are accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name and address of parties:

1. Shri G. Srinivasan, 18/302, East End Apartments, Mayur Vihar Extension, New Delhi-110096.
2. Smt. M. Nirmala Rao, Dy. Secy. & CPIO, Ministry of Power, Sharam Shakti Bhawan, New Delhi.
3. Shri N.K. Sharma, CPIO (RTI), NTPC Limited, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.335/ ICPB/2006
F.No.PBA/06/380
February 14, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Mr. K. Sripathi Rao, Ramagundam.

Public authority: National Thermal Power Corporation Ltd.
Mr. N.K. Sharma, GM & CPIO
Mr. G.K. Agarwal, EX & Appellate Authority

FACTS:

By an application dated 13.7.06, the appellant has sought information from CPIO NTPC, Ramagundam, regarding action taken on his grievance letter with reference to his promotion to W4 with effect from 1.7.04. In this connection the appellant has requested for a copy of Compromise Petition filed by NTPC in Contempt Case No.1362/2000 dated 29.9.2000. The CPIO has furnished his reply on 6.9.06 by sending copy of Memorandum of Compromise along with the letter. Having not satisfied with the reply furnished by CPIO, the appellant has submitted his first appeal on 12.9.06, for which he has received a reply on 18.10.06. In the appeal the appellant has brought out that he has not received any reply from the CPIO regarding the action taken on his grievance letters regarding his promotion. The AA has informed in his reply that his candidature was duly considered by DP 2004. However, the committee did not recommend him for promotion. Further he has observed that replies have been furnished to the appellant with reference to his grievance letters vide following letters :

- i. From HR Department, NTPC Ramagundam, reference No.09/HR/EBG/HBA/Disc Cell dated 9.6.05.
- ii. From Grievance Committee, reference No.09/Grv/Comm/32551 dated 25.7.05
- ii. From HR Department, NTPC Ramagundam, reference No. HR/EBG/Griev/32551 dated 5.10.05.

2. Again aggrieved with the appellate reply, the appellant filed his present appeal on 8.11.06. Comments have been called for from CPIO on 14.12.06. The CPIO has furnished his comments on 7.1.07 and the rejoinder has been received from the appellant on 8.1.07.

DECISION

3. I have gone through the RTI request, the reply furnished by the CPIO and the appellant and also the comments furnished by the department. The AA has very clearly mentioned in his letters that apart from forwarding the copy of the Memorandum of Compromise, the NTPC has forwarded three replies to his grievance letters by explaining why he was not granted promotion. The appellant has been questioning only as to why and under what circumstances he cannot be granted promotion.

4. As far as the Commission is concerned, we have to provide information to the citizens if such information is available in material form with the public authorities concerned. He has been provided with all information as per his RTI application. He cannot raise queries in his application and seek replies from CPIO and AA. Under the RTI Act, there is no provision to redress the grievance like how he has not been granted promotion. Under these circumstances, no further relief can be provided to the appellant and, therefore, his appeal is rejected.

Let a copy of this decision be sent to the appellant and CPIO.

(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :
(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K. Sharma, General Manager & CPIO, National Thermal Power Corporation Ltd. NTPC Bhawan, Core 6, 7th Floor, SCOPE Complex, Lodi Road, New Delhi 110003.
2. Mr. G.K. Agarwal, Executive Director & Appellate Authority, National Thermal Power Corporation Ltd. NTPC Bhawan, Core 6, 7th Floor, SCOPE Complex, Lodi Road, New Delhi 110003.
3. Mr. K. Sripathi Rao, House No. A-4/87, PTS, NTPC Colony, Ramagundam, Karimnagar District, Andhra Pradesh-505215.

Central Information Commission

Block-IV, 5th Floor,
Old JNU Campus, New Delhi-110067
Website: www.cic.gov.in

Decision No. 1019 /IC(A)/2007

F. No. CIC/PB/A/2007/00005

Dated, the 11th July, 2007

Name of the Appellant : Shri K. Thirumala Rao.
Name of the Public Authority : National Thermal Power Corporation.

Facts:

1. The appellant did not avail of the opportunity of personal hearing scheduled on 10.07.2007.
2. The appellant had asked for the lists of employees of different categories, who were eligible for promotion, number of vacant positions, etc. He had sought the information on behalf of the Employees' Union, of which he is the President.
3. The CPIO has furnished a point-wise response and furnished the information, as sought.
4. The comments of the respondent have been duly forwarded to the appellant also.

Decision:

5. Since there is no denial of information, this appeal was unnecessary. Moreover, u/s 3 of the Act, this appeal is not maintainable.

Sd-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name and address of parties:

1. Shri K. Thirumala Rao, President, NTPC United Employees Union, Qtr. No. B-8/103, PTS, NTPC-Jyothinagar, Ramagundam, Karimnagar Distt (A.P.)
2. Shri N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, 7th Floor, Scope Complex, Lodhi Road, New Delhi-110003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No.760/IC(A)/2007

**F. Nos.CIC/PB/A/2007/00528, CIC/PB/A/2007/00455,
CIC/PB/A/2007/00451, CIC/PB/A/2007/00554
CIC/PB/A/2007/00015, CIC/PB/A/2007/00156
CIC/PB/A/2007/00114, CIC/PB/A/2007/00244
CIC/PB/A/2007/00014, CIC/PB/A/2007/00240
CIC/PB/C/2007/00102, CIC/PB/A/2007/00177
CIC/PB/A/2007/00552, CIC/PB/A/2007/00551
CIC/PB/A/2007/00620, CIC/PB/A/2007/00553
CIC/PB/A/2007/00523, CIC/PB/A/2007/00456
CIC/MA/A/2007/00281, CIC/MA/A/2007/00282**

Dated, the 22nd June, 2007

Name of the Appellant : Shri. Manohar Singh

Name of the Public Authority: 1. NTPC Limited
2. Ministry of Power

Facts:

1. Both the parties were heard on 01/06/2007.
2. The appellant, an ex-employee of the respondent-1, has grievances relating to his permanent absorption and fixation of his pay by the NTPC while he was in service. In this backdrop, he has sought huge information relating to the manner in which his grievances have been redressed during the last two decades. He has filed 20 appeals and complaints before the Commission, against the decisions of the CPIO and the appellate authority of the respondents.
3. In brief, he has filed as many as 74 or even more, applications for seeking information under the RTI Act. Of these, applications pertain to pay fixation (19), non-promotion (6), inspection of records (10) and miscellaneous (39). In all, he filed 62 appeals to first appellate authority of NTPC and 30 appeals to the second appellate authority, i.e. Central Information Commission. Of the 30 appeals received by the Commission, at least 10 have already been disposed of, largely

in his favour and the information, as available, have also been furnished to the appellant in compliance with the Commission's orders.

4. The appellant has, however, not been satisfied with the decisions of CIC or its compliance. He has, therefore, challenged the decisions (3) of the Commission in the Court.

5. For the sake of convenience, all the appeals, which have emanated from the issues related to the redressal of grievances of the appellant on service matters, are taken up together for examination and disposal. This was also agreed to between the parties during the hearing.

6. An examination of his various appeals indicate that he had asked for information regarding promotion, delegation of powers to deal with the matters like foreign service contributions, guidelines for maintenance of sensitive and confidential records, copy of procedure followed in respect of recovery of house rent, Board's resolution, documents in possession of CMD's Secretariat, copy of service records, documents relating to disciplinary and vigilance enquiry, copy of approval of the competent authority with respect to switch over benefits given to the appellant, documents from several RTI related files, copy of documents relating to appraisal of the appellant, etc. Most of the documents were asked for after the inspection of relevant records and files.

7. In response to his various applications, he has been duly responded and, on the basis of available records, information has been furnished. Personal information relating to other officials including the appellant's performance appraisal, has, however, been denied by the CPIO. This is evident from the summary of the details of information sought and furnished by the NTPC, a copy of which has also been supplied to the appellant.

8. During the hearing, the CPIO stated that they have made utmost effort to supply the information sought by the appellant. The appellant, however, contended that certain information relating to decision making process have not been supplied to him. The information sought by the appellant was discussed in detail.

Decision:

9. The appellant has grievances relating to his permanent absorption and fixation of pay during the period of his service. In the garb of seeking information, he has raised several issues and asked for relevant records on the basis of which decisions were taken on the issues raised by him. The information sought has largely been furnished. Yet, the personal information about other individuals have been denied u/s 8(1)(j) of the Act, which is justified.

10. The appellant has already inspected the relevant records on several occasions and information sought have accordingly been provided. Yet, he is not satisfied. In order to satisfy the information needs, the appellant is advised to seek inspection of relevant records and files, so that the relevant documents could be furnished to him as per the provisions of the Act.

11. The CPIOs of both respondents are, therefore, directed to allow the appellant inspection of records so as to enable him to identify the required documents. The CPIOs and the appellant should mutually decide the convenient date and time for inspection of relevant documents, which should be furnished within 15 working days from the date of submission of application by the appellant.

12. It was noted during the hearing that the respondents have made every effort to furnish the documents as per the available records and the provisions of the Act. There is, therefore, limited scope for redressal of grievances on account of denial of information, if any, as contended by the appellant. The appellant was accordingly advised.

13. Since there is no provision in the Act for redressal of grievances relating to service matters, the appellant is advised to approach the competent authority, which may do the needful in the matter. The fact that he has already taken up the matters, pertaining to both redressal of his grievances on service related issues and the compliance of the Commission's decisions, with the High Court, it may be hoped that he would surely get justice, which he is searching for in the garb of seeking information.

14. All the appeals are accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Manohar Singh, B-33, Bhagwati Garden, Uttam Nagar, New Delhi – 110 059.
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110 003.
3. Ms. M. Nirmala Rao, Dy. Secretary & PIO, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.253/ICPB/2006

F.No.PBA/06/289

January 2, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Shri Manohar Singh, New Delhi

Public authority: National Thermal Power Corporation
Shri N.K. Sharma, GM & CPIO
Shri G.K. Agarwal, ED & Appellate Authority

FACTS:

The appellant vide his RTI application dated 7.7.2006 addressed to the CPIO, had sought for copies of claims regarding tour advance and TA claim of Mr. S. Joseph, Manager (HR) at Durgapur, for the period 6-10 January, 2004.

2. The CPIO vide letter dated 12.7.2006 informed the applicant that since the information was available with CMHR, NTPC-SAIL Power Co. Ltd, his application had been forwarded to that authority. The documents were supplied to the applicant on 4.8.06 by CMHR Office. Aggrieved that a copy of the approval of the tour had not been supplied, he filed an appeal before the AA. The AA agreed with the action taken by CPIO and informed the applicant to file fresh a fresh application as additional information has been sought by the appellant in his first appeal. Hence the second appeal before the Commission.

Decision

3. A cause of action to file an appeal under the RTI Act either before the AA or this Commission would arise only when the information sought in the original application is denied or incomplete/misleading information is furnished. In the present case, the appellant had sought for copies of only two documents which had been provided to him. In his application, he had not sought for a copy of approval of the competent authority for the said tour and he sought for the same only in his first

appeal on the ground of furnishing of incomplete information by the CPIO. The AA had correctly advised the appellant to file a fresh application seeking for a copy of the same. The proper course of action for the appellant should have been to file a fresh application instead of filing this appeal when there is no denial of information sought in the original application.

4. Accordingly, this appeal, being frivolous, is dismissed.
5. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

Sd/-
(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
2. Shri G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
3. Shri Manohar Singh, B – 33, Mandirwali Gali, Bhagwati Garden, Uttam Nagar, New Delhi – 110059

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.255/ICPB/2006

F.No.PBA/06/288

January 3, 2006

In the matter of Right to Information Act, 2005 – Section 19.
[Hearing on 3.1.2007 at 12 Hrs]

Appellant: Shri Manohar Singh, New Delhi

Public authority: National Thermal Power Corporation
Shri N.K. Sharma, CPIO
Shri G.K. Agarwal, Appellate Authority

Present : For NTPC
Shri G.K. Agarwal, Appellate Authority
Shri N.K. Sharma, GM & CPIO

Shri Manohar Singh – appellant.

FACTS:

The appellant has sent three applications under the RTI Act, one on 12.4.06, second application on 5.6.06 and third application on 21.8.06. It is evident from all the applications that he is seeking some information from the Corporate Vigilance Department relating to some outstanding service grievance. The CPIO of NTPC has to collect information from the Vigilance Branch who have indicated in their letter dated 30.5.06 that there is no data about the case available on record relation to NTPC. The appellate authority in his decision on 27.7.06 has confirmed with the decision of the CPIO. The appellant not satisfied, has submitted second application on 8.7.06 in which he wanted to (i) inspect the dispatch and receipt records of the CVO office for certain period. The CPIO has denied this information u/s 8.1(g) of RTI Act since the information available in this Branch is of confidential nature and hence they are exempted. The appellate authority has agreed with the views of CPIO. Thirdly, the appellant has requested for list of documents duly catalogued and indexed which is related to his own case and in the possession of Vigilance Branch. To this, the CPIO has replied that no such document relating to Manohar Singh are in the possession of corporate vigilance department. This has also been agreed by the appellate authority.

2. Comments were called for from the NTPC and the appellant has also furnished his rejoinder. While going through the reply furnished by the CPIO and the AA, I have observed that they have not passed any speaking order. It seems the appellant has also not raised any specific issue in his application which can be

traced by the Vigilance Department. In order to make things clearer a hearing was scheduled on 3.1.07 which was attended by the CPIO and AA of NTPC as well as by appellant.

DECISION

3. It is directed to CPIO and AA that they should arrange a hearing between the CVO of NTPC and the appellant on a mutually convenient date so that they can discuss the matter and wherever information is available can be supplied to the appellant, except in case if they are not falling under the exempted category. By any chance if the information is not traceable or are not available the Vigilance Department has to file an affidavit to the effect stating that the information is not available. This work may be carried out by the CPIO NTPC within a months time and furnish compliance to the Commission. With this direction all the three applications are disposed off.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Shri N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
2. Shri G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi-110003
3. Shri Manohar Singh, B-33 Bhagwati Garden, Uttam Nagar, New Delhi-110059.

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.387/ICPB/2006

F.No.PBA/07/523

March 12, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Mr. Manohar Singh

Public authority: National Thermal Power Corporation Ltd.

Mr. N.K.Sharma, GM & CPIO

Mr. G.K. Agarwal, ED & AA

FACTS:

The appellant has sought information under RTI Act by his letter dated 24.7.2006 addressed to the CPIO, NTPC, New Delhi, regarding absorption of supervisors in NTPC. In this regard he has sought for the following information :

Copy of decision making process inclusive of copy of original note sheet and subsequent circular by which Supervisors, in the Central Government pay scale of Rs.425-700, were absorbed in NTPC as Asst. Engineers (E1) in the pay scale of Rs.700-1000. Examples are s/shri P..Duggal, Rajinder Singh and others.

2. The CPIO furnished his reply on 21.8.06 informing that they do not have any copy of the decision making process. He has also indicted in his application that the questions raised in the RTI application is not clear. Dissatisfied with the reply furnished by the CPIO, the appellant preferred first appeal on 31.8.06. The AA has given his decision on 18.9.06 and has agreed with the reply furnished by the CPIO.

3. Again, aggrieved by the said decision, the appellant has filed the present appeal on 26.12.06. The comments were called for from the CPIO on 11.1.07 which was received in the Commission vide letter dated 20.2.07. The appellant has submitted his rejoinder on 27.2.07.

DECISION

4. I have gone through the RTI request, CPIO's reply and AA decision and also the comments furnished by the CPIO. The CPIO has clearly mentioned in his reply that they do not have any copy of the file regarding decision making process. Under

the RTI Act, the information seeker can only request for information as available with the public authority in material form. When the information is not available, it is not possible for the CPIO to produce that information as per request of the appellant. Hence, I agree with the stand taken by the CPIO and the AA while disposing off the application.

5. In the comments, the CPIO further indicated that whatever example he has quoted in his application is not specific and hence they are not in a position to answer the queries of the appellant. Further, the CPIO has indicated in his comments that the appellant has inspected his personal file and he is also aware of the fact that no document exists which could be provided to him. In spite of this awareness, he has been seeking information, filing applications after applications and also leveling baseless charges against the officials of the NTPC.

6. This is not the first time the concerned appellant is seeking information the NTPC. He has filed various applications on many occasions. I have noticed that information that he is seeking is not specific with the result that both the CPIO and AA do not furnish information. It is hereby directed to the appellant that if he is still interested in seeking information, he should file a fresh application before the public authority requesting for specific information. The CPIO is also directed to go through the application of the applicant in case if he files one and provide information within the time frame prescribed under the RTI Act.

7. On the above lines, the appeal is treated as disposed off. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K.Sharma, GM & CPIO, National Thermal Power Corporation Ltd., Core 7, SCOPE Complex, Lodhi Road, New Delhi-110003.
2. Mr. G.K. Agarwal, ED & AA, National Thermal Power Corporation Ltd., Core 7, SCOPE Complex, Lodhi Road, New Delhi-110003.
3. Mr. Manohar Singh, B-33, Bhagwati Garden, Uttam Nagar, New Delhi-110059

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.427/ ICPB/2007
F.No.PBA/06/439
April 27, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Mr. Manohar Singh

Public authority: National Thermal Power Corporation
 Mr. N.K. Sharma, CPIO
 Mr. G.K. Agarwal, Appellate Authority

FACTS:

The appellant has sought information under RTI Act by his letter dated 28.9.2006 addressed to CPIO seeking following information with respect to the ref. no. KS:Pers 21308:3969, dated 19.6.1982 :

- i. Quote the clause of the delegation of Powers (DOP), under which Sh. S.C. Padhy dealt with the matter of a Foreign Service employee i.e. the undersigned.
- ii. Copy of the Govt. order/memo under which a Foreign Service employee's leave application is to be dealt as per NTPC Leave Rules and not by his parent department.
- iii. Copy of the approval of the competent authority regarding above memo.

The CPIO vide his letter dated 23.10.2006 has given point wise reply. Having not satisfied with the reply, he has filed first appeal on 9.9.2006. The AA has given his reply vide letter dated 5.10.2006. Not satisfied with the reply furnished by the AA he filed the second appeal before the Commission on 11.12.2006.

The comments were called for from the public authority vide letter dated 23.12.2006, which were received from CPIO on 1.02.2007. The appellant has submitted his rejoinder on 12.2.2007.

I have gone through the RTI application CPIO's reply, AA's decision and comments furnished by CPIO. In the application the appellant has requested information regarding delegation of power and also regarding sanctioning of leave for officials on deputation etc. The CPIO has clearly indicated in his reply dated 23.10.2006 by clarifying all the issues raised by the appellant. The appellant seems to be not satisfied with the reply furnished by the CPIO and hence he submitted his appeal to the first AA. He seems to be having lot of grievances against the department and he has been frequently sending RTI application. However he has not been able to clearly bring out specific issues in his RTI application. It is also noticed he is not getting proper response from the authorities concerned. The CPIO has also forwarded para-wise comments on appeal of Mr. Manohar Singh vide his letter dated 1.2.2007, he has clearly explained on each and every issue that has been raised by the appellant. He has answered all the issues raised by the appellant in a very satisfactory manner. However I have noticed the AA has not passed any speaking order while disposing of the first appeal by the letter dated 5.10.2006. It is once again reiterated whenever an appeal is submitted to the AA. It would be necessary for the AA to go through reply furnished by the CPIO and satisfy himself as to whether CPIO has answered all the issues raised by the appellant in his RTI request. As far as this appeal is concerned I do not find any substance in order to issue any further direction to CPIO to provide information to the appellant. Under these circumstances I have no alternative but to dismiss the appeal.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K. Sharma, CPIO, National Thermal Power Corporation, Core – 6, 7th Floor, Scope Complex, Lodhi Road, New Delhi – 110003
2. Mr. G.K. Agarwal, Appellate Authority, National Thermal Power Corporation, Core – 6, 7th Floor, Scope Complex, Lodhi Road, New Delhi – 110003
3. Mr. Manohar Singh, B-33, Bhagwati Garden, Uttam Nagar, New Delhi – 110059

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.472 /ICPB/2007

F.No.PBA/07/522

May 22, 2007

In the matter of Right to Information Act, 2005 – Section 19.

[Hearing on 21.5.2007 at 3.30 p.m.]

Appellant: Mr. M.N. Singh

Public authority: NTPC Ltd.
Mr.N.K. Sharma, CPIO
Mr. G.K.Agarwal, ED-HR & PMI & Appellate Authority

Present: Respondents:
Mr. G.K.Agarwal, AA
Mr. N.K. Sharma, CPIO
Mr. M.S. Umesh, Chief Law Officer

For appellant:
Mr. Ajit Kumar

FACTS:

The appellant vide his two RTI requests (Annexure-I & II) dated 14.08.2006 addressed to the PIO has requested the following information :

Annexure-I:

- i. Copy of Internal Audit reports for last 2 years with company reply.
- ii. Copy of Govt. Auditor (CAG) Audit Report with company reply.

Annexure-II:

- i. Contracts/PO valuing Rs.10 lacs or more awarded to a single party without inviting quotations/tender from others. Such Contract/PO details like its value name of party and reason for awarding such contracts may be given. Details for last 2 years required.
- ii. Whether cash loss incurred in executing such contracts, if yes details thereof.

2. The PIO vide his letter dated 4.11.2006 has given his para-wise reply. The PIO declined information u/s 8.1(d) in respect of item (i) of Annexure-I and in respect of item (ii) he stated that the CAG has given 'nil' comments for the year 2005-06. However, as regards the information in respect of Annexure-II, he said that there is no consolidated record as the company's projects are located at more than 20 locations, regional HQs at 6 locations, several other offices/establishments. Not satisfied with the reply, the appellant filed his first appeal on 25.9.2006. The AA by way of his letter dated 23.10.2006 has given his point-wise decision. He denied information relating to Internal Audit and CAG Audit Reports u/s section 8.1(d) citing confidential information of commercial nature and regards the remaining information he said that there is no record available with them. Aggrieved, the appellant filed his second appeal before the Commission.

3. Para-wise comments were called for from the Public Authority vide letter dated 11.1.2007 which was received on 26.2.2007. The appellant sent his rejoinder by e-mail on 26.02.2007.

DECISION:

4. The case came up for hearing on 21.05.2007, which was attended by CPIO and AA in person and appellant has been represented by Mr. Ajit Kumar. The CPIO in his letter dated 13.9.2006 has indicated that internal reports contained information of commercial confidence hence exempted under section 8.1(d). However, during the hearing he is not able to substantiate this reason how the entire internal audit report contained information of a commercial confidence. The Chief Law Officer who has also attended the hearing pointed out that it is also containing information of certain individual's performance etc., hence it is not possible for the Company to share this information. However, I direct the CPIO to go through this report once again and then wherever it is containing information relating to commercial confidence or of a personal information, such of those information can be segregated and rest of the information can be provided to the appellant. This exercise should be carried out within three weeks of receipt of this decision. Regarding the query no.(ii) of Annexure-I, the CPIO has replied that for the year 2005-06, the CAG has given Nil comments. This reply is not satisfactory to the appellant. However, the appellant has not raised any specific point on account of which I cannot give further direction in the matter to the CPIO. Hence, his request for this information is rejected. Regarding query no.(i) of Annexure-II, both the CPIO and AA have taken a stand that they are not in a position to collect this information since the Company's projects are located at more than 20 locations. This reply is not acceptable to the Commission. The CPIO of HQ has not made any attempt to provide information regarding his own unit at HQ. He is hereby directed to collect the information in respect of the HQ, in respect of Kayamkulam in Kerala and in respect of Korba in Chattisgarh for a period of one year and furnish the information to the appellant. The appellant has also asked for the reason for awarding such contracts and whether any cash loss was incurred in execution of such contracts. These are all in the form of queries

and it is not possible for the CPIO to answer such queries, and there is no such provision in RTI Act. Hence, his request for such information will not be provided by the CPIO. The CPIO has been directed to furnish the information within 21 days to the appellant and in case if he is not satisfied with the reply he is at liberty to approach the Commission once again. With this direction, the appeal is treated as disposed of.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Pankaj K P Shreyaskar)

Under Secretary & Assistant Registrar

Address of parties :

1. Mr.N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
2. Mr. G.K.Agarwal, ED-HR & PMI & Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Mr. M.N. Singh, 29 Vigyan Vihar, Delhi – 110 092.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
website: www.cic.gov.in

Decision No.1684/IC(A)/2007
F. No.CIC/MA/A/2007/00515

Dated, the 17th December, 2007

Name of the Appellant: Shri. Mohd. Samad Khan

Name of the Public Authority: NTPC Limited

Facts:

1. Both the parties were heard on 13/12/2007.
2. The appellant had asked for a copy of the report on field survey conducted by NTPC Ltd., Farakka, West Bengal, in respect of unemployed land oustees. The CPIO has replied as under:

“NTPC Farakka is not aware of any field survey of land oustees”.

3. The appellate authority has upheld the decision of the CPIO. Hence, this appeal before the Commission.

4. In his appeal petition, the appellant has stated as under:

“That the undersigned is one of the hundreds of farmers ousted rendered thus by the creation of the Farakka project work which was commenced in 1979 by the National Thermal Power Corporation (NTPC) assisted by the State Government of West Bengal and other official agencies. The Project envisaged the construction of the Farakka Barrage and the Farakka Super Thermal Power Unit. All this work needed to be undertaken by clearing of hundreds of acres of fertile land of farmers residing for ages at the site. These farmers were identified and State officers had undertaken a census of the affected persons, who were registered in the Government records.

Thereafter being registered the NTPC and the State authorities began action as decided on the affected farmers including the undersigned. The State Government announced financial compensation to the ousted farmers giving them cash against valued agricultural land and money was disbursed after the completion of acquisition proceedings were completed.

On the other hand NTPC officers moved to individual families and issued to each family a contract which among other things stated that one adult member of each family will be provided with a permanent job according to the qualification and experience of the person.”

5. Further more, he has also stated that:

“The Union Minister for Power had received a 2-pages typed note in his office on 14.3.06 prepared by Supreme Court lawyer Mr. Amit Sibal, but not signed, which was accepted. A copy of this note is again attached. This note was sent to the corporate office by the Jt. Secretary in the Ministry for comment. In turn the Corporate office passed the matter to the Farakka Unit office and an officer of the Farakka Thermal, armed with the list of claimants, numbering only 42 persons, checked on the listed addresses, and searched the persons who had shifted from the original addresses until all the claimants found alive, were traced. A period of at least three weeks was spent in this exercise. The field survey was witnessed by hundreds of inhabitants living around the listed addresses for enquiry, some persons actually joined in searching the persons. In all 41 persons named in the list were reached and they too are witnesses now.”

6. In this backdrop, the appellant has alleged that the CPIO’s reply is a white lie on record, as he has been a part of the exercise undertaken by the respondent.

7. During the hearing, it emerged that land oustees were promised financial compensation in lieu of the land acquired by the Govt. and employment to the affected persons by the NTPC. While the State Govt. has duly provided the financial compensation, NTPC has failed to honour its commitment in respect of providing employment to at least 42 affected persons. In this context, the respondent had conducted a field survey to identify the affected families and to explore the possibility of providing employment to them.

8. The CPIO stated that a large number of affected persons have already been provided job opportunities while some others could not be accommodated for different reasons. He also asserted that the NTPC had at no stage promised jobs to the land oustees. This was, however, disputed by the appellant.

9. The appellant also presented before the Commission the copies of invitation letter for nomination of persons for employment, interview letter, etc., to demonstrate that the respondent had taken initiative to provide jobs, but the promise was not fulfilled.

10. The appellate authority and the CPIO who were present in the hearing agreed to review and examine the case again, so as to search the documents as asked for by the appellant.

Decision:

11. The evidence is conclusive that the NTPC has made endeavors to provide jobs to all the land oustees but it has not been able to absorb at least 42 affected persons. At the instance of the Minister's intervention, a field survey was also conducted in 2005, in which the appellant participated. The appellant has asked for a copy of the survey report, which has been denied on the ground of its non-availability.

12. As agreed between the parties, the case is remanded to the CPIO, who should make afresh attempt to search the relevant documents, mainly the Survey Report, as asked for by the appellant, within one month from the date of issue of this decision and furnish its copy to the appellant, failing which suitable action would be taken by the Commission in the matter, including institution of a high powered inquiry to unearth the truth.

13. The appellant is free to approach the Commission again if he is not satisfied with the compliance of the above decision by the CPIO.

14. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Mohd. Samad Khan, Vill. Ratanpur (Station Road), PO. Dhuliyar, Distt. Murshidabad – 742 202. (W.B.)
2. Shri. N. K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No.1195/IC(A)/2007

F. No.CIC/MA/A/2007/00412

Dated, the 3rd September, 2007

Name of the Appellant: Shri. M.P. Tiwari

Name of the Public Authority: 1. Ministry of Power
2. Badarpur Thermal Power Station(BTPS)
3. NTPC Ltd.
4. Central Electricity Authority (CEA)

Facts:

1. The case was heard on 30/8/2007.

2. The appellant had asked for the following information:

“The true copy of special officer’s report regarding BTPS. The special officer Shri. P.M. Alulwalia was appointed by Govt. of India, Ministry of Energy, (Deptt. of Power) through its O.M. No.49(14)-82-D7/AS, New Delhi, the 17th December 1984.”

3. The CPIO and the appellate authority informed that the requested report was not available with them. Hence, it could not be supplied to the appellant. Being not satisfied with the response, the appellant has filed his appeal before the Commission.

4. During the hearing, the appellant expressed his utter surprise about the replies given by the CPIO and the appellate authority. He said that the replies are misleading. The CPIO stated that they have made every effort to search the document. He had also approached concerned organisations, namely, CEA, NTPC, BTPS for obtaining the copy of the report. But, none of these organizations were able to trace the report.

Decision:

5. The report in question pertains to the major findings and recommendations of a Committee constituted by the Respondent-1. It is

unfortunate that the report is not traceable. However, as the report is not available, it cannot be furnished to the appellant. In order to satisfy himself, the appellant is advised to seek inspection of the relevant records and files as may be available with the Ministry of Power, NTPC, BTPS and CEA so as to explore the possibility of availability of the report and/or other related documents, which may be of use to the appellant.

6. The CPIOs of the respondents 1 to 4 are, therefore, directed to allow inspection of records and files, so as to enable the appellant to identify and specify the documents required by him. The appellant and the CPIOs should mutually decide a convenient date and time for inspection of the records, within one month from the date of issue of this decision.

7. The CPIO is advised to disclose the identified documents as per the provisions of the Act.

8. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. M.P. Tiwari, Flat No.18, Pocket-G, Sarita Vihar, New Delhi – 110 076
2. Smt. M. Nirmala Rao, Deputy Secretary & PIO, Ministry of Power, (Grievance Cell), Shram Shakti Bhawan, Rafi Marg, New Delhi
3. The Central Public Information Officer, Badarpur Thermal Power Station, Badarpur, New Delhi – 110 044.
4. The Central Public Information Officer, NTPC Ltd., NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 110 019.
5. The CPIO, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110 066

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,

New Delhi – 110 067

website: www.cic.gov.in

Decision No.1022/IC(A)/2007

F. No.CIC/PB/A/2007/00389

Dated, the 11th July, 2007

Name of the Appellant: Shri. Paras Nath Dubey

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant was heard on 11/7/2007.
2. Through an application dated 14/8/2006, the appellant had sought information relating to land acquisition and allotment of quarters and shops under Singraouli Project. A part of the information has already been furnished, while the remaining information has been denied u/s 8(1)(j) of the Act. The appellant has alleged that the CPIO has wrongly invoked section 8(1)(j) of the Act, for denial of information pertaining to allotment of shops, quarters to individuals and other related information pertaining to transfer of land to other authorities. He also pointed out that the CPIO has misguided him by informing him that a part of information was available with the District Administration.
3. During the hearing, the information sought was discussed in detail. The appellant also showed certain documents, which he has acquired under the RTI Act from different offices of the respondent. He stated that the CPIO has misled him on the issue of sharing of available information. Whereas the relevant information has been furnished to him by the sister department of the respondent, the CPIO has denied him identical information on the pretext of unavailability of information and by invoking section 8(1)(j) of the Act. He, therefore, pleaded that complete information, as sought, should be provided to him.

Decision:

4. The CPIO has furnished partial information. A part of information pertaining to allotment of shops, quarters to individuals have, however, been denied u/s 8(1)(j) of the Act, which is, however, not justified. The appellant is

already in possession of similar information relating to some other projects of the NTPC. The respondent should not adopt double standard in disclosing the information for certain projects and deny the same for some other projects/regions without justifiable reasons. The exemption claimed u/s 8(1)(j) of the Act for denial of information is, therefore, untenable.

5. The CPIO is, therefore, directed to furnish the information sought within 15 working days from the issue of this decision.

6. For certain information, the CPIO has informed that the information sought is available with the District Administration which, in turn, has stated that the required information is available with the CPIO of the respondent. There is thus a contradiction in statement about the availability of information in the office of the CPIO.

7. The appellant is, therefore, advised to seek inspection of relevant records and files so as to identify the required information which should be furnished as per the provision of the Act. The CPIO and the appellant should mutually decide a convenient date and time for inspection of records.

8. The appellant is free to approach the Commission, if he is not satisfied with the compliance of the decision by the CPIO.

9. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Paras Nath Dubey, LCH-58 (NCL Khadiya Project), PO-Khadiya Pariyojna-231 222, Distt. Sonebhadra, (U.P.)
2. Shri. N.K. Sharma , CPIO, NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 1517/IC(A)/2007

F. No. CIC/MA/A/2007/00690

Dated, the 27th November, 2007

Name of the Appellant : Shri Punit Kapoor
Name of the Public Authority : National Thermal Power Corporation Ltd

Facts:

1. The appellant was heard through a representative, his father, on 23.11.2007.
2. The appellant has grievances relating to termination of an agreement between the appellant and the respondent, for maintaining and running a guest house. In this context, the appellant had sought to know the grounds for termination of the contract. He had also asked for a copy of the Vigilance enquiry report, which had investigated the allegations made against the appellant.
3. The CPIO has refused to furnish the information u/s 8(1) (d) and (e) of the Act on the ground that the Report is held in fiduciary relationship.

Decision:

4. The appellant is an affected person in the matter of termination of the agreement between him and the respondent. He ought to be told of his lapses, if any, on the basis of which the agreement has been terminated. If a vigilance enquiry was conducted in the matter, there is no reason as to why he should not have access to it so as to assess the objectivity and fairness in conduct of such an enquiry. The denial of information asked for, u/s 8(1) (d) & (e) of the Act, is

therefore untenable. The CPIO is therefore directed to furnish the information asked for within 15 working days from the date of issue of this decision.

5. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(D.C. Singh)
Assistant Registrar

Name and address of parties:

1. Shri Punit Kapoor, Khadia Bazar, Yogichoura, Shaktinagar, Sonbhadra (U.P.)
2. Shri N.K. Sharma, Central Information Officer, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003.
3. Shri G.K. Agarwal, Appellate Authority (RTI), , NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
website: www.cic.gov.in

**Decision No.1586/IC(A)/2007
F. No.CIC/MA/A/2007/00625**

Dated, the 3rd December, 2007

Name of the Appellant: Shri. Qayyum Muhammad

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 30/11/2007. The appeal is, therefore, examined on merit.

2. The appellant had asked for a copy of the project No.NTPC/VSTPP-Stage-I, DPR/Project Report. The CPIO has responded and denied to furnish the information u/s 8(1)(d) of the Act, on the ground that the report in question is confidential. Hence, it cannot be furnished.

3. Being not satisfied with the response of the CPIO and the appellate authority, the appellant has pleaded that the report in question should be furnished to assess the impact of execution of the project on the public, who would be affected in various ways.

Decision:

4. The project/study reports are carried out in the context of development of specific areas and that they are carried out in an objective manner. There is, therefore, no justification as to why such study reports should not be put in public domain, especially when a large number of people are likely to be affected due to execution of the relevant projects.

5. The CPIO is, therefore, directed to furnish a copy of the report, i.e., the information asked for within 15 working days from the date of issue of this decision.

6. The appellant is free to approach the Commission again, if he is not satisfied with the compliance of the above decision, by the CPIO.

7. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(D.C. Singh)
Under Secretary & Assistant Registrar

Name & address of Parties:

1. Shri. Qayyum Muhammad, Vill. Shahpur, Halmukam, Post: Baran; Tal Singrauli, Distt. Sidhi (M.P.)
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No.1075/IC(A)/2007

F. Nos.CIC/MA/A/2007/00293
CIC/MA/A/2007/00402

Dated, the 25th July, 2007

Name of the Appellant: Shri. Radhey Shyam

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant was heard on 25/7/2007.
2. He had sought the following information:
“List of General Managers, Additional General Managers, and Deputy General Managers which belong to scheduled caste/scheduled tribes in NTPC Limited”.
3. In response, the CPIO stated that *“the information sought is personal in nature relating to third party and the same is exempted u/s 8(1)(j) of the RTI Act.”*
4. During the hearing, the appellant pleaded that the information sought relate to the Scheduled Caste/Scheduled Tribes employees of the respondent and such information should not be treated as personal information.

Decision:

5. U/s 4(1)(ix) of the Act, a public authority is required to publish **“a directory of its officers and employees”**. Accordingly, the respondent is expected to put in public domain the list of all the employees by different categories as may be maintained by the concerned public authority.

6. In view of this, the decision of the CPIO to deny the information u/s 8(1)(j) of the Act, is un-tenable. The CPIO is, therefore, directed to furnish the information sought within 15 working days from the date of issue of this decision.

7. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Radhey Shyam, B-90, Alok Nagar, P.O. Dibyapur, Dist. Auraiya (U.P.)
2. Shri. N.K. Sharma, GM (I/c)-CP & CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
website: www.cic.gov.in

Decision No.1480/IC(A)/2007

**F. Nos.CIC/MA/A/2007/00595
CIC/MA/A/2007/00715**

Dated, the 22nd November, 2007

Name of the Appellant: Shri. Ram Lakhan Shah

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 21/11/2007. The appeals are, therefore, examined on merit.
2. The appellant had filed two separate appeals. For the sake of convenience, both the appeals are examined together.
3. The documents submitted by the appellant have been perused and it is observed that the appellant had made certain queries which have been duly responded by the CPIO and the appellate authority. As such, there is no denial of information to the appellant.

Decision:

4. The appellant had sought information in the form of queries, which have been responded by the CPIO. The appellant is, however, advised to seek inspection of records so as to satisfy himself with the availability of information and accordingly ask for the information, which should be furnished as per the provisions of the Act. In view of the fact that there is no denial of information to

the appellant and that he has not availed of the opportunity of personal hearing, it is presumed that the appellant is no more interested in pursuing the matter. Hence, the appeals are dismissed.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Ram Lakhan Shah, Vill: Ghurital, Post: Baidan, Tal: Singruli, Distt: Sidhi 486 886 (M.P.)
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,

New Delhi – 110 067

website: www.cic.gov.in

Decision No.761/IC(A)/2007

**F. Nos.CIC/PB/A/2007/00196, CIC/PB/A/2007/00205,
CIC/PB/A/2007/00208, CIC/PB/A/2007/00341,
CIC/PB/A/2007/00656**

Dated, the 1st June, 2007

Name of the Appellant : Shri Ravindra Kumar Sood

Name of the Public Authority: NTPC Limited

DECISION

Facts:

1. Both the parties were heard today, i.e., 01/06/07.
2. The appellant has grievances relating to his service matters, mainly his promotion, and the case is pending with the Court for adjudication on the matter. The respondent has also initiated disciplinary action against the appellant.
3. In this backdrop, the appellant has asked for inspection of records and files, mainly personal files, and the documents relating to the disciplinary proceedings. He has separately filed five appeals and two complaints against the decisions of the CPIO and the appellate authority.
4. During the hearing, the appellant alleged that he has not been allowed inspection of all the relevant files.
5. The CPIO, however, contended that he has already been provided access to the relevant files. The documents, which were not available in his office, could not be shown to him. Therefore, the allegation of the appellant was baseless. He also said that the appellant was unwilling to pay for the inspection charges and that he was not using pencil at the time of inspection of the documents.

Commission's Decision:

6. There is no public interest in disclosure of the documents relating to disciplinary action, including personal files of the appellant. However, since the

respondent has already allowed inspection of at least two volumes of the file, they should allow inspection of the remaining files as well, provided that the inspection charges, as per the prescribed fee rule, is paid by the appellant. The appellant should not do anything during inspection of documents that would spoil the records. He may therefore use pencil, as advised by the CPIO.

7. The CPIO would be free to invoke section 10(1) of the Act, in providing inspection as well as in furnishing the information asked for. The ground for denial of information should be clearly indicated for necessary review by the Commission. The CPIO and the appellant should mutually decide a convenient date and time for inspection of documents within 15 working days from the date of issue of this decision.

8. All the appeals and complaints are accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. R.K. Sood, B-242, Additional Township, BTPS Colony, Badarpur, New Delhi – 110 044
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
website: www.cic.gov.in

**Decision No.1349/IC(A)/2007
F. Nos.CIC/MA/A/2007/00414 & CIC/MA/A/2007/00415**

Dated, the 25th October, 2007

Name of the Appellant: Shri. Ravindra Kumar Sood

Name of the Public Authority: NTPC Limited

Facts:

1. The case was heard on 24/10/2007 in absence of the appellant, who was heard earlier on 3/9/2007.
2. The appellant has filed two separate appeals against the decisions of the CPIO and the appellate authority. For the sake of convenience and expeditious disposal, both the appeals are examined together.
3. The appellant has grievances relating to his promotion. In this backdrop, the appellant had asked for inspection of the relevant records and files mainly personal file, and accordingly asked for copies of certain documents. He has alleged that the CPIO has not furnished copies of the documents, which were shown to him during inspection of records.
4. The CPIO has stated that the information asked for has been furnished on the basis of available records, except one communication received from another office of the respondent. He stated that the disclosure of the documents might weaken their case in the Court. The CPIO also said that the information asked for have largely been furnished even though the appellant had asked for the information for promotion of personal interest, against the public interest.

5. The CPIO also mentioned that the appellant has filed two separate petitions in the Court for resolution of issues pertaining to disciplinary cases, promotion and transfer.

Decision:

5. An information, which is not available, cannot be furnished to the requester. However, there is no justification for withholding the documents already shown to the appellant during his inspection of records and files. The CPIO is, therefore, directed to provide the copies of the documents already shown to the appellant, within 15 working days from the date of issue of this decision.

6. Both the appeals are accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Ravindra Kumar Sood, B-242, Additional Township, BTPS Colony, Badarpur, New Delhi – 110 044.
2. Shri. N.K. Sharma, CPIO, NTPC Limited., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block-IV, 5th Floor,
Old JNU Campus, New Delhi-110067
Website: www.cic.gov.in

Decision No. 1028 /IC(A)/2007

F. No. CIC/PB/A/2007/00088

Dated, the 16th July, 2007

Name of the Appellant : Shri Ravi Potdar.
Name of the Public Authority : National Thermal Power Corporation.

Facts:

1. The appellant was heard on 11th July, 2007.
2. The appellant alleged about the corrupt practices in settlement of certain claims between the respondent and Oriental Insurance Company. In this respect he sought information in the matter of claim of Rs. 1.95 crores passed by Oriental Insurance Company, Head Office, New Delhi on 17/05/2002 in respect of Fire Claim No. 152400/11/2000/00001. Insured – Captive Power Plant Beneficiary NTPC, Korba (Plicy No. 152400/11/99/00036). Specifically, he asked for the following:
 - *The details of various Heads of Accounts affected by the entries on receipt of proceeds of aforesaid claim amount including certified copies of all the accounts affected by such entries.*
 - *The details of the sell of Captive Power Plant and the effective date thereof.*
3. The CPIO did not respond to his application dated 21/11/2005. He therefore filed his first appeal to the appellate authority on June 10, 2006. He however did not receive any response from the appellate authority also. Subsequently, he filed his complaint to the Commission. The appellant alleged that the officials of the respondent are deliberately trying to hide facts because of corrupt practices in the settlement of aforesaid claim. And, this was also the reason for their prolonged silence.

Decision:

4. It is unfortunate that the CPIO and appellate authority have not replied to him. The CPIO is therefore directed to furnish the information sought within 15

working days from the date of issue of this decision. The appellant is advised to seek inspection of relevant documents so as to identify the required information which should be furnished to him as per the provisions of the Act.

5. The CPIO has violated the provisions of section 7 (1) of the Act. He should therefore explain why penalty proceedings u/s 20(1) of the Act should not be initiated against him. His explanation should reach the Commission **on or before 13th August, 2007**, failing which an appropriate action would be initiated.

6. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name and address of parties:

1. Shri Ravi Potdar, 72/74, Suyash Vihar, Bhambori Dubey, Behind Landmark Fortune Hotel, Nandanagar, Indore-452011.
2. The Central Public Information Officer, National Thermal Power Corporation, Korba Plant, Chhattisgarh.

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.312/ICPB/2006
F.No.PBA/06/360
February 5, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Mr. R. K. Sood

Public authority: National Thermal Power Corporation Ltd.
Mr. N.K. Sharma, GM & CPIO
Mr. G.K. Agarwal, ED & Appellate Authority

FACTS:

The appellant in his RTI request dated 11.7.2006 to the CPIO has sought for an attested copy of original promotion policy for post of supervisors duly signed by Boards of Directors in 1982. By a communication dated 2.8.2006, (after the appellant remitted a fee of Rs 14 for 7 pages) the CPIO furnished a copy of a Circular issued on 4.5.1982 containing the promotion policy for supervisors as approved by the Board of Directors. Aggrieved that a certified copy of the policy signed by the Directors had not been furnished, the appellant filed an appeal before the AA on 29.8.2006. The AA in his decision has stated that in terms of the Companies Act, that the document sought for by the appellant was not open for inspection by public. In the present appeal, the appellant has questioned the Decision of the AA that information cannot be furnished in terms of the Companies Act. In the comments, it is stated that the promotion policy has not been signed by the Directors and as such no document as sought for by the appellant exists.

DECISION:

2. Since in the comments, it is stated that there is no document signed by the Directors relating to the promotion policy is available, the appellant could have been informed so at the initial stage itself, instead of invoking the provisions of Companies Act. CPIO/AA may note that the provisions of RTI Act would prevail over the provisions of other Acts and a citizen is entitled to seek information, even if the same is exempt from disclosure under some other statute, subject to exemptions under Section 8(1) of RTI Act. Since in the present case, no document signed by the

Directors relating to the promotion policy is available, the appellant cannot seek for a copy of the same. However, since the Board would have approved the policy, a copy of the resolution of the Board approving the policy be furnished to the appellant within 15 days of this Decision. The amount of Rs 14 paid by the official is also to be refunded to him within same period.

The appeal is accordingly disposed of.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramnainan)
Information commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K. Sharma, GM & CPIO, National Thermal Power Corporation Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003.
2. Mr. G.K. Agarwala, ED & Appellate Authority, National Thermal Power Corporation Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003.
3. Shri R.K. Sood, B-242 Additional Township, BTPS Colony, Badarpur, New Delhi-110044

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.336/ICPB/2006
F.No.PBA/06/385
February 14, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Mr. R.K. Sood, New Delhi

Public authority: National Thermal Power Corporation Ltd.
 Mr. N.K. Sharma, GM & CPIO
 Mr. G.K. Agarwal, EX & Appellate Authority

FACTS:

By an application dated 12.7.2006, the appellant has sought information from CPIO NTPC New Delhi regarding opening of sealed cover in relation to his promotion. In this connection he has raised the following issues in his application :

- i. Name of custodian officer of sealed covers of DPC Jan 87, DPC July 1987, DPC Jan. 88, DPC July 88, DPC Jan 89, DPC July 89, DPC Jan 90, DPC/RPC 96 & 97.
- ii. Attested copy of original approval of competent authority constituting committee and authorizing committee to open the sealed covers.
- iii. Name of the member officials opened/destroyed the sealed covers.
- iv. Why and when sealed covers were opened/destroyed.
- v. Date, time and venue of opening of sealed covers.
- vi. Attested copy of original envelopes under which sealed covers were kept.

2. The CPIO has sent one letter on 10.8.06 indicating that information sought is pertaining to period 1987-2002, compiling of the same is taking time. However, he has submitted his reply on 29.8.06 indicating that the documents of DPC are kept with section concerned dealing with promotion. The CPIO has not given any specific reply to the issues raised by the appellant nor he has denied to furnish any information by quoting specific provisions of RTI Act.

3. Dissatisfied with the reply furnished by the CPIO, the appellant preferred first appeal on 14.9.06 for which he received the reply on 4.10.06. Having not satisfied with the reply furnished by the appellate authority, the appellant has submitted his second appeal on 23.11.06.

4. Comments have been called for. I have gone through the RTI request, the reply furnished by the CPIO and also the comments furnished by the Department. The appellant has submitted his rejoinder on 31.1.07.

DECISION

5. Both the CPIO and AA have not provided any specific reply to the appellant's RTI application. The CPIO has also not quoted any specific provisions of RTI for rejecting the information. The CPIO has simply indicated in his reply that the information is available with the concerned section. Hence I direct the CPIO to collect the required information from the concerned section with reference to the RTI application. In this connection the CPIO is directed to give specific reply to query No.1,2,3 and 5. In case if some information is not available or the appellant is only raising some questions, the CPIO is free to give a categorical reply to the appellant. The CPIO is directed to carry out this task within 15 working days of receipt of this decision.

6. With this direction, the appeal is treated as disposed off. Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

Sd/-
(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Mr. N.K. Sharma, General Manager & CPIO, National Thermal Power Corporation Ltd. NTPC Bhawan, Core 6, 7th Floor, SCOPE Complex, Lodi Road, New Delhi 110003.
2. Mr. G.K. Agarwal, Executive Director & Appellate Authority, National Thermal Power Corporation Ltd. NTPC Bhawan, Core 6, 7th Floor, SCOPE Complex, Lodi Road, New Delhi 110003.
3. Mr. R..K.Sood, B-242, Additional Township, BTPS Colony, Badarpur, New Delhi – 110044

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,

New Delhi – 110 067

website: www.cic.gov.in

Decision No.1017/IC(A)/2007

F. No.CIC/PB/A/2007/00509

Dated, the 11th July, 2007

Name of the Appellant: Shri. Sanjeev Kapoor

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 10/7/2007.

2. The appellant had asked for a copy of the Promotion Policy for workmen of NTPC, which was furnished to him. The appellant is, however, not satisfied with the document furnished to him. He has, therefore, filed his appeal before the Commission, on the ground that the copy of the Promotion Policy was not certified by the CPIO, who had supplied the document.

Decision:

3. The information sought has already been furnished as per the available records. There is, as such, no denial of information to the appellant.

4. This appeal was therefore unnecessary and is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Sanjeev Kapoor, Trainees' Hostel, Room No.22, NTPC-ANTA, Distt. Baran, Rajasthan – 325 209
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

**Decision No.757/IC(A)/2007
F. Nos.CIC/PB/A/2007/00550
CIC/PB/C/2007/00160**

Dated, the 31st May, 2007

Name of the Appellant : Shri. Sanjeev Kapoor

Name of the Public Authority: NTPC Ltd.

DECISION

Facts:

1. The complainant has filed two separate complaints against the decisions of the CPIO. The information sought relate to the details of job specifications for different categories of staff.
2. The CPIO has responded and furnished the information as available with him. But, the complainant is not satisfied.
3. In another complaint, he has mentioned that he had sought information relating to Self Contributory Pension Scheme. He has alleged that the information sought was not given to him by the CPIO. The CPIO was asked to offer his comments on the complaint petition, but he did not do so even after the lapse of one month of notice.

Commission's Decision:

4. An examination of the complaint petitions reveal that the information sought is vague. The complainant should have clearly specified the required information. He is, therefore, advised to seek inspection of the relevant records and files and accordingly ask for copies of the relevant documents identified by him. It must be borne in mind that an information is to be provided in the form in which it is sought or it exists. Accordingly, an information seeker should clearly specify the documents, which should be furnished on the basis of the available records in the office of the concerned CPIO.

5. The CPIO is directed to allow inspection of the relevant documents so as to enable the complainant to identify the required information, which should be furnished as per the provision of the Act. The CPIO and the complainant should mutually decide a convenient date and time for inspection of the relevant documents within 15 working days from the date of issue of this decision.

6. The complainant is free to approach the Commission again if he is not satisfied with the compliance of this decision by the CPIO.

7. Both the complaints are accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Sanjeev Kapoor, Trainee's Hostel, Room No.22, NTPC ANTA, Distt. Baran – 325 209 (Rajasthan)
2. Shri N.K. Sharma, CPIO, NTPC Limited, Corporate Centre, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No.1015/IC(A)/2007
F. No.CIC/PB/A/2007/00483

Dated, the 11th July, 2007

Name of the Appellant: Shri. Sarju Ram Khuswah

Name of the Public Authority: NTPC Limited

Decision

1. The appellant did not avail of the opportunity of personal hearing on 10/7/2007.

2. The appellant had sought to know the details of Vindhyachal Stage-1 DPR/Project Report. The CPIO has, however, denied to furnish the report u/s 8(1)(d) of the Act, on the ground that the Project Report contains information pertaining to commercial confidence. The appellant has not mentioned as to what is the public interest in seeking disclosure of the project report. He was also not present in the personal hearing to impress the Commission as to how he is affected with the public activity, the outcome of which is reflected in the report asked for by him. In view of the above, the decision of the CPIO is justified.

3. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Sarju Ram Khuswah, Visthapit Colony, Navjeevan Vihar, Sector-2, PO Navjeevan Vihar, Sector-4, Tehsil Singrauli, Distt. Sidhi (MP)
2. Shri. P.D. Hindwan, CPIO, NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi-110 003.

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No.1244/IC(A)/2007

F. No.CIC/MA/A/2007/00356

Dated, the 17th September, 2007

Name of the Appellant: Shri. Sarju Ram Khushwah

Name of the Public Authority: National Thermal Power Corporation Ltd.

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 13/9/2007. The appeal is therefore examined on merit.
2. The appellant had asked for a copy of the Project Report, which is specified in his application.
3. The CPIO and the appellate authority have responded, but refused to furnish the copy of the Report u/s 8(1)(d) of the Act.

Decision:

4. The appellant has not indicated as to what is the public interest in disclosure of information asked for. It is also not clear how he is affected by the public action relating to the preparation of project report.
5. However, as the technical reports are prepared on the basis of analysis of factual information and by employing scientific methods, there is no reason why the findings and conclusions of such reports should not be made public for obtaining desirable feedback from the lay and learned persons for drawing relevant inferences. In view of this, the CPIO is directed to disclose the copy of

the report after due application of section 10(1) of the Act, within 15 working days from the date of issue of this decision.

7. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Sarju Ram Khuswah, Visthapit Colony, Navjeevan Vihar, Sector-2, PO Navjeevan Vihar Sector-4, Tehsil Singrauli, Distt. Sidhi (MP).
2. Shri. P.D. Hindwan, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
website: www.cic.gov.in

Decision No.1685/IC(A)/2007

**F. Nos.CIC/MA/A/2007/00517
CIC/MA/A/2007/00779**

Dated, the 14th December, 2007

Name of the Appellant: Shri Uma Shankar Yadav

Name of the Public Authority: NTPC Limited

Facts:

1. Both the parties were heard on 13/12/2007.
2. The appellant had sought certain information through different applications, which relate to the details of approved and vacant positions of staff of various categories. The CPIO has duly responded and furnished a point-wise response. The appellant is, however, not satisfied with the information furnished to him. He has, therefore, separately filed two appeals, which are examined together.
3. During the hearing, the details of information asked for were discussed and the deficiencies in the information furnished to him were identified. The CPIO agreed to provide the relevant information on the basis of available records.

Decision:

4. A large part of the information has already been furnished. And there is no denial of information. As agreed between the parties, the appellant would prepare and submit a list of specified information required by him. If necessary, he would also seek inspection of the relevant records so as to identify the information required by him. He would accordingly re-submit a comprehensive list of information, which he still needs. The CPIO would furnish the information, within 15 working days from the date of receipt of fresh application.

5. Both the appeals are accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Uma Shankar Yadav, B-78 NTPC Township, Alok Nagar, Dibiyaipur-206 244. Oraiya.
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.2339/IC(A)/2008

F. No.CIC/MA/A/2008/00274

Dated, the 5th May, 2008

Name of the Appellant: Ms. Anita Singh

Name of the Public Authority: NTPC Ltd.

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 5/5/2008. The appeal is, therefore, examined on merit.
2. The appellant has asked for information relating to her deceased husband, who was an employee of the respondent. While a part of information has already been furnished on the basis of available records, the remaining information has been denied on the ground of third party information, mainly investigation reports. Being not satisfied with the response, the appellant has pleaded that complete information as asked for should be furnished to her.

Decision:

3. It seems that the appellant has grievances relating to settlement of service benefits in respect of her deceased husband. In order to enable her to satisfy herself with the availability of information and to seek redressal of her grievances, the CPIO is directed to allow inspection of the relevant records so that she can identify the required information, which should be furnished as per the provisions of the Act.

4. The CPIO and the appellant should mutually decide a convenient date and time for inspection of the relevant records, within 15 working days from the date of issue of this decision.

5. The appellant is free to approach the Commission again, if she is not satisfied with the compliance of the above decision by the CPIO.

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Ms. Anita Singh, 1/107 Vikrant Khand, Gomti Nagar, Lucknow.
2. Sh. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Sh. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.1954/IC(A)/2008

F. No.CIC/MA/A/2007/00915

Dated, the 14th February, 2008

Name of the Appellant: Ms. Priya Patel

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 14/2/2008. The appeal is, therefore, examined on merit.
2. The appellant has asked for a copy of the report entitled “*Study of Glacier contribution in the flow of – long term water substantiality*”. She had also asked for the details about the study.
3. The CPIO has stated that the study has as yet not been completed and, therefore, a copy of the same cannot be furnished. In respect of the remaining information asked for by the appellant, the CPIO and the appellate authority have furnished a point-wise response. A part of the information has, however, been denied u/s 8(1)(a), (d) and (j) of the Act.

Decision:

4. The respondent has furnished a point-wise response. While a part of the information asked for have been furnished, the remaining information has been denied u/s 8(1)(a), (d) and (j) of the Act. The appellant has not indicated as to what is the public interest in seeking the information withheld by the respondent. Nor she has indicated as to how she is affected in the matter.

5. As the appellant has not responded to the notice for hearing, it is presumed that she is no more interested in pursuing the matter.

6. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Ms. Priya Patel, P. Box No.7, G.P.O., Uttarkashi – 249 193, Uttarakhand.
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.2534/IC(A)/2008

F. No.CIC/MA/A/2008/00479

Dated, the 6th June, 2008

Name of the Appellant: Shri Abhay Kumar Sinha

Name of the Public Authority: NTPC Ltd., Delhi

Facts:

1. The appellant was heard on 5.6.2008.
2. The appellant, a visually challenged person, alleged that he has been deprived of an employment opportunity by the concerned officials of the respondent.
3. During the hearing, he said that he was declared successful for the post of Attendant (Office) under the category of visually handicapped on 15.7.2003. But, the process of selection was manipulated for malafied reasons, which resulted in denial of right to work. In this backdrop, he had sought for information in the form of various queries. The CPIO and Appellate Authority have responded with which he is not satisfied. Hence, this appeal before the Commission.
4. In the course of hearing, he said that the respondent has given misleading and incomplete information. He therefore, pleaded for providing complete information.

Decision:

5. The CPIO has furnished a point-wise response in respect of all his queries made by the appellant. As there is no denial of information, the appellant is free to inspect the relevant records pertaining to the selection process and accordingly identify the documents which should be furnished to him. The CPIO is directed to allow inspection of records on the date and time mutually convenient to the parties within 15 working days from the date of issue of this decision. The appeal is thus disposed of.

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri Abhay Kumar Sinha, C/o Late Balram Kumar Sinha, Panchwati Colony, Bari Patan Devi, Gulzarbagh, Patna-800 007.
2. Shri N.K.Sharma, CPIO, NPTC Ltd., NTPC Bhawan, Core-6, 7th Floor, SCOPE Complex, Lodhi Road-110003 (Ref: No. RTI-439/2007 dated 20/08/2007).

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.2549/IC(A)/2008

F. No.CIC/MA/A/2008/00498

Dated, the 9th June, 2008

Name of the Appellant: Mr. Ajay Chandra

Name of the Public Authority: NTPC Ltd., Delhi

Facts:

1. The appellant was heard on 6.6.2008.
2. The appellant has grievances relating to his service matters, mainly promotion. In this context, he had sought for certain information relating to the denial of promotion including the details of performance appraisal.
3. The CPIO has furnished a point-wise response and thus provided the information asked for on the basis of available records. The remarks of the reporting/reviewing officers, on the performance evaluation sheet has been denied u/s 8 (1) (j) of the Act. The appellant has alleged that the system of performance appraisal as followed by the respondent is not transparent. He also alleged that he has been discriminated on the basis of caste to which he belongs to. He pleaded during the hearing for disclosure of the entire records, pertaining to the performance appraisal and the proceedings of the interview board.

Decision:

4. The CPIO has furnished a point-wise response, in which it is indicated that, on the basis of overall performance assessment, the Selection Committee did not recommend the name of the appellant for promotion. The appellant has however questioned the decision of his employer, in the garb of seeking information.
5. The CPIO has however refused, u/s 8(1) (j) of the Act to furnish the information relating to remarks of the senior officers, in respect of his suitability for promotion, which is justified. The disclosure of such information

is not in public interest, as it might identify the officials who may have made observations that may not be liked by the appellant.

6. The appellant has sought for information for promotion of his personal interest and the disclosure of information in question would endanger the life of the senior officials, who might have made remarks in the larger interest of the respondent, his employer.

7. To ensure fairness and objectivity in the process of selection and promotion of staff, the respondent should put the entire records in public domain on suo moto basis, lest the servants, employees, should seek the accountability of their Masters, the employer, as seems to be the case in the instant case. The disclosure of scores/grades under various parameters used for overall assessment of professional competence would help the employees to improve their performance. But, when the process of staff evaluation is mainly used for elimination of large number of candidates, in view of limited vacancies, the disputes between the parties would have been resolved through an effective grievances redressal mechanism, including legal remedies.

8. This appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Mr. Ajay Chandra, 67, Vinayak Apartments (NTPC), Plot No. C-58/1, Sector-62, Noida, U.P.- 201 307.
2. Shri N.K.Sharma, CPIO, NTPC Ltd, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi – 110003 (Ref: No. RTI-699/2008 dated 28/1/2008).

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.1951/IC(A)/2008

F. No.CIC/MA/C/2007/00270

Dated, the 14th February, 2008

Name of the Appellant: Shri Ajit Kumar Anand

Name of the Public Authority: NTPC Limited

Facts:

1. The complainant did not avail of the opportunity of personal hearing on 14/2/2008. The complaint is, therefore, examined on merit.

2. The complainant has alleged that he had asked for certain information relating to the transfer of employees of the respondent to another PSU. He has alleged that the CPIO has not furnished the information. The appellate authority too has not responded. On the basis of deemed denial of information, he has filed his complaint before the Commission.

3. However, on perusal of the documents submitted by the complainant, it is noted from the complainant's letter that the CPIO has furnished partial information while the remaining information have been denied u/s 8(1)(j) of the Act. The complainant has, however, not attached the copies of the reply by the CPIO.

Decision:

4. The complainant has not submitted complete documents to the Commission. In particular, he has not attached copy of the reply given by the respondent, of which he has made a reference in the letter addressed to the

Commission. It is, therefore, difficult to determine as to what information have been denied to him. The complainant is, therefore, advised to seek inspection of the relevant documents so as to specify the documents, which should be furnished as per the provisions of the Act. As the matter pertain to his grievances relating to service matters, he should approach the competent authority, who may do the needful, rather than raising issues in the garb of seeking information.

5. With these observations, the complaint is disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Sh. Ajit Kumar Anand, Qtr No.A/2151, Narmada Vihar, Jamnipali P.O. – 495 450, Korba Dist., Korba (Chhattisgarh)
2. The CPIO, Korba Super Thermal Power Station, National Thermal Power Corporation Ltd., Vikas Bhavan, Korba (Chhattisgarh)
3. The CPIO, NTPC Limited, NTPC Bhavan, Scope Complex, Lodhi Road, New Delhi



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3445/IC(A)/2008

F. No. CIC/MA/A/2008/01468

Dated, the 21st November, 2008

Name of the Appellant : Shri Balraj Singh
Name of the Public Authority : N.T.P.C. Ltd.

Facts: ¹

1. Both the parties were heard on 20.11.2008.
2. In the course of hearing, it emerged that the appellant has raised issues pertaining to disclosure of information, which was examined and disposed of vide Commission's decision no. 3312/IC(A)/2008 dated 22.9.2008. The CPIO stated that information sought for has been furnished on the basis of available records. He also said that the appellant was allowed inspection of records, which he has not availed of till now.

Decision:

3. The appellant is advised to inspect the records to specify the required information. The CPIO should provide the information after the relevant documents are identified. For the information that are not available or maintained, the CPIO should suitably respond and state that the information asked for is not available. The reasons for non-availability of information should also be indicated.

If you don't ask, you don't get - Mahatma Gandhi

4. Both the parties should accordingly cooperate and share the information within 15 working days from the date of issue of this decision.

5. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties: ²

1. Shri Balraj Singh, S/o Late Shri Raja Ram, B-629, NTPC Vidyut Nagar, Gautambudhnagar, U.P.-201008.
2. Shri O.P. Khorwal, Additional General Manager & CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3312/IC(A)/2008
F. Nos.CIC/MA/A/2008/01123
CIC/MA/A/2008/01333
Dated, the 22nd September, 2008

Name of the Appellant: Sh. Balraj Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the parties were heard on 22/9/2008.
2. The appellant has sought for certain information through separate applications. Being not satisfied with the responses, he has submitted two separate appeals before the Commission, which are examined together.
3. The appellant has asked for a copy of the specific letter together with the list containing 300 LPG consumers, as mentioned in the said letter. He has also asked for a copy of the complaint on the basis of which the above letter was written to the Area Manager, HPCL, to effect the transfer of consumers.
4. The CPIO has replied and furnished partial information while the remaining information has been denied on the ground that the information asked for relate to a third party. And, a part of information, namely the list of 300 LPG consumers, was not available with him.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. During the hearing, the details of information asked for and the replies given by the CPIO and the Appellate Authority were discussed. Accordingly, the following decision notice is issued.

Decision:

6. The information asked for pertain in part to the respondent and the Employees' Cooperative Society. As agreed between the parties, the CPIO would obtain a copy of the list containing about 300 LPG consumers, who are largely employees of the respondent, from the President of NCTPP, u/s 2(f) of the Act. The CPIO would also provide a copy of the representation received from the President, NCTPP Employees' Consumer Cooperative Society Ltd., on the basis of which the letter dated 17/7/2006 was written to the HPCL by the respondent for transfer of consumers to another Gas Agency.

7. The appellant would also be free to inspect the relevant records pertaining to the decision taken by the respondent in the matter of transfer of LPG connections from the employees Society to any other agencies.

8. The relevant information, as above, should be furnished within 15 working days from the date of issue of this decision.

9. Both the appeals are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱⁱ "**All men by nature desire to know.**" - Aristotle

Name & address of Parties:

1. Sh. Balraj Singh, House No.B-629, NTPC Power City, Gautam Budh Nagar - 201 008. (U.P.)
2. Sh. A.K. Sharma, CPIO, NTPC Ltd. NTPC Bhawan, Core-7, Scope Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3268/IC(A)/2008

F. No.CIC/MA/A/2008/01104

Dated, the 11th September, 2008

Name of the Appellant: Sh. Budan Biyar

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant did not avail of the opportunity of personal hearing on 11/9/2008. The appeal is, therefore, examined on merit.
2. The appellant has sought to know the reasons for non-payment of compensation in lieu of acquisition of his land by the respondent for its project in Vindhyachal region. The details of land, including its location, have been specified in his application for information.
3. The CPIO has furnished a point-wise response and stated that the piece of land, as mentioned by the appellant, has never been acquired by the respondent. Hence, his claim for compensation and employment in lieu of alleged acquisition of land is unjustified.

Decision:

4. The CPIO has duly replied and stated that the appellant's claim for compensation in lieu of acquired land is without a basis, as the NTPC has not acquired land in the area/region mentioned by the appellant.
5. As the appellant has not responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Budan Biyar, Vill: Shahpur, PO: Jarha, The: Duddhi Distt: Sonbhadra (U.P.)
2. Sh. N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.3123/IC(A)/2008

F. No.CIC/MA/A/2008/00847

Dated, the 25th August, 2008

Name of the Appellant: Sh. D. Nandan Loharuka

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. Both the parties were heard on 21/8/2008.
2. The appellant has asked for certain information relating to office orders including note sheets. The CPIO has furnished a point-wise response. While a part of information has been furnished remaining information was denied on the ground that the documents were not traceable.
3. During the hearing, the details of information asked for and the reply given to the appellant were discussed. While the appellant alleged harassment by the respondent in the matter of settlement of dues on account of a contractual civil work done by the appellant's company, the CPIO clarified and stated that the information as per available records have been furnished. He also admitted that the documents, which were earlier not traceable, have been found out and it would be furnished to the appellant. He also agreed to allow inspection of the entire records relating to the contract and other related documents.

Decision:

4. As agreed between the parties, the CPIO would allow inspection of complete records on a date and time mutually agreeable to the parties. Upon inspection, the appellant should specify the documents, which should be furnished to him within 15 working days from the date of inspection of the documents.

ⁱ *"If you don't ask, you don't get." - Mahatma Gandhi*

5. As regards non-payment of dues relating to the contractual work done by the appellant's company, the appellant is free to ask for, through a separate RTI application, the grounds on the basis of which the respondent has not paid him the dues.

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. D. Nandan Loharuka, 62-A, Sai-Mahima Colony, Chinch Bhuwan, Wardha Road, Nagpur – 440 005
2. Sh. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Sh. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.2398/IC(A)/2008

F. No.CIC/MA/A/2008/00320

Dated, the 22nd May, 2008

Name of the Appellant: Sh. Hari Gopal Poddar

Name of the Public Authority: NTPC Ltd.

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 21/5//2008. The appeal is, therefore, examined on merit.
2. The respondent had initiated disciplinary proceedings under the Service (Conduct) Rules against the appellant and on conclusion of the disciplinary action, penalty was also imposed on the appellant. In this backdrop, the appellant had asked for documents relating to the conduct of the disciplinary proceedings.
3. The CPIO and the Appellate Authority have duly responded, but they have refused to furnish the information u/s 8(1)(j) of the Act, on the ground that the information asked for is confidential in nature. Being not satisfied with the response, the appellant has pleaded before the Commission for inspection of the complete records pertaining to the disciplinary proceedings initiated against him, including the documents on the basis of which penalty was imposed on him.

Decision:

3. The process of action taken on the basis of disciplinary proceedings is complete and over. There is, therefore, no justification for withholding the documents which surely affect the appellant. Denial of information in the garb of u/s 8(1)(j) of the Act, stating that the information is confidential, is unjustified. The CPIO is, therefore, directed to allow inspection of complete documents as asked for by the appellant within 15 working days from the date of issue of this decision and furnish the specified documents as may be identified by the appellant.

4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Hari Gopal Poddar, NTPC Ltd., SSTPP, Finance & Accounts, Shakti Nagar, Sonebhadra.
2. Sh. N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, 7th floor, Scope Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.2392/IC(A)/2008

**F. Nos.CIC/MA/A/2008/00325
CIC/MA/C/2008/00108**

Dated, the 22nd May, 2008

Name of the Appellant: Sh. J. Khushalani

Name of the Public Authority: NTPC Ltd.

Facts:

1. The appellant was heard on 21/5/2008.
2. The appellant stated that the CPIO has not allowed inspection of the original file relating to the decision taken by the respondent on his VRS application. He, therefore, pleaded that he should be allowed to inspect the original application submitted by him for VRS and other related papers pertaining to the full and final settlement of his service benefits.

Decision:

3. The appellant's plea for inspection of VRS file, in original, is acceptable. The CPIO is, therefore, directed to allow inspection of the complete records pertaining to the VRS application and subsequent action taken by the respondent within 15 working days from the date of issue of this decision. The identified documents, upon inspection by the appellant, should be furnished to him as per the provisions of the Act.

4. Both the cases are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. J. Khushalani, C-2/272, Janak Puri, New Delhi – 110 058
2. Sh. N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, 7th Floor, SCOPE Complex, Lodhi Road, New Delhi – 110 003.

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 1886/IC(A)/2007

F. No. CIC/MA/A/2007/00844

Dated, the 23rd January, 2008

Name of the Appellant : Shri Kayum Mohammad

Name of the Public Authority : NTPC Limited.

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 23.01.2008. The appeal is therefore examined on merit.

2. The appellant has asked for certain information relating to a project implemented by the respondent. The CPIO has furnished a point-wise response. Being not satisfied with the response given by the CPIO, the appellant has pleaded before the Commission that complete information should be furnished to him.

Decision:

3. As there is no denial of information, the appellant is advised to seek inspection of relevant documents so as to identify and specify the information which should be furnished to him as per the provisions of the Act. The CPIO and the appellant should mutually decide a convenient date and time for inspection of relevant records within 15 working days from the date of issue of this decision.

4. This appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name and address of parties:

1. Shri Kayum Mohammad S/o Shri Noor Mohammad, Present Residence Village-Baidhan/Baliari, Tehsil-Singrauli, Distt. Sidhi, M.P.
2. Shri N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.2717/IC(A)/2008

F. No.CIC/MA/A/2008/00187

Dated, the 1st July, 2008

Name of the Appellant: Sh. Manohar Singh

Name of the Public Authority: NTPC Limited

Facts:

1. Both the parties were heard on 30/6/2008.
2. The appellant, an ex-employee of the respondent, has sought to know the details of gifts distributed by the respondent to its employees in the last 10 to 20 years. The CPIO has furnished a point-wise response, with which the appellant is not satisfied.
3. In the course of hearing, it emerged that the information asked for are voluminous and pertain to old records, which are not easily traceable. Also the information asked for pertain to the different offices of the respondent and the details are not available in the office of the CPIO.

Decision:

4. The appellant is advised to seek inspection of the relevant records so as to specify and prioritize his information needs, which should be furnished as per the provisions of the Act.

5. Both the parties are accordingly advised to decide a convenient date and time for inspection of relevant records within 15 working days from the date of issue of this decision.

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Manohar Singh, B-33, Bhagwati Garden, Uttam Nagar, New Delhi – 110 059.
2. Sh. N. K. Singh, CPIO, NTPC Limited, Core-6, 7th floor, Scope Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3355/IC(A)/2008

F. No.CIC/MA/A/2008/01139

Dated, the 30th September, 2008

Name of the Appellant: Sh. Manohar Singh

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant did not avail of the opportunity of personal hearing on 25/9/2008. The appeal is, therefore, examined on merit.
2. The appellant has asked for details of Bids including the note sheets containing the information relating to decision making process in respect of two tenders floated by the respondent. In this respect, the appellant has asked for certain information, which have been furnished except the details of bids containing business and commercial data, u/s 8(1)(d) of the Act.
3. Being not satisfied with the response, the appellant has pleaded for providing complete information.

Decision:

4. A large part of the information asked for have been provided through a point-wise response by the CPIO and the Appellate Authority. The information relating to commercial and business details have, however, been withheld u/s 8(1)(d) of the Act, which is justified.
5. As the appellant has not indicated as to what is the public interest in seeking the information nor he has responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Manohar Singh, B-33 Bhagwati Garden, Uttam Nagar, New Delhi – 110 059.
2. Sh. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Sh. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 2570/IC(A)/2008

(Adjunct to Decision No. 1684/IC(A)/2007 Dated: 17.12.2007)

F. No. CIC/MA/A/2007/00515

Dated, the 16th June, 2008

Name of the Appellant : Shri Mohd. Samad Khan
Name of the Public Authority : NTPC Limited.

DECISION

Background:

1. In our decision No. 1684/IC(A)/2007 dated 17.12.2008, the following was observed:
 - *The evidence is conclusive that the NTPC has made endeavors to provide jobs to all the land oustees but it has not been able to absorb at least 42 affected persons. At the instance of the Minister's intervention, a field survey was also conducted in 2005, in which the appellant participated. The appellant has asked for a copy of the survey report, which has been denied on the ground of its non-availability.*
 - *As agreed between the parties, the case is remanded to the CPIO, who should make a fresh attempt to search the relevant documents, mainly the Survey Report, as asked for by the appellant, within one month from the date of issue of this decision and furnish its copy to the appellant, failing which suitable action would be taken by the Commission in the matter, including institution of a high powered inquiry to unearth the truth.*
 - *The appellant is free to approach the Commission again if he is not satisfied with the compliance of the above decision by the CPIO.*

2. In pursuance of the above decision, the CPIO has stated vide his letter dated 24.01.2008 as under:

“We made afresh attempt to search the relevant document and also checked with the concerned NTPC Project, i.e. Farakka STPS, but no such Field survey report could be found.”

3. Being not satisfied with the response, the appellant complaint to the Commission that the NTPC ‘was not stating the truth’. He has alleged that the respondent has not made sincere efforts to provide the information. As a result, he has been denied of his entitlement for right to employment, as assured by the NTPC to the land oustees. Subsequently, both the parties were called again for 2nd hearing in the matter on 9.06.2008. The following were present:

Appellant:

- i.) Shri Mohd. Samad Khan
- ii) Shri Gautam Kaul

Respondent:

- i) Shri G.K. Agarwal Appellate Authority
- ii) Shri A.K. Sharma CPIO
- iii) Shri S.P.S. Solanki AGM
- iv) Shri MSD Bhattamishra DGM
- v) Shri Pradip Kumar LO

4. In the course of hearing, the respondents stated that the documents asked for did not exist and, therefore, it could be furnished to the requester. The respondents stated that the field survey, in question, was not conducted and therefore the report was not prepared. The respondents however admitted that *“the Ministry of Power (MOP) had solicited details of the list of 42 persons which was duly replied”*. However, no field survey was conducted, as stated by the appellant.

5. The appellant has contended that he, alongwith Shri Gautam Kaul and others, had met the then Hon’ble Minister of Power on 10.05.2005, who directed the concerned Joint Secretary in their presence to examine the complainant document and investigate the matter, which was done. In this regard, the respondents have admitted the fact that the

MOP 'solicited the details of 42 persons' which was duly replied by the NTPC. The contents have however not been divulged to the appellant, he alleged.

6. The appellant has also stated that most of the affected persons had participated in the survey and a preliminary draft was also prepared, which he had seen at certain stage. He also identified the persons who were associated with this exercise on behalf of the NTPC. He therefore alleged that the respondents have not made sincere efforts to search for the document which is critical for redressal of the grievances of all the land oustees. He also alleged that the MOP has also not replied to him about the outcome of the representations submitted to the Hon'ble Minister on 10.05.2005.

7. He also alleged that the NTPC is withholding the information for malafied reasons to deprive the land oustees of their claim for employment as assured by the respondent. It was also alleged that the local office of the NTPC refused to receive and acknowledge the petition. As a result, he had submitted his petition by post.

Analysis and Findings:

8. The respondents have admitted that the Ministry of Power had asked to look into the grievances of the land oustees of the NTPC Project in Farakka and to provide the job opportunities as per the respondent's offer letter dated 28.12.1984, which is reproduced herein below under para-10. The respondents have also admitted that the matter was examined and a reply was sent to the Ministry. It is evident, therefore, that on the basis of the directions given by the Hon'ble Minister, the respondent did examine the matter, in which the appellant along with others had participated. This is also evident from the affidavit submitted by the land oustees, the copies of which are available with the parties.

9. The respondent submitted its report to the Ministry, in response to the representations made by the appellant and other affected persons. The question whether a formal 'field survey report' was prepared or not is disputed between the parties. The

respondent has however not disclosed the details of the communication, which it had with the Ministry.

10. The Right to Information Act seeks, *inter-alia*, to promote accountability in the working of the public authorities. In the process of developing a solid infrastructure in such an important area as supply of electricity for the benefit of masses, the sacrifices made by the land oustees have seemingly been ignored by the NTPC. The promise of providing assured jobs to the affected persons has not been kept, which is evident from the following:

The NTPC vide its letter dated 28.12.1984 advised the respondent as under:-

*Sri/Srimati Md. Samad Khan
S/O Md. Mahasin Khan
Ratanpur, P.O. Dhuliyar, Msd.*

Sir/Madam,

Officially, we came to know from Berhampur Additional Land Requisition Office that due to the need of Farakka Super Thermal Power Project your land has been taken over from village Kendua, J.L. No. 26. The aforesaid Thermal Power Plant has decided that a list will be published for the employment of yours or any of your family members and that will be fixed on the basis of educational eligibility according to the rules of Corporation and in view of the technical experience.

According to your's direction, this list will be published in terms of the preferential order of Colum No. 8 of Form No. 2. In terms of proper identification of the near relative of your family who is directly dependant, you have attach a recent passport size photograph of the above mentioned eligible person is column 8 of Form No. 2.

You are, therefore requested to submit the form by post or in person to the Assistant Personal Officer, Farakka Super Thermal Power Project, Farakka, Murshidabad on or before 31.01.85, duly filling up the form affixed herewith in your own hand writing allowing the Certificate of Village Pradhan.

Your co-operation is earnestly sought for in this regard.

*Received
Sd/- Illegible,
30.1.85
Seal*

*Yours faithfully,
Sd/- Illegible,
(N. MUKHERJEE)
Assistant Personal Officer
Farakka Super Thermal Power Project.*

(Translated version of the NTPC's letter in Bengali submitted by the appellant)

11. The appellant completed the necessary formality for obtaining a job, but he was not offered the employment opportunity. He has been persistently pursuing the matter, but of no avail. The respondent has however stated that:

'No commitment, whatsoever, was given at any point of time for providing employment'.

12. This statement contradicts the intentions expressed by the respondent in the aforementioned communication of 28.12.1984. The appellant also mentioned during the hearing that he was interviewed also by the officials of the respondent. He was however not offered the job of even of a Peon/Attendant though he has been maintaining good health. The NTPC employs thousands of unskilled workers and the appellant could have been accommodated in lieu of the land acquired by the Government.

13. It emerges from the foregoing that the appellant has been made to suffer largely due to lackadaisical attitude of the concerned officials of the respondent. In the conventional wisdom and with a view to alleviating economic difficulties, it has been our practice that whenever land has been acquired from the farmers for promoting the larger interest of the society and economy, the farmers have duly been provided adequate financial compensation in lieu of the acquired land. And, the affected families have also been provided jobs to the land oustees, who are deprived of the major sources of income, i.e. farm activities. In the instant case, this has however not happened as the appellant has not been provided the employment, of which an assurance was given. Besides, the appellant is unable to have access to relevant information that would enable him to seek any relief from the competent authority, including legal relief from the Court. He is therefore facing a dead end, in so far as seeking justice is concerned.

14. The NTPC has thus failed not only in keeping its promise of providing work opportunity to the appellant but has also belied the expectations of the land oustees to protect their societal interests mainly right to work. The NTPC is expected to provide the benefits of its activities to the larger public without unduly depriving of the sources of

sustenance of the poor farmers, which is however not done in the instant case. In such situations, it is natural for the aggrieved persons to knock the doors of various authorities for seeking justice. In a democratic society like ours, a breach of confidence between the citizens and the elected Government or its instrumentalities may lead to mass resentment against public policies. It may even incite violence, which may not only retard progress but also destabilize democratic setup. This therefore requires careful handling of the matters arising from acquisition of farmer's land and / or the assurances of rehabilitations, as given to them in such cases.

15. Of late, the Government has been providing jobs to anyone who seeks it under the National Rural Employment Guarantee Scheme with a view to eradicating rural poverty. In the instant case, such an opportunity has been denied to the one who is demanding for the right to work on the basis of an assurance given by the respondent to compensate for the loss of a major source of livelihood, i.e. the agricultural land, which is acquired by the Government. The outcome of such a public action reflects both denial of justice to the land oustees as well as inequity in guaranteeing the opportunity for sharing the gains that are attributable to the achievements of the respondent. A positive action is therefore called for to rectify the deficiency in the policy of infrastructure development, so that the costs burden of the land oustees are minimized.

Decision Notice:

16. In view of the foregoing, the following decision notice is issued:

- i) The CPIO is directed to furnish the entire details relating to the reference made by the Ministry of Power to the NTPC alongwith the replies given to the MOP, including the 'file notings' in the matter, within 15 working days from the date of issue of this decision. The appellant, along with Shri Gautam Kaul who was present during the hearings, would be free to inspect the relevant documents on the date and time mutually convenient to the parties, within 15 working days from the date of issue of this decision.

ii) The NTPC is required to pay a suitable compensation u/s 19 (8) (b) of the Act for all kinds of losses and other detriment suffered by the appellant in the process of securing justice through different ways, including accessing information that could reveal the fact about his claim for the right to work . The appellant has not only sacrificed the land, the prices of which have increased manifold, and has also missed the opportunity of working and earnings, he has been deprived of timely justice for want of information or lack of accountability of the respondent, as discussed above.

- The NTPC is therefore directed to pay an amount equal to the total payments made so far to an employee, 'land oustee', who was offered employment (in the first batch) in the minimum scale of pay plus admissible allowances, in pursuance of the circular issued on 28.12.1984 to the appellant.

Alternatively, on the assumption that the respondent was at least offered the job of a peon/attendant, keeping in view his physical fitness, including educational qualifications, he should have been paid, on an average amount of Rs.4,000/- per month for 282 months (since January 1985 to June 2008), which comes to Rs. 11,28,000/- (Rupees eleven lakh and twenty eight thousand).

- The Chairman, NTPC, is directed to arrange to pay the above amount, on behalf of the respondent, through a bank draft in favour of the appellant on or before **July 30, 2008**, failing which interest at the rate of 10 percent per annum would be applicable.

iii) The Chairman, NTPC is also directed to explore the ways and measures to redress the grievances of all land oustees of the Farakka Project in terms of the understanding reached between the parties on the issue of rehabilitation of the affected persons. In view of its social responsibility and the national policy to empower the deprived groups, the NTPC should take urgent steps to alleviate the economic difficulties of land oustees, the costs of which to the company would be negligible in relation to its total profits since its inception. A

compliance report should be submitted to the Commission within three months as a testimony of its accountability, which is a major concern of the RTI Act.

17. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:

1. Shri Mohd. Samad Khan, Vill. Ratanpur (Station Road), PO Dhuliyar, Dist. Murshidabad-742202 (W.B.)
2. Shri A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, Lodhi Road, New Delhi-110003.
3. Shri G.K. Agarwal, Executive Director (HR & PMI) & Appellate Authority (RTI), NTPC Ltd., Core 7, Scope Complex, Lodhi Road, New Delhi-3.
4. The Chairman, NTPC Ltd., Core 7, Scope Complex, Lodhi Road, New Delhi-3.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3376 /IC(A)/2008

F. No. CIC/MA/A/2008/01208 & 1210

Dated, the 17th October, 2008

Name of the Appellant : Shri M.P. Tiwari
Name of the Public Authority : (1) Min. of Power
(2) NTPC Limited

Facts: ¹

1. Both the parties were heard on 16.10.2008.
2. In the course of hearing it emerged that the information asked for pertain to over 30 years old and therefore the documents could not be traced by the respondent. Hence, the desired information could not be supplied to the appellant. The appellant stated that the required information would be available in the Court case files Nos. 6521 of 1998 and 23 of 1977. He pleaded for allowing inspection of each files enabling him to identify the required information. This was agreed by the CPIO of the Ministry of Power. The CPIO of NTPC stated that the information asked for was not available in his office. Hence, it could not be given.

Decision:

3. As agreed between the parties, the CPIO of the Ministry of Power would allow inspection of the aforementioned Court case files within 15 working days from the date of issue of this decision. Both the parties should mutually decide a convenient date and time for inspection the relevant files.

If you don't ask, you don't get - Mahatma Gandhi

4. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties: ²

1. Shri M.P. Tiwari, Flat No. 18, Pocket G, Sarita Vihar, New Delhi-110076.
2. Shri Rajeev Verma, CPIO (RTI), Ministry of Power, Shram Shakti Bhawan, New Delhi-110001.
3. Shri A.K. Sharma, CPIO(RTI), NTPC Ltd., NTPC Bhawan, Core-6, 7th Floor, Scope Complex, Lochi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.2180/IC(A)/2008

F. No.CIC/MA/A/2008/00095

Dated, the 3rd April, 2008

Name of the Appellant: Sh. Pradeep Kumar Saha

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant was heard on 3/4/2008.
2. The appellant had asked for access to the files relating to appointment of an Advisor by the respondent. In response to his various queries, the CPIO has furnished a point-wise reply with which the appellant is not satisfied.
3. During the hearing, the appellant pleaded for access to the file pertaining to the appointment of the advisor, who is identified in his application

Decision:

4. The process of selection of staff at every level has to be objective and transparent. Accordingly, there is no justification for withholding the information relating to the appointment of a senior official of the respondent. The CPIO is, therefore, directed to allow access to the documents relating to appointment of the officers in question, within 15 working days from the date of issue of this decision.

5. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Pradip Kumar Saha, Flat No.1A, Utsav Apartment, EBN-10, Deshbandhunagar, Kolkata – 700 059
2. Sh. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3292 /IC(A)/2008

F. No. CIC/MA/C/2008/01013

Dated, the 17th September, 2008

Name of the Appellant : Shri Qayyum Mohmmad & others
Name of the Public Authority : National Thermal Power Corporation Ltd.

Facts: ¹

1. The case was heard on 17.09.2008 in absence of the appellant.
2. The CPIO stated that the appellant has sought for information relating to the policy guidelines regarding facilities and benefits offered to the land oustees. He stated that a point-wise response has been given through , though all the relevant documents could not be supplied to the appellant.
3. In the course of hearing, it emerged that the respondent has prepared the action plan for rehabilitation of land losers. He also stated that in view of large number of affected persons, who are seeking employment, it was not possible to offer jobs to even one due to limited vacancies for unskilled workers.

Decision:

4. The policy documents, including the plan for rehabilitation of land losers were presented before the Commission. The CPIO was directed to provide a copy each of the documents to the appellant, mainly the following:

If you don't ask, you don't get - Mahatma Gandhi

- i) Policy on facilities to be given to the land oustees dated 19.06.1980.
- ii) Revised Remedial Action Plan : Vindhyachal STPP, January-1999.
- iii) Revised Rehabilitation Action Plan : Vindhyachal STPP, January-1999.
- iv) A copy of seniority list prepared by the respondent for providing employment to the land losers.
- v) In addition to the above, the respondent should provide a comprehensive reply indicating the reasons for not providing employment opportunity to all the land losers who seek rehabilitation as per the understanding reached between the parties. The detailed response including all the relevant documents, as above, should be furnished free of cost within 15 working days from the date of issue of this decision.

5. On the basis of the information, thus furnished to the appellants, they would be free to seek legal remedy in the matter. They would also be free to seek inspection of records so as to observe and scrutinize the action taken by the respondent in the matter of rehabilitation of land outstees and displaced persons.

6. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

2

Name and address of parties:

1. Shri Qayyum Mohammad & others, Village Shahpur, Post-Baidan, Tal: Singrauli, Dist. Sidhi, M.P.
2. Shri A.K. Sharma, Central Public Information Officer, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Industrial Area, Lodhi Road, New Delhi-110003.
3. Shri G.K. Agarwal, Executive Director (HR) & Appellate Authority, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Industrial Area, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3502/IC(A)/2008

F. Nos.CIC/MA/A/2008/01536

CIC/MA/A/2008/01537

CIC/MA/A/2008/01539

CIC/MA/A/2008/01540

CIC/MA/A/2008/01541

CIC/MA/A/2008/01542

Dated, the 19th December, 2008

Name of the Appellant: Sh. Rahul Sharma

Name of the Public Authority: N.T.P.C. Limited

Facts: ⁱ

1. The appellant was heard on 18/12/1008.
2. The appellant has separately filed six appeals against the decisions of the CPIO and the Appellate Authority of the respondent. For the sake of convenience, all the appeals are examined together.
3. In the course of hearing, the details of information asked for and the replies given by the respondents were examined and discussed. The appellant stated that the information asked for relate to irregularities in award of contracts to private parties. He alleged that some of the officials of the NTPC are involved, which is established by the enquiry committees. The respondent has, however, been protecting the corrupt officials. He also stated that while a part of the information has been furnished to him, the remaining information has been denied under various provisions of the Act, which is unjustified. He, therefore, pleaded for providing correct and complete information.

Decision:

4. The CPIO and the Appellate Authority of the respondent have replied and furnished partial information while the remaining information has been denied u/s 8(1)(d) and (j) of the Act. The issues raised by the appellant pertain to

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

irregularities in award of contracts and violation of accepted guidelines in the matter. The disclosure of information asked for is, therefore, largely in public interest.

5. The appellant is advised to prepare a comprehensive list of required information and re-submit to the CPIO within 15 working days from the date of issue of this decision. The CPIO should provide a point-wise response and indicate the grounds for denial of information, if any, within 15 working days from the date of receipt of the fresh application from the appellant. The appellant, in turn, would be free to submit his rejoinder at the earliest. The responses furnished by the CPIO would be reviewed in a **hearing of both parties on 4th February 2009 at 11.00 a.m.**, which they may attend.

6. All the appeals are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Rahul Sharma, H. No.657, Sector-55, Faridabad (Haryana).
2. Sh. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-7, Scope Complex, Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Sh. G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-7, Scope Complex, Institutional Area, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.1953/IC(A)/2008

F. No.CIC/MA/A/2007/00903

Dated, the 14th February, 2008

Name of the Appellant: Shri. Rajlal Vichar

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 14/2/2008. The appeal is, therefore, examined on merit.

2. The appellant has stated that during 1985-86 the respondent had acquired 0.6 acres of land owned by him in Village Shahpur, Tahsil Singrauli, Distt. Sidhi (M.P.), for the development of a project undertaken by the respondent. The appellant has alleged that the respondent has neither paid compensation nor any facility, namely job, as assured to him by the respondent. He has, therefore, sought to know the reasons for denial of compensation and employment to him.

3. In response to his application, the CPIO has mentioned that the NTPC has not acquired the above mentioned land from the appellant. Hence, the question of the payment of compensation and job does not arise.

Decision:

4. Clearly, the appellant and the CPIO have contradicted each others statement. While the appellant has stated that his land was acquired by the respondent, the CPIO has stated that the appellant's land was never acquired by

the NTPC. And, therefore, there is no ground for payment of compensation and employment to the appellant.

5. In view of the contradictory statements made by the CPIO and the appellant, the Chairman, NTPC is directed to enquire into the matter to unearth the truth, in respect of the acquisition of the land from the appellant and the allegation made by the appellant. An appropriate action within one month from the issue of this decision should be taken. The appellant should accordingly be informed under intimation to the Commission at the earliest.

6. The appellant is free to approach the Commission again if he is not satisfied with the compliance of the above decision by the respondent.

7. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Rajlal Vichar, Shahpur, Hal Mukam-Mutti, Tahsil. Singhroli, Dist. Siddhi (M.P.)
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. The Chairman, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.2156/IC(A)/2008

**F. Nos.CIC/MA/A/2007/01040
CIC/MA/A/2007/01041**

Dated, the 4th April, 2008

Name of the Appellant: Sh. Ram Das Verma

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant did not avail of the opportunity of personal hearings on 31/3/2008 and 3.4.2008. The appeals are, therefore, examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that the CPIO has furnished a point-wise response in respect of two separate applications for information on the same issue. There is, however, no denial of information.

Decision:

3. The CPIO has duly responded on the basis of available records. In order to satisfy himself the appellant should seek inspection of the relevant records to identify the information, which he still needs.

4. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. Ram Das Verma, Haal – Mukam, Nav Jivan Bihar, Sector-4, The.-
Singrolli, Zila – Sidhi (M.P.)
2. Sh. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex,
7 Institutional Area, Lodhi road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.2963/IC(A)/2008

F. No.CIC/MA/A/2008/00603

Dated, the 31st July, 2008

Name of the Appellant: Sh. Ram Kumar Jaiswal

Name of the Public Authority: NTPC Ltd.

Facts:

1. Both the parties were heard on 31/7/2008.
2. The appellant, a land oustee, has alleged that at the time of acquisition of his agricultural land by the Government of U.P. for Feroze Gandhi Unchahar Thermal Power Project, in 1981, he was promised by the State Govt. and the U.P. Rajya Vidyut Utpadan Nigam Ltd., that he would be provided employment in lieu of the sacrifice of his land for the said project. The U.P. Govt. has paid a meager amount of Rs.5,000/- per bigha in the form of compensation for the land and the Govt. has failed to keep its promise of providing the job, for which he was interviewed on 25th June 1990 for the post of a helper. He was, however, not offered the employment nor the reasons for not providing the promised job has been indicated to him. The price of land acquired by the State has risen by over 100 times. And, he has been suffering from all forms of poverty because his main source of income, i.e. land, has been acquired by the State without providing adequate compensation, mainly job, as promised to his family..
3. Now since the Feroz Gandhi Unchahar Thermal Power Project has been acquired by NTPC, the respondent, the appellant sought to know the reasons for not providing the job to him. The CPIO has informed that as per the U.P. Rajya Vidyut Utpadan Nigam Ltd. Act 1992, the respondent acquired the said project. And, as per section 6 of the Act, the respondent is not responsible for any prior liabilities. The CPIO has, therefore, stated that for the commitments made by the State Govt. or the U.P. Rajya Vidyut Utpadan Nigam Ltd., these bodies are responsible for fulfilling the obligations and liabilities.

ⁱ "If you don't ask, you don't get." - Mahatma Gandhi

4. The CPIO has thus stated that he has provided the correct information that they are not responsible for prior liabilities of the U.P. Rajya Vidyut Utpadan Nigam Ltd. from which they acquired the Feroz Gandhi Unchahar Thermal Power Project in 1992 as per the said Act, passed by the U.P. Legislature.

Decision:

5. The Act, passed by the U.P. Legislature, has been examined. In the light of section 6 of the Act, the CPIO has correctly replied that the respondent, i.e. NTPC is not responsible for the prior liabilities of the Govt. of U.P. and the U.P. Rajya Vidyut Utpadan Nigam Ltd., from which they acquired the Feroz Gandhi Unchahar Thermal Power Project.

6. Unfortunately, the Govt. of U.P. and the Nigam have failed to fulfill the promises made to the land oustees. As these Bodies do not fall under the purview of the Commission, the appellant is advised to directly approach them for redressal of his grievances, mainly for providing job, as promised to him at the time of acquisition of his land.

7. Even though the respondent is not responsible for the prior liabilities of the Nigam from which it acquired the Feroz Gandhi Unchahar Thermal Power Project, for which land was acquired from the appellant, the Chairman, NTPC may write to the CEO of the U.P. Rajya Vidyut Utpadan Nigam Ltd. asking him to fulfill its promises to the land oustees, so that the affected persons do not have to resort to the provisions of the RTI Act, to ask for the favour of employment, merely because the project has been acquired by NTPC. The respondent and the Nigam should make sincere efforts to redress the grievances of all the land oustees, like the appellant, lest the poor farmers of this country feel that, on the pretext of development and modernization, they are cheated. All the public enterprises should pay due attention to the assumed social responsibilities, particularly towards the land oustees..

8. The respondent is accordingly advised and the appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ii

ⁱⁱ ***“All men by nature desire to know.”*** - Aristotle

Name & address of Parties:

1. Sh. Ram Kumar Jaiswal, S/o Shiv Lal, Vill. Bikai, Post: Mustafabad, Dist. Rai Bareilly (U.P.)
2. Sh. N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. The Chairman. NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.2769/IC(A)/2008

F. No.CIC/MA/A/2008/00045 & 142

Dated, the 07th July, 2008

Name of the Appellant: Shri Ravindra Kumar Sood
Name of the Public Authority: National Thermal Power Corporation Ltd.

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 26.3.2008 and 17.4.2008. Both the appeals are, therefore, examined on merit.

2. The appellant, an employee of the respondent has sought for information relating to the action taken by the respondent in the matter of service related disputes between the parties. The respondent has taken disciplinary action against the appellant resulting in non-promotion of the appellant, who has also challenged the respondent's decision in the Court. The appellant had sought for access to records and files, mainly personal file, which was allowed.

3. In response to his applications for information, the CPIO and Appellate Authority have furnished a point-wise response. Yet, the appellant has alleged that the respondents have not provided what he wants. His grievance on service matters has not been redressed by his employer, the respondent.

Decision:

4. The appellant has not identified the documents which could be provided to him as per section 2 (f) of the Act, which requires that information should be available in any material form. Since he has already inspected the relevant files, this task of specification of information should not have been difficult for him. He has had access to records pertaining to action taken by the respondent under the service conduct rules. The case is also pending before the Court for adjudication in the matter of providing legal relief to him. He has however refrained from appearing before the Commission for a personal hearing.

5. It is also observed that he has raised the issues pertaining to his service related grievances through various RTI applications, which have been duly replied by the CPIO.

6. Both appeals are therefore dismissed.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri Ravindra Kumar Sood, Qtr. 18, Type –IV, Staff Colony, BTPS, Badarpur, New Delhi – 110044.
2. The CPIO, NTPC Ltd, NTPC Bhawan, Core-6, 7th Floor, SCOPE Complex, Lodhi Road, New Delhi – 110003 (Ref:No. RTI-418/2007 dated 11/06/2007).

Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.1956/IC(A)/2008

F. No.CIC/MA/A/2007/00926

Dated, the 14th February, 2008

Name of the Appellant: Shri. Ravindra Kumar Sood

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant was heard on 14/2/2008.
2. The appellant had asked for inspection of his personal file, which was allowed by the respondent. In the course of hearing, the appellant alleged that he was not shown the original file. The file inspected by him contained photocopies of the original documents. He, therefore, pleaded that he should be allowed to inspect the original documents.

Decision:

3. The appellant's plea for inspection of documents in original is accepted. The CPIO is, therefore, directed to allow inspection of the main file (original) within 15 working days from the date of issue of this decision.
4. The appellant is advised to refrain from seeking redressal of grievances relating to service matters in the garb of seeking information. The tone and tenor of the appellant has been to question the authority of senior colleagues, which

tantamount to insubordination under the Service (Conduct) Rules. He is, however, free to seek legal relief in matters affecting his career prospects.

5. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri. Ravindra Kumar Sood, Qr. No.18, Type-IV, Staff Colony, BTPS Colony, Badarpur, New Delhi – 110 044.
2. Shri. N.K. Sharma, CPIO,, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 2351/IC(A)/2008

F. No. CIC/MA/A/2008/00237 & 239

Dated, the 7th May, 2008

Name of the Appellant : Shri Ravindra Kumar Sood
Name of the Public Authority : NTPC

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 01.05.2008. The case is therefore examined on merit.
2. The appellant has filed two separate appeals which are examined together. On perusal of the documents submitted by the appellant it is observed that the appellant has grievances relating to promotion and disciplinary action taken against him by the respondent, his employer. In this context, he has asked for certain information including inspection of his personal files. The CPIO has allowed inspection after due application of section 10 (1) of the Act. Being not satisfied with the replies of the CPIO, the appellant has filed separate appeals before the Commission.

Decision:

3. In the garb of seeking information, the appellant has approached the Commission earlier also for redressal of his grievances on service matters, which

do not fall under the purview of the Act. For promotion of his personal interest, he has been unduly increasing the costs of servicing his applications for information. This is unfortunate. He is advised to seek legal remedy in the matter, rather than misusing the provisions of the RTI Act. Both the appeals are therefore dismissed.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:

1. Shri Ravindra Kumar Sood, Qtr. No. 18, Type-IV, Staff Colony, BTPS Colony, Badarpur, New Delhi-110044.
2. Shri N.K. Sharma, CPIO (RTI), NTPC Ltd., Core-7, Scope Complex, Lodhi Road, New Delhi. (Ref. No. RTI-538/ 2007 Dt. 10.09.2007 and RTI-539/2007 Dt. 7.9.2007).



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3170/IC(A)/2008

F. No.CIC/MA/A/2008/01079

Dated, the 28th August, 2008

Name of the Appellant: Sh. R.S. Shukla

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. Both the parties were heard on 28/8/2008.
2. The appellant has grievances relating to service matters, mainly non-payment of such benefits as Bonus. In this context, the information asked for have been duly furnished. The appellant is, however, not satisfied, as his grievances have not been redressed.
3. In the course of hearing, it emerged that the services of 421 employees were transferred from their earlier employer under the provisions of an Act passed by the U.P. Legislature. Subsequently, an agreement was reached between the Employees' Union and the respondent. At least, 28 employees, including the appellant, did not agree to the Interim Agreement reached between the respondent and the Employees' Union.
4. The appellant contends that he is indeed a part of the Interim Agreement signed by the Union and the respondent, in 2003. And, therefore, he is eligible for the benefits like bonus, gratuity, transport subsidy, etc. The appellant, therefore, pleaded for providing reasons, together with approval of the competent authority, for non-payment of benefits to the appellant at par with other employees.
5. The appellant also alleged that the Interim Agreement between the NTPC and Employees' Union dated 17/3/2003, which was to be finalized on 30/9/2003, has not been concluded as yet. In response to this, the CPIO stated that employees are not cooperating in the matter and, therefore, the agreement between the NTPC and the union cannot be finalized.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

Decision:

6. As pleaded by the appellant, the CPIO should provide the reasons for non-payment of various service benefits, as asked for by the appellant. Whereas the appellant has stated that he is the part of Interim Agreement of 2003, the CPIO says that he is not. The basis and evidence of this contradictory statement should also be furnished, within 15 working days from the date of issue of this decision.

7. In order to resolve the dispute between the employees and to ensure equity among equals in distribution of benefits among the employees, the Chairman, NTPC is directed to make sincere efforts to evolve consensus among stakeholders, mainly the employees and the respondent, to reach an agreement on the issues of service benefits, lest the employees, who are deprived of certain benefits, would continue to raise issues at different fora for redressal of their grievances.

8. If an attempt is made to review and finalise the Interim Agreement of 2003, which is long overdue, the employees' grievances could be duly redressed. In case of disagreements, a fresh option could be exercised by the parties. Resolution of such conflicts is surely in the larger public interest.

9. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. R.S. Shukla, III-67, NTPC Ltd., Tanda, Post: Vidyut Nagar, Distt. Ambedkar Nagar (U.P.)
2. Sh. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Sh. G.K. Agrawal, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 2996/IC(A)/2008

F. No. CIC/MA/A/2008/00867 & 931

Dated, the 5th August, 2008

Name of the Appellant : Shri Sanjeev Kapoor

Name of the Public Authority : NTPC Limited.

Facts:

1. The appellant did not avail of the opportunity of personal hearing on 04/08/2008. The appeals are therefore examined on merit.

2. On perusal of the documents submitted by the appellant, it is observed that he has asked for certain information through separate applications. Being not satisfied with the responses given by the CPIO and Appellate Authority, he has filed two separate appeals, which are examined together.

3. From responses given by the respondent, it is noted that a point-wise response has been given. The CPIO has, however, refused to provide the following information u/s 8(1) (j) and (e) of the Act:

- i) Copy of the notesheet, containing the grounds for transfer of the appellant, as also approved by the competent authority.*
- ii) Copy of approval / resolution of the Board of Directors (BODs) on the basis of which certain circulars, as identified in his application, were issued.*

4. The CPIO has refused to provided the copy of notesheet regarding the approval of transfer by the competent authority u/s 8(1) (j) of the Act on the ground that the disclosure of information is not in public interest. As regards the copy of resolution of BODs, the information has been denied u/s 8(1) (e) of the Act on the ground that the information is available with the respondent in a fiduciary capacity.

5. The appellant has cited certain decisions of the Commission on the basis of which he has stated that the denial of above information is unjustified. He has, therefore, pleaded for disclosure of information asked for.

Decision:

6. Under section 4 (1) (d) of the Act, a public authority is required to state reasons for its' administrative or quasi-judiciary decisions to affected persons. Accordingly, there is no justification for withholding the information relating to grounds for transfer of the appellant as approved by the competent authority. In view of this, the denial of information relating to notesheet containing the remarks of the concerned officials on the basis of which the transfer of the appellant was effected, is untenable.

7. Likewise, the documents relating to the approval / resolution of BODs on the basis of which circulars relating to performance linked incentives, LTC rules, etc. is unjustified.

8. The CPIO is therefore directed to furnish the information asked for, as above, within 15 working days from the date of issue of this decision.

9. Both the appeals are thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:

1. Shri Sanjeev Kapoor, Trainees Hostal, Room No. 22, NTPC ANTA, Baran-325209.
2. Shri N.K. Sharma, CPIO, NTPC Ltd., Core-7, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3454/IC(A)/2008

F. No. CIC/MA/A/2008/01454

Dated, the 21st November, 2008

Name of the Appellant : Shri Sanjeev Kumar
Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant did not avail of the opportunity of personal hearing on 20.11.2008. The appeal is therefore examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that he has asked for information relating the expenditure incurred on the activities of the Trade Unions.
3. The CPIO has replied and furnished the information on the basis of available records. The appellant is however not satisfied, but he has not identified as to what information has been denied to him.

Decision:

4. Since the CPIO has furnished the information and that he has not invoked section 8 (1) of the Act to withhold any part of information, the appellant is free to seek inspection of records so as to specify the information which could be given to him.

If you don't ask, you don't get - Mahatma Gandhi

5. With these observations, the appeal is disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties: ²

1. Shri Sanjeev Kapoor, Trainee Hostel, Room No. 22, NTPC Anta, Baran, Rajasthan.
2. Shri O.P. Khorwal, Additional General Manager & CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodi Road, New Delhi.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3378 /IC(A)/2008

F. No. CIC/MA/A/2008/01231

Dated, the 17th October, 2008

Name of the Appellant : Shri Shekh Niymatulla

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant did not avail of the opportunity of personal hearing on 16.10.2008. The appeal is therefore examined on merit.
2. On perusal of the documents submitted by the appellant it is observed that the CPIO has furnished a point-wise response. The appellant is however not satisfied. Hence, this appeal before the Commission.

Decision:

3. As the CPIO has furnished a point-wise response and that the appellant has not responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter. Since there is no denial of information, the appellant is advised to seek the inspection of the relevant records and files so as to specify and identify the required information which should be furnished as per the provisions of the Act.
4. With these observations this appeal is disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties: ²

1. Shri Shekh Niymatulla, Darri Road Ram Sagar Para, Ward No. 1, House No. 173, Korba, Chhattisgarh.
2. Shri A.K. Sharma, CPIO (RTI), NTPC Ltd., Core-6, 7th Floor, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.2703/IC(A)/2008

F.No.CIC/MA/A/2008/00640

Dated, the 27th June, 2008

Name of the Appellant: Mr. Srikant Vairagare
Name of the Public Authority: National Thermal Power Corporation.

Facts:

1. The appellant was heard on 27.06.2008.
2. The appellant has grievances relating to non-payment of dues on account of a contractual work done by him for the respondent. In this context, he had asked for copies of documents relating to the denial of payments to him and other related information. The respondent has indicated that the matter is under arbitration. Hence, denied u/s 8 (1) (e) of the Act.
3. During the hearing, the appellant pleaded for providing the information as he is directly affected in the matter and the information asked for is required for seeking justice in the case.

DECISION:

4. The appellant has sought for access to the documents which pertain to the denial of his claim for payment of dues. There is no justification for withholding documents with which he is affected. The CPIO is, therefore, directed to consider disclosure of information after due application of section 10 (1) of the act, such that information pertaining to commercial confidence of third parties are duly withheld. The information should be provided within 15 working days from the date of issue of this decision.
5. This appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Mr. Srikant Vairagare, House No. 2-2-1137/1/C/1, New Nallakunta, Hyderabad – 500 033.
2. Mr. N.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi – 110003. (Ref:No. RTI-574/2007 dated 29.10.2007).



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3308 /IC(A)/2008

F. No. CIC/MA/C/2008/00365

Dated, the 19th September, 2008

Name of the Appellant : Shri Suresh Chandra Mishra
Name of the Public Authority : National Thermal Power Corporation Ltd.

Facts: ¹

1. The complainant did not avail of the opportunity of personal hearing on 18.09.2008. The complaint is therefore examined on merit.
2. The complainant has alleged that the CPIO and Appellate Authority have not responded to his request for information dated October 16, 2007 and December 5, 2007.

Decision:

3. The CPIO is directed to furnish a point-wise response and provide the information asked for on the basis of available records, within 15 days from the date of issue of this decision, failing which penalty proceedings would be initiated u/s 20 (1) of the Act.
4. If the complainant is not satisfied with the CPIO's reply, he would be free to inspect the relevant documents to specify the required information. He may also approach the Commission again.

If you don't ask, you don't get - Mahatma Gandhi

5. The complaint is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties: ²

1. Shri Suresh Chandra Mishra, Husainpur Sudhana (Khattegaon), Tanda, Ambedkar Nagar, Uttar Pradesh.
2. The Central Public Information Officer, NTPC Ltd., Tanda Thermal Power Station, Vidyut Nagar, Ambedkar Nagar, U.P.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3518/IC(A)/2008

F. No.CIC/MA/A/2008/01501

Dated, the 26th December, 2008

Name of the Appellant: Sh. Uma Shankar Yadav

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The case was heard in absence of the appellant on 22/12/2008.
2. The CPIO stated that the appellant has been seeking information from time to time through different applications on behalf of the Employees' Union of which he is an Office-bearer. The information asked for have been duly provided, yet the appellant is not satisfied. He also stated that the appellant was advised to submit a comprehensive list of required information, which would be furnished to him as per the provisions of the Act. The appellant has, however, not submitted the list of required information. He, therefore, pleaded that the appellant should be asked to submit the details of required information, which would be furnished to him.

Decision:

3. The CPIO's plea is accepted. The appellant is advised to submit a comprehensive list of required information to the CPIO within 10 working days from the date of issue of this decision, to enable the respondent to furnish the desired information at the earliest. The appellant would also seek inspection of relevant records as per the provisions of the Act.
4. Both the parties should mutually decide a convenient date and time for inspection of the relevant records within 15 working days from the date of issue of this decision.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

5. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Uma Shankar Yadav, House No.B-78, NTPC Township, Post-Dibiyapur, Distt. Auraiya – 206 244.
2. Shri. N.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 2737/IC(A)/2008

F. No. CIC/MA/C/2008/00247

Dated, the 2nd July, 2008

Name of the Appellant : Shri Vipin Kumar

Name of the Public Authority : N.T.P.C.

Facts:

1. The complainant did not avail of the opportunity of personal hearing on 2/7/2008. The complaint is, therefore, examined on merit.

2. The complainant, an advocate had sought for information through separate applications (5) about the facilities extended to an employee and other related details. The complainant has alleged that information asked for have not been furnished to him. He also alleged that the Appellate Authority has not bothered to examine his first appeal. Hence, this complaint before the Commission.

Decision:

3. The CPIO is directed to furnish the information on the basis of available records as per the provisions of the Act within 15 working days from the date of issue of this decision, failing which penalty proceedings would be initiated u/s

20(1) of the Act. If any information is to be denied, the CPIO should clearly state the grounds for doing so.

4. The complainant is also advised to contact the concerned CPIO along with the copies of his RTI applications for ready reference. He should specify the information as per section 2(f) of the Act, which requires that information sought for should be available in any material form. He ought not make attempts to elicit views and opinion of the CPIO through various forms of queries, as has been done in the instant case. The parties are accordingly advised.

5. The complaint is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:

1. Shri Vipin Kumar, Advocate, High Court, 11/07, Indira Nagar, Lucknow, U.P.
2. The Central Public Information Officer, NTPC, NTPC Bhawan, Scope Complex, 7, Industrial Area, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3008/IC(A)/2008

**F. Nos.CIC/MA/A/2008/00854, CIC/MA/A/2008/00861
CIC/MA/A/2008/00972, CIC/MA/A/2008/01121
CIC/MA/A/2008/01141, CIC/MA/A/2008/01142
CIC/MA/A/2008/01143, CIC/MA/C/2008/00343**

Dated, the 7th August, 2008

Name of the Appellant: Sh. V.K. Agarwal

Name of the Public Authority: NTPC Limited

Facts:

1. The appellant was heard on 5/8/2008.
2. The appellant has filed eight appeals and complaints against the decisions of the respondent, which are examined together for the sake of convenience.
3. The appellant, an ex-employee of the respondent, has grievances relating to the grant of VRS. In this context, he has sought for information, through different applications, which have been replied. He has also been allowed to inspect the relevant documents.
4. During the hearing, the appellant alleged that he has not been allowed to inspect his VRS file. He also stated that the information furnished to him is incomplete and misleading. During the hearing, the details of information asked for and the replies given by the CPIO were discussed. He pleaded for providing access to the VRS file so that the required information could be identified.

Decision:

5. The appellant has grievances regarding the processing of his application for grant of VRS. In this context, the information asked for have been furnished to him, though he is not satisfied.

i

"If you don't ask, you don't get." - Mahatma Gandhi

6. The appellant is advised to prepare a comprehensive list of required information and resubmit to the CPIO, who should examine his fresh application for information as per the provisions of the Act, and accordingly, furnish the information within 15 working days from the date of receipt of his fresh application. In case, any information is to be denied, the reasons for doing so, should be clearly indicated for review, if necessary, by the Commission.

7. As there are no provisions under the Act, for redressal of grievances of the serving or retired employees of the respondent, the appellant is advised to seek legal remedy for redressal of his grievances relating to service matters.

8. All the appeals and complaints are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. V.K. Agarwal, Flat No.232, Prabhavi Apartments, Plot No.29-B, Sector-10, Dwarka, New Delhi – 110 075.
2. Sh. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Sh. N.K. Sharma, CPIO, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
4. Sh. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.

ii

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3979/IC(A)/2009

F. No.CIC/MA/A/2009/000279

Dated, the 13th May, 2009

Name of the Appellant: Ms. Manju Kumari

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the parties were heard on 13/5/2009.
2. The appellant, an employee of the respondent, has grievances regarding service matters, mainly her promotion. In this context, she has sought to know the reasons for denial of promotion to her.
3. In the course of hearing, it emerged that the CPIO has furnished the requested information except the minutes of the DPC. While the appellant pleaded for disclosure of information, the CPIO stated that the documents in question namely, the DPC minutes is confidential in nature, hence, it was refused to the appellant.

Decision:

4. The CPIO has replied and furnished the information on the basis of available records except the DPC minutes, which has been refused u/s 8(1)(j) of the Act, on the ground that the disclosure of requested information is not in public interest.
5. The process of selection, recruitment and promotion of staff is largely in the public interest. With a view to ensuring fairness and objectivity in the selection process, the relevant documents like DPC minutes have to be put in

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

public domain. Therefore, the denial of information u/s 8(1)(j) of the Act, is untenable.

6. The CPIO is, therefore, directed to furnish the requested information, mainly DPC minutes, at the earliest, preferably within 15 working days from the date of issue of this decision.

7. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Ms. Manju Kumari, B-81, PTS, NTPC – Kahalgaon, Dist: Bhagalpur – 813 214 (Bihar)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., NTPC, PMI, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

**Decision No.4677/IC(A)/2009
F. No.CIC/MA/A/2009/000639
CIC/MA/A/2009/000640
Dated, the 6th November, 2009**

Name of the Appellant: Shri. R.D. Misra

Name of the Public Authority: 1. NTPC Limited
2. O.N.G.C.

Facts: ⁱ

1. The appellant was heard on 4/11/2009.
2. The appellant stated that he has asked for information through an identical application. The information asked for relate to the budgetary provisions for carrying out advertisements, the policy for releasing advertisements in different magazines, newspapers, the details of magazines, newspapers that have carried out advertisements, etc. He stated that the CPIOs of the respondents have furnished incomplete and misleading information. He, therefore, pleaded for allowing inspection of the relevant documents so that he could specify the required information.

Decision:

3. An information seeker is free to ask for information as per section 2(f) and (j) of the Act. The appellant is, therefore, free to seek inspection of the relevant records so as to specify the required information, which should be furnished to him as per the provisions of the Act.
4. The CPIOs of the respondents are, therefore, directed to allow inspection of the relevant records within one month from the date of issue of this decision. The appellant would be free to approach the Commission again if any specific information as asked for is refused to him.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. Both the appeals are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. R.D. Misra, 251-D, J & K, Dilshad Garden, Delhi – 110 095
2. Shri. O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003
4. Shri. A.K. Jain, ONGC, 5th floor, South Tower, SCOPE Minar, Laxmi Nagar, Delhi – 110 092.
5. Shri. S.R. Athawale, ED & AA, ONGC, 5th floor, South Tower, SCOPE Minar, Laxmi Nagar, Delhi – 110 092.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission
2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 4820/IC(A)/2009

F. No.CIC/MA/C/2009/000320

Dated, the 16th December, 2009

Name of the Appellant : Shri Santosh Kumar Agrawal
Name of the Public Authority : NTPC Consumer Co-op. Society

Facts:

1. The appellant being dissatisfied with the CPIO's response approached the Chattisgarh Information Commission, which in turn has transferred the appeal to this Commission.
2. On perusal of records, it is observed that the appellant has asked for certain information relating to gas connection. The information is held by a Consumer Cooperative Society.

Decision:

3. The appellant is advised to seek information as per section 2 (f) and (j) of the Act. If any information is refused to him under section 8 (1) of the Act, he would be free to approach this Commission again. He should re-submit his application, as above, to the concerned CPIO, who should respond within 15 days from the date of receipt of fresh application, failing which penalty proceeding under section 20 (1) of the Act would be initiated.

4. The complaint is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri Santosh Kumar Agrawal, LIG Sada Colony, PO: Jamnipali, Dist: Korba, Chattisgarh.
2. The Public Information Officer, NTPC Consumer Co-op. Society, PO: Jamnipali, Dist: Korba, Chattisgarh.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3992/IC(A)/2009
F. Nos.CIC/MA/A/2009/000322
CIC/MA/A/2009/000323
Dated, the 15th May, 2009

Name of the Appellant: Shri. Balraj Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the parties were heard on 14/5/2009.
2. During the hearing, the details of information asked for and the replies given by the CPIO and the Appellate Authority were discussed. The CPIO stated that the requested information, as available, have been furnished and that there is no denial of information to the appellant.
3. The appellant alleged that:
 - The respondent has not indicated the grounds for denial of dependent status to his third child.
 - The reasons for stoppage of his annual increment has not been given to him
 - The list of LPG consumers which are allegedly transferred by the appellant while he was an office bearer of the Employees' Union was also not supplied to him.
4. The CPIO clarified as under:
 - As per the respondent's Policy, the third child of an employee cannot be granted the status of a dependent child for the purposes of such service benefits as education, health care, LTC, etc.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

- The relevant note sheet containing the approval of the competent authority for stoppage of increment has been duly supplied; and
- The list of LPG consumers in question were not handed over to the Office Bearers of the Employees' Union by the appellant, the then Secretary of the Union. He did not hand over the charge to his successor in respect of which a complaint was also registered with the police.

5. The CPIO, however, agreed to obtain the list of LPG consumers as currently maintained by the concerned official and the same would be supplied to the appellant.

Decision:

6. On hearing both the parties, it is evident that the CPIO has largely furnished the requested information, as available with the respondent.

7. The appellant has grievances regarding service matters which mainly arise from the fact that his third child has not been granted the status of dependent for such benefits as available to the employees. Moreover, some of the documents supplied to him have also not been certified or endorsed by the CPIO to ensure the authenticity of the documents provided to him.

8. As regards the supply of list of LPG consumers, as asked for, it is stated that the appellant himself is the custodian of the list which he did not hand over to his successor, after he lost election to the post of the Union Secretary. The records of events of dispute between the parties, which resulted in reporting the matter to the police, shows that the issues relating to the rivalries between the Employees' Unions are unnecessarily contested before the Commission in the garb of seeking information.

9. In view of the foregoing, the CPIO is directed:

- To clearly indicate the grounds for denial of the dependent status of the appellant's third child. The relevant evidence in this regard should be provided to the appellant, if not already supplied to the appellant to enable him to seek legal remedy. The reasons for stoppage of annual increment should also be indicated.
- The documents already supplied to him should be duly endorsed, as requested by the appellant; and
- The matter relating to the alleged transfer of LPG connections should be enquired by the Vigilance Department of the respondent and

accordingly appropriate action should be taken against the concerned employees under the Conduct Rules.

10. The CPIO is also directed to ensure that all the grievance matters of the employees are examined in the first instance by the Grievance Forum, so that the employees do not have to raise such issues before the Commission in the garb of seeking information.

11. With these observations, both the appeals are disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Balraj Singh, B-269, NTPC Vidyut Nagar, Gautambudh Nagar – 201 008 (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd. NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd. NTPC PMI, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4097/IC(A)/2009

F. No. CIC/MA/A/2009/00419

Dated, the 29th June, 2009

Name of the Appellant : Shri Brijendra Singh

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant was heard on 26.06.2009.
2. The appellant stated that the CPIO has refused to provide the list of candidates, who were selected as a labourer on 23.10.1991, on the ground that the requested information is old, over ten years, and is therefore not maintained.

Decision:

3. An information, which is not maintained or available, cannot be furnished. However, if the selected candidates continue to be in the service of the respondent, the details, as requested by the appellant, should be available with the respondent. The CPIO is therefore directed to search and examine the relevant documents and, accordingly, advise the appellant, who should also be free to inspect the relevant records and files.

4. With these observations, the appeal is disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties: ²

1. Shri Brijendra Singh, Village-Ooncha Amirpur, PO: Vidyut Nagar, Dist: G.B. Nagar-201008.
2. Shri O.P. Khorwal, Central Public Information Officer, NTPC Limited, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.

All men by nature desire to know - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4090/IC(A)/2009

F. No.CIC/MA/A/2009/000420

Dated, the 29th June, 2009

Name of the Appellant: Shri. Brijendra Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009, through a representative.
2. The appellant stated that he has asked for copies of Departmental Enquiry Reports in respect of the major accidents, which resulted in loss of life of several workers during the period mentioned in the RTI application dated 1/12/2008.
3. The CPIO has refused to furnish the information u/s 8(1)(d) and (e) of the Act, on the ground that the reports in question are available with the respondent in fiduciary capacity.
4. The appellant pleaded for providing complete information, as requested by him through his RTI application dated 1/12/2008.

Decision:

5. The Departmental investigations in respect of the occurrence of accidents of all kinds should be placed in public domain, as a large number of persons are affected in such accidents and that the action taken by the public authority should be consistent with the established practices and the relevant laws in this regard, in order to ensure equity and justice in the matter of compensation paid to eligible persons.

6. In view of this, the denial of information u/s 8(1)(d) and (e) of the Act is unjustified. The CPIO is directed to provide the copies of the departmental enquiry reports in respect of all the accidents, which took place during the period

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

as specified in the RTI application in question. The information should be furnished within 15 working days from the date of issue of this decision.

7. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Brijendra Singh, Vill: Ooncha Amirpur, PO: Vidyut Nagar, Dist: G.B. Nagar – 201 008.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4087/IC(A)/2009

F. No.CIC/MA/A/2009/000423

Dated, the 29th June, 2009

Name of the Appellant: Shri. Deepak Kumar

Name of the Public Authority: N.T.P.C. Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009 through a representative.
2. The appellant stated that the CPIO has refused, u/s 8(1)(j) of the Act, to provide the details of expenditure incurred on the visit of the Union leader, who is identified in the RTI application. He pleaded for providing the requested information.

Decision:

3. The details of expenditure incurred by the respondent on various activities should be put in public domain. Therefore, the denial of information u/s 8(1)(j) of the Act, is unjustified. The CPIO is directed to provide the requested information within one month from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.

4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Deepak Kumar, B-345 Ganga Nagar, Near Adharhila Public School, Meerut – 250 001.
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Aggarwal, Appellate Authority, NTPC Bhawan, Core-7, Scope Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4053/IC(A)/2009

F. No.CIC/MA/A/2009/000360

Dated, the 11th June, 2009

Name of the Appellant: Shri. D.S. Mishra

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was scheduled for hearing on 11/6/2009. But, the appellant did not avail of this opportunity. The appeal is, therefore, examined on merit.
2. In response to the RTI application, the CPIO has replied and refused to furnish the information regarding personal details of a third party. Being not satisfied with the response, the appellant has pleaded for providing the information.

Decision:

3. The appellant has neither responded to the notice for hearing nor indicated the public interest in disclosure of personal details of a third party. This appeal is considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. D.S. Mishra, Chaturvedi Bhawan, Near Samad Garage, Nirala Nagar, Rae Bareilly (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. The Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3604/IC(A)/2009

F. No.CIC/MA/A/2008/01570

Dated, the 16th January, 2009

Name of the Appellant: Sh. Ganga Prasad Pathak

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant did not avail of the opportunity of personal hearing on 15/1/2009. The appeal is, therefore, examined on merit.
2. The appellant has asked for information relating to the record of attendance of employees, which have been furnished to him. The appellant is, however, not satisfied. Hence, this appeal before the Commission.

Decision:

3. The CPIO has duly furnished the information on the basis of available records. As there is no denial of information, the appellant is advised to seek inspection of relevant documents, so as to identify the required information, which should be furnished as per the provisions of the Act.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

4. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Ganga Prasad Pathak, Navjeevan Vihar, Sector-2, Post. Vidhya Nagar, Distt. Sidhi, - 486 885. (M.P.)
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3782/IC(A)/2009

F. No.CIC/MA/A/2009/000128

Dated, the 19th March, 2009

Name of the Appellant: Shri. G. Veeraraghavan

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. Both the parties were heard on 19/3/2009.
2. The appellant, an employee of the respondent, has grievances regarding service matters, mainly promotion. He stated that the CPIO has not furnished complete information as asked for by him.
3. The CPIO stated that the appellant's representation for his promotion is under examination by the HR department of the respondent. He also said that appropriate decision would be taken in a month's time or so. Thereafter, it would be possible to furnish the information regarding alleged denial of appellant's promotion.

Decision:

4. As stated by the CPIO, the respondent has initiated the process for taking appropriate action for redressal of grievances of the appellant. He is directed to inform the appellant about the outcome of the appellant's representation at the earliest, preferably within 10 working days from the date of the final decision by the competent authority. In any case, a suitable reply should be given to the appellant in the matter of his promotion within six weeks from the date of issue of this decision. The appellant would also be free to seek access to the relevant records regarding the manner in which his grievance has been redressed after the complete process is over.

ⁱ *"If you don't ask, you don't get." - Mahatma Gandhi*

5. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. G. Veeraraghavan, B-10/69, NTPC PTS PO. Jyotinagar – 505 215, Dist. Karimnagar (A.P.)
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6 Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6 Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3834/IC(A)/2009

F. No.CIC/MA/A/2009/000167

Dated, the 1st April, 2009

Name of the Appellant: Shri. Hari Gopal Poddar

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant was heard on 1/4/2009.
2. The appellant, an employee of the respondent, has grievances regarding service matters, mainly transfer and promotion. In this context, he has sought for the following information:
 - (i) *Certified copy of approval of competent authority deciding the transfer of the applicant from BTPS, New Delhi to SSTVP, Shaktinagar;*
 - (ii) *Certified copy of all the documents referred in the approval of transfer as above;*
 - (iii) *Certified copy of approval of competent authority deciding the effective date of promotion from E3 to E4 from 8/9/04;*
 - (iv) *Certified copy of all the documents referred in the approval as on '3' above;*
 - (v) *Certified copy of approval for issue of IOM dated 4/8/08 by DGM (Promotion) and documents referred therein.*
3. The CPIO and the Appellate Authority have replied. But, refused to furnish the information u/s 8(1)(j) of the Act, on the ground that the disclosure of information is not in public interest.
4. In the course of hearing, the appellant cited the following decision of this Commission and pleaded for providing the information asked for by him:

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

“Under Section 4(1)(d) of the Act, a public authority is required to state reasons for its administrative or quasi-judicial decisions to affected persons. Accordingly, there is no justification for withholding the information relating to grounds for transfer of the appellant as approved by the competent authority. In view of this, the denial of information relating to notesheet containing the remarks of the concerned officials on the basis of which the transfer of the appellant was effected, is untenable.”

(Decision No.2996/IC(A)/2008 dated 5th August 2008)

Decision:

5. The appellant has asked for information relating to his transfer and promotion. Since he is directly affected in the matter, there is no justification for denial of information about the action taken by the respondent in respect of regulation of his services to the respondent. The denial of information u/s 8(1)(j) of the Act is, therefore, un-acceptable. The CPIO is, therefore, directed to furnish a point-wise response and provide the requested information within 15 working days from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.

6. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Hari Gopal Poddar, Dy. Manager (Fin.), NTPC-SSTPPS, PO: Shantinagar, Dist. Sonbhadra (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ *“All men by nature desire to know.”* - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3635/IC(A)/2008

F. No. CIC/MA/A/2008/01608

Dated, the 22nd January, 2009

Name of the Appellant : Shri Jainarayan Singh

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant did not avail of the opportunity of personal hearing on 21.01.2009. The appeal is therefore examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that the CPIO has furnished a point-wise response and thus furnished the information.

Decision:

3. As there is no denial of information and that the appellant has not responded to notice for hearing, it is presumed that he has no more interest to pursue the matter. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties: ²

1. Shri Jainarayan Singh, CPB-22, New Seelampur, Delhi-110053.
2. Ms. Abha Pandey, Sr. Public Relation Officer & CPIO, NTPC Limited, Badarpur Thermal Power Station, New Delhi-110044.

CENTRAL INFORMATION COMMISSION

Appeal No.CIC/PB/A/2007/00456 dated 14.3.2007

Right to Information Act 2005 – Section 19

Decision Announced 23.7.2009

Appellant - Shri Manohar Singh
Respondent - National Thermal Power Corporation (NTPC)

Facts:

In our decision of 3.1.06 on appeal No. **255/ICPB/2006** in **F. No. PBA/06/288** we had decided as follows:

“It is directed to CPIO and AA that they should arrange a hearing between the CVO of NTPC and the appellant on a mutually convenient date so that they can discuss the matter and wherever information is available can be supplied to the appellant, except in case if they are not falling under the exempted category. By any chance if the information is not traceable or is not available the Vigilance Department has to file an affidavit to the effect stating that the information is not available. This work may be carried out by the CPIO NTPC within a months time and furnish compliance to the Commission.”

Accordingly, the NTPC vide its letter dated 21.2.07 informed the Commission that a meeting between the CVO, NTPC and Shri Manohar Singh had been arranged on 27.6.07 at 2.30 p.m. With this was attached an affidavit dated 3.5.07 duly attested by the Oath Commissioner & sworn by Shri Pradeep Mehta, DGM (Vigilance) NTPC which concluded as follows:

“It was accordingly informed to the appellant that the register in the office of CVO would be checked for the stated period and the factual position would be made available in writing to Shri Manohar Singh. The appellant agreed.”

On this basis, through a letter of 16.3.07 the Commission informed appellant Shri Manohar Singh that the matter was being closed but if he wished to follow up the matter, he may inform the Commission within seven days. To this Shri Manohar Singh responded vide his letter of 27.4.07 stating that he had received this Commission’s letter of 16.3.07 only on 25.4.07 but also submitting

that no copy of comments had been received from respondents. He further submitted vide letter of 10.7.07 that he had filed a complaint dated 23.3.07 but has heard nothing further in the matter. He then filed a Writ in the Hon'ble High Court of Delhi on 14.9.07 seeking direction against what he treated inaction of the Central Information Commission with regard to the complaint made by him u/s 18 of the Right to Information Act, 2005, upon which by an order of March 18, 2009 **Writ Petition No. 6832/2007** was disposed of by Hon'ble Ravindra Bhat J with the direction to Central Information Commission to enquire into the matter after considering the records and such other materials as may be produced by the parties and pass appropriate orders.

The following appeared before us on 30.6.2009:

Appellant

Sh. Manohar Singh

Respondents

Sh. O.P. Khorwal, GM (CP) & CPIO

Sh. Pradeep Mehta, DGM (Vig)

Ms. Sudha Rao, Manager (HR)

Sh. Shankar Anand, Officer (Law)

Sh. Y. Devashish, Sr. Officer (CP)

Appellant Sh. Manohar Lal submitted that his plea was in relation to the order of this Commission in **F. No. PBA/06/288**. Specific information that remains to be provided is a copy of the ATR with a noting of the first part of 2.12.96 and second part of 19.8.97. He stated that he had received a copy of the noting of 2.12.96 but without its annexure. However, with regard to second part, he alleges that the information has been deliberately removed from the file and destroyed. This is contested by Sh. O.P. Khorwal, CPIO, who submitted that in accordance with the directions of this Commission, a hearing between CVO of NTPC and Appellant Sh. Manohar Singh had indeed been held, subsequent to which the records were inspected and supplied with the content of 270 pages to appellant Shri Manohar Singh on 28.2.07 in response to which they have received no letter, which led them to assume that appellant Mr. Manohar Singh

was satisfied with the information supplied. Subsequently, by letter of 21.3.07 they informed appellant as follows:

“In this regard, it is mentioned that the particular copy of the application of Sh. Manohar Singh along with comments of the then CVO, NTPC is not available / traceable; hence no comments can be offered. Further the perusal of the receipt register of the office of the CVO for the said period i.e. 8.8.03 to 5.9.03, no entry relating to any correspondence to Sh. Manohar Singh was found.”

In response Shri Manohar Singh cited the second RTI application on which the High Court of Delhi has adjudicated, which was to inspect dispatch and receipt records for the period 1996-98 and 2003 of CVO's Office and Corporate Vigilance Department, SCOPE contending that this was to establish the fact that the claims made by the CPIO of NTPC regarding the documents provided were false. In this context, he submitted that although he has now received a copy of the letter of 21.3.07, this was never actually sent to him. He has, therefore, stated that the affidavit of 3.5.07 is also false. Because of this also, he has sought the list of documents duly cataloged and indexed in his case in the possession of Corporate Vigilance Department.

The orders of the High Court of Delhi in **CMP No. 12944/2007 and WP (Civil) No. 832/2007** are as follows:

“The facts detailed above would disclose that the petitioner's applications, initially turned-down by the Vigilance Department and affirmed by the appellate authority were enquired into by the CIC which required that the matter should be resolved by an appropriate inspection and intimation. Whether the matter was ultimately called or not was something which the CIC should have satisfied itself. The petitioner apparently complained to the CIC under Section 18. The fate of that complaint is not known. Curiously, he has been able to obtain certain other documents and place them on record. The NTPC, at the same time, contends that it complied with the directions and issued a letter to him. The petitioner, however, denies having received that letter.

In the circumstances of the case, the Court is of the opinion that the complaint preferred by the petitioner, airing his grievance that the previous directions were not implemented, should be enquired into by the CIC which may, after considering the records and such other

materials, as may be produced by the parties, pass appropriate orders.”

On the basis of the above arguments and records before us at the time we came to the interim Decision that “in order to satisfy ourselves as to whether the matter was ultimately called or not in accordance with decision of this Commission of 3.1.07, it will be necessary for us to examine the concerned documents. The CPIO Shri O.P. Khorwal, GM (CP) will, therefore present to us on 21.7.2009 at 5.00 p.m. the following documents:

1. All those files held by the NTPC in Corporate Vigilance Department as well as in Badarpur regarding Shri Manohar Singh’s grievances.
2. The dispatch and receipt records for the period 1996-98 and 2003 of CVO’s Office and Corporate Vigilance Department, SCOPE
3. Documentary evidence to establish that letter of 21.3.07 was actually dispatched.

Accordingly, the appeal was heard on 21.7.2009. The following are present:

Appellant

Shri Manohar Singh

Respondents

Shri O.P. Khorwal, CPIO / GM (CP)

Shri Pradeep Mehta, DGM (Vig)

Shri Navneet Kumar, Mgr. (HR) Badarpur

Smt. Sudha Rao, Manager (HR)

Shri Y. K. Jha, Officer (Vig), Badarpur

Shri Shankar Anand, Officer (Law)

Shri Y. Devashish, Sr. Officer (CP)

GM (CP) Shri O.P. Khorwal, who is CPIO, presented the following documents:

1. Seven volumes of Files from Badarpur Unit of NTHPC
2. One Vol. from Grievance Branch
3. Seven vols. from Corporate Office
4. Seven Registers of Dispatch & Receipt of Vigilance Branch for the period 1996-98 & 2003.

5. Three RTI registers.

Shri Manohar Singh presented a copy his report of Inspection of Records under RTI Act dated 8.8.06 asserting therein that there had been “*tampering in page numbering (Vol. III), insertion of blank pages and missing pages in Service Books, please.*” On the Receipt Register he specifically referred to absence of entry of letters of 8.3.97 and 26.6.98. We, therefore, examined the Receipt Registers of dates falling on and around these dates and found no receipt recorded of either document. Moreover, we also inspected the RTI Register on which the dispatch of the letter of 21.3.2007 has been recorded in RTI-1996 in which there is an entry of a letter of 21.3.07 dispatched to Shri Manohar Singh but this is simply an entry and cannot be accepted as evidence to establish that the letter of 21.3.07 was actually dispatched; which is what has been asked for by this Commission.

The arguments concluded with appellant Shri Manohar Singh submitting that a penalty of Rs. 75,000/- be imposed for the delay in responding to his three applications, the notes of then CVO NTPC on the application of Shri Manohar Singh, which is claimed to be not available should be provided, an FIR be lodged for criminal negligence in maintenance of records and compensation be provided to appellant Shri Manohar Singh to cover the detriment suffered by him as a result of his having had to take recourse of litigation.

DECISION NOTICE

What we were called upon to do in the order of the Hon’ble High Court of Delhi was that this Commission should satisfy itself that the decision of this Commission had been ultimately called or not. To do so, we have heard the parties and examined the records. What the NTPC had been required to do by the order of this Commission is as follows:

1. The CVO of NTPC and appellant may discuss the matter on a mutually convenient date.
2. If information is not traceable or not available in the Vigilance Department, an affidavit to that effect may be provided by the Department.
3. The work be carried out within a month's time and compliance furnished to the Commission accordingly.

We find that action on Points 1 & 3 has been taken with the compliance report having been submitted to us in a letter of 21.2.2007 and an affidavit dated 3.5.07. The present dispute revolves around whether the affidavit filed before us is authentic or false. The plea of Shri Manohar Singh is that this is a false affidavit since the letter of 21.3.07 had never been sent to him, as claimed in the affidavit which had stated that *"accordingly, the undersigned verified the register for the period from 8.8.2003 to 5.9.2003 and no entry relating to the receipt of any correspondence pertaining to the appellant was seen during the said period."* Shri Manohar Singh claimed that this was sworn by having concealed the fact of receipt, since the copies of the concerned letters bore receipt stamps.

Having examined the records, we found that as stated by appellant Shri Manohar Singh and described in his letter of 8.8.06, there are missing files in the Service Book Vol. 1, which was inspected by us, although the document that has been described as 'Blank' is only faded. The issue here is whether the missing papers are those that could conceivably be connected with the case of Shri Manohar Singh. These Service Files contain cases of not only appellant Shri Manohar Singh but a host of others which accounts for the fact that Vigilance Department was hesitant to disclose these to appellant. This has, however, been done and we, therefore, cannot see grounds for directing Registration of FIRs on the allegedly missing documents.

This Commission requires only deciding upon the call taken by NTPC on our orders of 3.1.07. The question of now raising the issue of penalty for delay in

responding to original application, therefore, does not arise. However, although given ample opportunity to do so, CPIO, NTPC has been unable to establish that the letter of 21.3.07 was actually sent to appellant Shri Manohar Singh on that date. Nevertheless that letter has since been received by appellant Shri Manohar Singh enabling him to challenge the authenticity of the original date of dispatch. The letter in itself was not the substance of the information sought and, therefore, inability of CPIO to establish its dispatch on the due date before us cannot be construed to merit compensation for any loss or detriment suffered by Shri Manohar Singh.

This Commission is, therefore, satisfied that our orders of 3.1.07 have indeed been complied with and access to such records as are held by the NTPC provided, even though this has not brought satisfaction to appellant Shri Manohar Singh. **The appeal is, therefore, dismissed.**

Reserved in the hearing, this decision is announced in open chamber on this 23rd day of July, 2009. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner

(Shailesh Gandhi)
Information Commissioner

23.7.2009

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj Shreyaskar)
Joint Registrar
23.7.2009



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No. 4394/IC(A)/2009

F. No.CIC/MA/A/2009/000569, 570, 581

Dated, the 29th August, 2009

Name of the Appellant: Sh. M.P. Tiwari

Name of the Public Authority: NTPC

Decision:

1. Both the parties were heard on 27/08/2009.
2. In the Course of hearing, the details of information asked for through different RTI applications and the separate replies given by the CPIO were discussed. The CPIO agreed to
 - (i) Furnish the desired information on the basis of available records and files that are maintained by the concerned office; and
 - (ii) Allow inspection of documents so as to satisfy the appellant with respect to the desired information.
3. Both the parties should mutually decide a convenient date & time for inspection of documents within 15 working days from the date of issue of this decision.
4. All the appeal are thus disposed of.

Sd/-

(Prof. M.M. Ansari)

Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. M.P. Tewari, Flat No. 18, Pocket-G, Sarita Vihar, New Delhi – 110 076.
2. Sh. O.P. Khorwal, Central Public Information Officer, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Sh. Avinash C. Chaturvedi, Appellate Authority, NTPC Ltd. Power Management Institute., Plot No. 5-14, Sector – 16A, Noida, UP – 201 301.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4471/IC(A)/2009
F. No.CIC/MA/A/2009/000532
Dated, the 9th September, 2009

Name of the Appellant: Shri. P. Kumar

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The case was scheduled for hearing on 10/8/2009. But, the appellant did not avail of this opportunity. The appeal is, therefore, examined on merit.
2. The appellant, an Office-bearer of the Employees' Union, has asked for details of deductions from employees' salary for celebrating Pooja ceremony. The CPIO has refused to furnish the information u/s 8(1)(j) of the Act. Being not satisfied with the response, the appellant has pleaded for providing complete information.

Decision:

3. The appellant has asked for information on behalf of the employees, who have contributed to the celebration of Pooja ceremony. There is no justification for withholding the information, which pertain to the employees. The CPIO is, therefore, directed to furnish the information asked for, free of cost, as more than 30 days have already lapsed. The information should be furnished within 15

ⁱ *"If you don't ask, you don't get."* - Mahatma Gandhi

working days from the date of issue of this decision, failing which, penalty proceedings u/s 20(1) of the Act, would be initiated.

4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. P. Kumar, Gen. Secy. CITU, Qrtr No.NH-3/B-210, PO: Vidhyanagar, Dist: Sidhi – 486 885.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110 003.
3. Sh. Avinash C. Chaturvedi, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4174/IC(A)/2009

F. No. CIC/MA/A/2009/00495

Dated, the 15th July, 2009

Name of the Appellant : Shri Raghuvar Kushwaha

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appeal was scheduled for hearing on 15/07/2009, but the appellant did not avail of this opportunity. The appeal is therefore examined on merit.

2. The appellant has asked for employment record of laborers pertaining 1977 to 1979. The CPIO and Appellate Authority have replied and stated that the requested information, being about thirty years old, is not maintained as per the record retention policy. Hence, the desired information cannot be furnished.

Decision:

3. As the information asked for is not available, it cannot be furnished. This appeal is therefore considered unnecessary and is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties: ²

1. Shri Raghuvar Kushwaha, Vill. Chilkadar, PO: Shaktinagar, Distt: Sonbhadra, UP.
2. Shri O.P. Khorwal, CPIO (RTI), NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4088/IC(A)/2009

F. No.CIC/MA/A/2009/000422

Dated, the 29th June, 2009

Name of the Appellant: Shri. Rakesh Sharma

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009 through a representative.
2. The appellant stated that the CPIO has furnished partial information. Specifically, he stated that the CPIO has not provided the information asked for under item nos.6, 7, 8 and 9 of the RTI application dated September 29, 2008.
3. The information asked for relate to deductions of specific amount from the employees' salary for providing relief to the persons affected due to fire on September 10, 2006, the details of which are mentioned in the application. The appellant alleged corruption in the collection of money from the employees, since the collected money was not paid to the affected persons. Rather, the money was returned to the contributors after a lapse of two years or so. He, therefore, pleaded for providing the relevant details, as specified in his RTI application.
4. The reply furnished to the appellant indicate that the CPIO has refused, u/s 8(1)(j) of the Act, to provide the information relating to the paid and unpaid treatments provided to the patients, as mentioned in the RTI application. The CPIO has also refused to provide the details of names and amount deducted from various employees for distribution among the fire affected persons, and as to why the money was not disbursed among the victims.

Decision:

5. The CPIO has furnished partial information while the remaining information relating to the paid and/or free treatments facility provided to patients at the hospital managed by the respondent has been refused u/s 8(1)(j) of the

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

Act, which is unjustified. Also, the CPIO has not disclosed the details of collection of money for providing relief to the persons, who suffered losses due to the fire.

6. As the RTI is meant for exposing inefficiency and containing corruption, such information, as above, should not be denied u/s 8(1)(j) of the Act. The said activities are undertaken as a part of the public function, in performance of the social responsibilities, the requested information should, therefore, be put in public domain. The CPIO is, therefore, directed to furnish the complete information, as asked for by the appellant, within one month from the date of issue of this decision.

7. The appellant would also be free to inspect the relevant records so as to identify and specify the required information, which should be furnished to him as per the provisions of the Act.

8. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Rakesh Sharma, Vill. Dhada, PO: Kasna, Dist. G.B. Nagar – 201 007.
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.4089/IC(A)/2009

F. No.CIC/MA/A/2009/000421

Dated, the 29th June, 2009

Name of the Appellant: Shri. Rakesh Sharma

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009, through a representative.
2. The appellant stated that he has asked for information relating to the appointment and transfer of employees, on the basis of recommendation of the Minister of Power.
3. The CPIO has refused to furnish the information u/s 8(1)(j) of the Act. The appellant pleaded for providing the requested information.

Decision:

4. All the matters relating to appointment and transfer of staff should be placed in public domain to demonstrate fairness and objectivity in the action taken by the respondent. In view of this, the denial of information u/s 8(1)(j) of the Act is unjustified. The CPIO is, therefore, directed to provide the requested information within 15 working days from the date of issue of this decision.

ⁱ *“If you don’t ask, you don’t get.” - Mahatma Gandhi*

5. The appellant would also be free to inspect the relevant records and files so as to satisfy himself about the availability of the requested information, as maintained by the respondent.

6. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Rakesh Sharma, Vill: Dhada, PO: Kasna, Dist. G.B. Nagar – 201 007.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core- 6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3598/IC(A)/2008

F. No. CIC/MA/A/2008/01560

Dated, the 15th January, 2009

Name of the Appellant : Shri Ramkrishna Verma
Name of the Public Authority : NTPC-SAIL Power Co. Pvt. Ltd.

Facts: ¹

1. The appellant was heard on 15.01.2009.
2. The appellant has grievances regarding service matters. In response to his application for information, the CPIO has duly replied and furnished point-wise response, with which the appellant is not satisfied.
3. During the hearing, the appellant stated that the information furnished to him is incomplete and misleading. He therefore pleaded for providing complete information.

Decision:

4. Since there is no denial of information, the appellant is free to seek inspection of records so as to satisfy himself with the availability of required information. The CPIO should allow the inspection of records to the appellant.

If you don't ask, you don't get - Mahatma Gandhi

Both the parties should mutually decide a convenient date and time for inspection of records within 15 working days from the date of issue of this decision.

5. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:²

1. Shri Ramkrishna Verma, Block No. 117/C, Risali Sector, Bhilai nagar, Distt. Durg-490006, Chhattisgarh.
2. Shri Roy Thomas, Chief Manager (HR) & CPIO, NTPC-SAIL Power Company Private Limited (NSPCL), Bhilai (East) – 490021, Durg, Chhattisgarh.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No. 4669/IC(A)/2009

F. No.CIC/MA/A/2009/000609

Dated, the 30th October, 2009

Name of the Appellant: : Shri Ramesh Chand Sharma

Name of the Public Authority: : NTPC Ltd.

Facts:

1. Both the parties were heard on 30.10.2009.
2. The appellant has asked for information relating to the details of deduction of PF by the different Contractors of the respondent, NTPC, in respect of the workers who are employed by them.
3. The respondent, NTPC has furnished partial information while the remaining information, mainly the PF deduction, has been refused on the ground that the desired information are not available or maintained. Being dissatisfied with the response, the appellant has pleaded for providing complete information, which is held by the contractors and are in control of the NTPC.
4. During the hearing, some workers, who are employed by the Contractors for over ten years or so, alleged that (i) the details of PF deductions are not disclosed to them in spite of oft-repeated requests made by them; (ii) the workers are threatened of dire consequences, when such demands are made; and (iii) Even though the wages are paid in full through bank A/C, every worker is required to pay back in cash an specific amount to the Contractors, in presence of the official(s) of the respondent. In case of refusal of such payments, their jobs are terminated or workers are harassed. All the workers present during the hearing, revealed the names of Contractors, the details of amount paid back in cash to the Contractors in connivance with the official(s).
5. The CPIO stated that allegations made against the contractor has never been brought before him. He therefore, pleaded for an opportunity to investigate the matter so as to un-earth the truth about the deduction of PF, which is maintained by the Contractors. The CPIO assured the workers that he would do the needful to redress their grievances.

Decision:

6. The issue of non-payment of workers' entitlements, such as PF, is indeed very serious and therefore calls for thorough investigation. The CPIO is therefore directed to (i) ensure that the allegations made by the workers in his presence are duly investigated and necessary remedial measures are taken to redress the grievances of the workers; (ii) the PF details of all the workers who are presently working with the respondent's Contractors are furnished within one month from the date of issue of this decision; and (iii) the PF details of other workers who seek similar information, in respect of the already completed projects or the Contractors that are no more associated with the respondent, should also be gathered and furnished on case to case basis. All the relevant details about the payment wages and deductions on account of PF, insurance, health case, etc. should be routinely disclosed to all the employees/workers.

7. The appellant would be free to approach the Commission again if he is not satisfied with the compliance of this decision by the CPIO.

8. With these observations, this appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri Ramesh Chand Sharma, Vill: Salarpur Kalan, PO: Vidyut Nagar, Dist: Gautambudh Nagar, UP – 201 008
2. Shri O P Khorwal, CPIO, NTPC Ltd, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi - 110 003
3. The Chairman, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-11003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3919/IC(A)/2009

F. No.CIC/MA/A/2009/000232

Dated, the 27th April, 2009

Name of the Appellant: Shri. Ram Lakhan Mishra

Name of the Public Authority: NTPC Ltd.

Decision: ⁱ

1. Both the parties were heard on 24/4/2009.
2. During the hearing, it emerged that the CPIO has furnished the requested information on the basis of available records. There is, however, no denial of information. The appellant could not indicate as to which information has been refused to him.
3. As there is no denial of information, this appeal was unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***
ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Ram Lakhan Mishra, Manager/Pujari, Jwalamukhi Mandir, PO Shaktinagar, Sonbhadra (U.P.)
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agrawal, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.3628/IC(A)/2009

F. Nos.CIC/MA/A/2008/01614

CIC/MA/A/2008/01615

Dated, the 21st January, 2009

Name of the Appellant: Shri. Ravindra Kumar Sood

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant has filed two separate appeals, which are examined together. Both the appeals were heard on 21/1/2009 in absence of the appellant.

2. The CPIO stated that a point-wise response has already been given and the information asked for have thus been furnished on the basis of available records. He also stated that an action taken report on a representation submitted by the appellant could not be given earlier because the information did not exist. He, however, stated that an action taken report is now available and the same could be given to the appellant at the earliest.

Decision:

3. As assured by the CPIO, the details of action taken on the representation submitted by the appellant should be furnished within 15 working days from the date of issue of this decision.

ⁱ *“If you don’t ask, you don’t get.” - Mahatma Gandhi*

4. Since the appellant has not responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter.

5. Both the appeals are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Ravindra Kumar Sood, Qrtr No. 18, Type-IV, Staff Colony, Badarpur Thermal Power Station, New Delhi – 110 044.
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agrawal, ED-HR & AA, NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 3.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3862/IC(A)/2008

F. No. CIC/MA/A/2009/00198

Dated, the 13th April, 2009

Name of the Appellant : Shri Ravindra Kumar Sood
Name of the Public Authority : NTPC Ltd.

Facts: ¹

1. The appellant did not avail of the opportunity of personal hearing on 13.04.2009. The appeal is therefore examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that the appellant has grievances regarding his services matter. He has challenged the decision of the respondent and the matter is pending before the Court for adjudication. On various issues arising from the petitions submitted by the respondent he raised queries and sought for clarifications through his RTI application. The CPIO has furnished a point-wise response with which the appellant is not satisfied, hence this appeal before the Commission.

Decision:

3. As the appellant has not responded to the notice for hearing and that the matter relating to his grievances regarding services matter is pending before the

If you don't ask, you don't get - Mahatma Gandhi

Court for adjudication, it may be hoped that the appellant would receive natural justice in the matter. Since there is no denial of information, this appeal was unnecessary and is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties: ²

1. Shri Ravindra Kumar Sood, Qtr. No. 18, Type-IV, BTPS Staff Colony, Badarpur, New Delhi-110044.
2. Shri A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhavan, Scope Complex, 7, Institutional Area, Lodi Road, New Delhi-110003.(Ref. No. RTI-955/2008 Dt. 13.10.2008).



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3804/IC(A)/2009

F. No.CIC/MA/A/2009/000153

Dated, the 25th March, 2009

Name of the Appellant: Shri. Shashank Kale

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was scheduled for hearing on 25/3/2009. But the appellant did not avail of this opportunity.
2. The appellant has grievances regarding service matters, mainly promotion. In this context, he has asked for certain information in the form of various queries, which have been replied to him. He is, however, not satisfied seemingly because his service related grievance has not been redressed.

Decision:

3. The appellant has not specified the information, u/s 2(f) of the Act, which has been refused to him. As the appellant has not responded to the notice for hearing and that there are no provisions under the Act for redressal of grievances of the employees of the respondent, this appeal was unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Shashank Kale, B-121, NTPC Township, Anta, Rajasthan – 321 209.
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6 Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rastogi, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3817/IC(A)/2009

F. No.CIC/MA/A/2009/000093

Dated, the 30th March, 2009

Name of the Appellant: Shri. Sheikh Niyamatullah

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appeal was heard in absence of the appellant on 30/3/2009.
2. The appellant has grievances regarding his participation in the Tendering process initiated by the respondent. The CPIO stated that a point-wise response has already been furnished and the required document has also been provided to the appellant. There is, however, no denial of information u/s 8(1) of the Act. The CPIO also expressed his willingness to allow inspection of all the relevant documents relating to the Tendering process in which the appellant has participated.

Decision:

3. The CPIO has furnished a point-wise response and, thus furnished the information on the basis of available records.
4. As the appellant has not responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter. Since there is no denial of information by the CPIO, the appellant is free to seek inspection of the relevant records and files, so as to identify the required information, which should be furnished to him.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Sheikh Niyamatullah, House No.173, Ward No.1, Darri Road, Korba – 495 678 (Chattisgarh)
2. Shri. A.K. Sharma, CPIO, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Shri G.K. Agrawal, Appellate Authority, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3918/IC(A)/2009

F. No.CIC/MA/A/2009/000235

Dated, the 27th April, 2009

Name of the Appellant: Shri. Uma Shankar Yadav

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was heard in absence of the appellant on 24/4/2009.
2. The CPIO stated that the requested information has been furnished except the minutes of the Board of Directors in respect of Annual Additional Incentives. After some discussion, the CPIO agreed to provide the requested information.

Decision:

3. The CPIO is directed to furnish the extracts of the decision of the Board of Directors on the issue of Annual Additional Incentives for 2006-07. The information should be furnished within 15 working days from the date of issue of this decision.
4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Uma Shankar yadav, B-78, Aloknagar, NTPC Township, PO: Dibiyaapur, Dist. Auraiya – 206 244.
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appelalte Authority, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4000/IC(A)/2009

F. No.CIC/MA/C/2009/000124

Dated, the 20th May, 2009

Name of the Appellant: Shri. Vipin Kumar

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The complaint was scheduled for hearing on 20/5/2009. But, the complainant did not avail of this opportunity. The complaint is, therefore, examined on merit.
2. The complainant has alleged that the requested information relating to the acquisition of land by the respondent has not been furnished to him. Hence, this complaint before the Commission.

Decision:

3. The CPIO is directed to furnish the information asked for within one month from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.
4. The appellant is advised to submit a copy of his RTI application dated January 24, 2009 to the concerned CPIO for ready reference.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. The complaint is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Vipin Kumar, Visthapit-2, Post: Sidhaura, Dist: Nalanda (Bihar)
2. The CPIO & AGM, NTPC Limited, Kahalgaon, Bhagalpur (Bihar).

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4045/IC(A)/2009

F. No. CIC/MA/A/2009/00264, 275, 427 & 478 to 484

Dated, the 3rd June, 2009

Name of the Appellant : Shri V.K. Agarwal

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant was heard on 15/05/2009.
2. The appellant, an ex-employee of the respondent, has grievances regarding VRS, which he opted for in 2003. The respondent has duly settled the retrial benefits as per the entitlement of the appellant. The appellant has earlier pleaded for re-employment which was not acceded to by the respondent. The appellant has also explored legal remedy in the matter, but of no avail.
3. Under the provisions of RTI Act, he has submitted over 60 RTI applications, containing about 20 queries in each application. In almost all the applications he has separately made queries relating to his VRS and related matters.

If you don't ask, you don't get - Mahatma Gandhi

4. He has also submitted over 30 appeals and complaints before the Commission. Necessary orders have been passed for providing the information as per the provisions of the Act.

5. He has also been allowed inspection of records and files so as to enable him to identify and specify the required documents which should be provided to him.

6. On his complaint that CPIO of the respondent was not cooperating and allowing access to documents, this Commission allowed him to inspect the documents in presence of an officer of this Commission. Thus, every possible attempt has been made to satisfy the information needs of the appellant.

7. Yet, the appellant is not satisfied and he is in the habit of putting up multiple RTI applications in which he is separately making queries that have been answered.

8. The respondents have complained that the appellant is mis-using the provisions of the Act for promotion of his personal interest, mainly to harass the officials of the respondent. All the queries made by him relate to the appellant himself. There is, therefore, no public interest in entertaining his large number of applications at the costs of the shareholders of the respondent. In the garb of seeking information, the appellant is trying to secure re-employment with the respondent, which is not possible as per the rules.

Decision:

9. The appellant has had occasions to inspect the relevant records and files in presence of an officer from this Commission. Every effort has thus been made to provide access to the required information.

10. The appellant is a retired employee who has enough leisure time for writing and putting up frivolous applications, all of which relate to his VRS and other employment related issues. The respondents have indeed replied and furnished huge information at the costs of the public exchequer and other shareholders, merely to satisfy the personal interest of the appellant, who has been harassing the officials of the respondent. The appellant has unfortunately been mis-using the provisions of the Act for a sadistic pleasure, which should not be allowed at the costs of tax payers. He therefore does not deserve any relief in the matter and all the appeals are thus dismissed.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:²

1. Shri V.K. Agarwal, Flat No. 232, Prabhavi Apartments, Plot No. 29-B, Sector-10, Dwarka, New Delhi-110075.
2. Shri O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3590/IC(A)/2009

**F. Nos.CIC/MA/A/2008/01469, CIC/MA/A/2008/01470,
CIC/MA/A/2008/01471, CIC/MA/A/2008/01472,
CIC/MA/A/2008/01473, CIC/MA/A/2008/01474,
CIC/MA/A/2008/01475, CIC/MA/A/2008/01481,
CIC/MA/A/2008/01534, CIC/MA/A/2008/01557,
CIC/MA/A/2008/01576, CIC/MA/A/2008/01619,
CIC/MA/A/2009/00003, CIC/MA/A/2009/00004,
CIC/MA/A/2009/00005**

Dated, the 15th January, 2009

Name of the Appellant: Shri. V.K. Agarwal

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. Both the parties were heard on 8/12/2008 and 14/1/2009.
2. The appellant, a retired employee of the respondent, has asked for access to the documents regarding approval of VRS and inspection of personal file including ACRs. He has also asked for information relating to leave records, VRS details, etc, of other employees of the respondent. A large part of information has been solicited in interrogatory form.
3. He took VRS about five years ago and the retiral benefits were settled as per the policy of the respondent. In the last one year or so, he has submitted as many as 61 RTI applications and first appeals to the respondent, all of them have been replied but the appellant is not satisfied. He has, therefore, filed as many as 15 appeals and complaints before the Commission, excluding 8 appeals that were disposed of earlier. On the basis of earlier appeals before the Commission, the parties were directed vide Commission's Decision No.3008/IC(A)/2008 dated 7/8/2008, as under:

ⁱ ***"If you don't ask, you don't get."* - Mahatma Gandhi**

- *“The appellant has grievances regarding the processing of his application for grant of VRS. In this context, the information asked for have been furnished to him, though he is not satisfied.*
- *The appellant is advised to prepare a comprehensive list of required information and resubmit to the CPIO, who should examine his fresh application for information as per the provisions of the Act, and accordingly, furnish the information within 15 working days from the date of receipt of his fresh application. In case, any information is to be denied, the reasons for doing so, should be clearly indicated for review, if necessary, by the Commission.”*

4. During the hearing, the details of information asked for and the responses given by the CPIO were discussed. While the appellant alleged that he has not been provided complete access to personal and VRS files, the CPIO stated that all the relevant documents concerning the appellant have been shown to him. Even the ACR grades have also been provided. The CPIO stated that the information pertaining to other employees and remarks and comments of superior officers in respect of the appellant’s ACRs have not been provided to him. He also stated that the details of calculation of VRS have also been provided to the appellant who has not raised any objection in regard to the settlement of dues.

5. The CPIO also alleged that the appellant is harassing the employees of the respondent in the garb of seeking information and for promoting his personal interest to settle scores with his former colleagues. The CPIO, therefore, pleaded before the Commission that the appellant would be asked to resist from misusing the Act, for promotion of personal interest. He also stated that the appellant was seeking reinstatement in service, after accepting VRS, which was not possible.

6. The appellant, however, pleaded that he should be allowed inspection of complete VRS file as well as his personal files including ACRs.

Decision:

7. Through various applications, the appellant has asked for voluminous information, largely about the VRS, which he accepted about five years ago. The documents concerning the processing of his case in the matter of settlement of VRS have been provided. He has also been provided ACR grades. Yet, he is not satisfied. He has appeared before the Commission on a number of occasions and raised the issue of VRS. But, he has not been able to pin point as to what ails him in the matter of settlement of retiral benefits. The CPIO has stated that the appellant’s grievance is regarding reinstatement in NTPC Ltd. after availing of VRS which is, however, not possible. There is, therefore, no way

to redress the grievances of the appellant by way of his reinstatement after availing of VRS.

8. In the course of hearing, it was agreed between the parties that the CPIO would provide a fresh opportunity to inspect the relevant records pertaining to the approval of VRS by the competent authority and personal files. The CPIO is directed to allow inspection of complete files including the note sheets in order to satisfy the appellant about his information needs. Both the parties should mutually decide a convenient date and time for inspection of the relevant documents within one month from the date of issue of this decision.

9. In our earlier decision No.3008/IC(A)/2008 dated 7/8/2008 the appellant was advised as under:

“As there are no provisions under the Act, for redressal of grievances of the serving or retired employees of the respondent, the appellant is advised to seek legal remedy for redressal of his grievances relating to service matters.”

10. It is reiterated that the appellant should seek legal relief in the matter rather than raising issues about VRS under the provisions of the RTI Act. The appellant is accordingly advised.

11. With these observations, all the appeals/complaints are disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. V.K. Agarwal, Flat No.232, Prabhavi Apartments, Plot No.29-B, Sector-10, Dwarka, New Delhi – 110 075.
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Limited, NTPC Bhavan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 3.
3. Shri. G.K. Agrawal, ED-HR & PMI & AA, NTPC Limited, NTPC Bhavan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 3.

ⁱⁱ *“All men by nature desire to know.”* - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3908/IC(A)/2009

F. No.CIC/MA/A/2009/000252

Dated, the 23rd April, 2009

Name of the Appellant: Shri. V.K. Agarwal

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant was heard on 23/4/2009.
2. The appellant alleged that the Appellate Authority of the respondent has not examined his appeal against the CPIO's reply. He also alleged that he was earlier allowed inspection of the relevant records, but, he could not access the required information. He, therefore, pleaded that the Appellate Authority of the respondent should be asked to examine his appeal for disclosure of information relating to the appellant's VRS.

Decision:

3. The appellant has been duly allowed inspection of the records and files relating to his VRS, including the details of settlements of retirement dues. Yet, he is not satisfied, even though there is no denial of information to him. However, as pleaded by the appellant, the Appellate Authority of the respondent is directed to examine the appellant's first appeal and pass necessary orders regarding disclosure of the requested information.
4. The appeal is, therefore, remanded back to the Appellate Authority, who may do the needful in the matter.
5. The appellant has submitted, in the recent past, over dozens of appeals regarding his VRS. In response to which he has been allowed inspection of records on a number of occasions and that the respondent has also duly complied with, in the presence of this Commission's official. Yet, the appellant is

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

not satisfied on one pretext or the other. He is thus misusing the provisions of the Act for promotion of personal satisfaction, mainly to harass the officials of the respondent, which is unfortunate. The appellant is advised again to refrain from raising the issues relating to his VRS and re-employment, since there are no provisions under the Act for redressal of such grievances

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. V.K. Agarwal, Flat No.232, Prabhavi Apartment, Plot No.29-B, Sector-10, Dwarka, New Delhi – 110 075.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., NTPC-PMI, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3979/IC(A)/2009

F. No.CIC/MA/A/2009/000279

Dated, the 13th May, 2009

Name of the Appellant: Ms. Manju Kumari

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the parties were heard on 13/5/2009.
2. The appellant, an employee of the respondent, has grievances regarding service matters, mainly her promotion. In this context, she has sought to know the reasons for denial of promotion to her.
3. In the course of hearing, it emerged that the CPIO has furnished the requested information except the minutes of the DPC. While the appellant pleaded for disclosure of information, the CPIO stated that the documents in question namely, the DPC minutes is confidential in nature, hence, it was refused to the appellant.

Decision:

4. The CPIO has replied and furnished the information on the basis of available records except the DPC minutes, which has been refused u/s 8(1)(j) of the Act, on the ground that the disclosure of requested information is not in public interest.
5. The process of selection, recruitment and promotion of staff is largely in the public interest. With a view to ensuring fairness and objectivity in the selection process, the relevant documents like DPC minutes have to be put in

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

public domain. Therefore, the denial of information u/s 8(1)(j) of the Act, is untenable.

6. The CPIO is, therefore, directed to furnish the requested information, mainly DPC minutes, at the earliest, preferably within 15 working days from the date of issue of this decision.

7. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Ms. Manju Kumari, B-81, PTS, NTPC – Kahalgaon, Dist: Bhagalpur – 813 214 (Bihar)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., NTPC, PMI, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

**Decision No.4677/IC(A)/2009
F. No.CIC/MA/A/2009/000639
CIC/MA/A/2009/000640
Dated, the 6th November, 2009**

Name of the Appellant: Shri. R.D. Misra

Name of the Public Authority: 1. NTPC Limited
2. O.N.G.C.

Facts: ⁱ

1. The appellant was heard on 4/11/2009.
2. The appellant stated that he has asked for information through an identical application. The information asked for relate to the budgetary provisions for carrying out advertisements, the policy for releasing advertisements in different magazines, newspapers, the details of magazines, newspapers that have carried out advertisements, etc. He stated that the CPIOs of the respondents have furnished incomplete and misleading information. He, therefore, pleaded for allowing inspection of the relevant documents so that he could specify the required information.

Decision:

3. An information seeker is free to ask for information as per section 2(f) and (j) of the Act. The appellant is, therefore, free to seek inspection of the relevant records so as to specify the required information, which should be furnished to him as per the provisions of the Act.
4. The CPIOs of the respondents are, therefore, directed to allow inspection of the relevant records within one month from the date of issue of this decision. The appellant would be free to approach the Commission again if any specific information as asked for is refused to him.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. Both the appeals are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. R.D. Misra, 251-D, J & K, Dilshad Garden, Delhi – 110 095
2. Shri. O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003
4. Shri. A.K. Jain, ONGC, 5th floor, South Tower, SCOPE Minar, Laxmi Nagar, Delhi – 110 092.
5. Shri. S.R. Athawale, ED & AA, ONGC, 5th floor, South Tower, SCOPE Minar, Laxmi Nagar, Delhi – 110 092.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission
2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 4820/IC(A)/2009

F. No.CIC/MA/C/2009/000320

Dated, the 16th December, 2009

Name of the Appellant : Shri Santosh Kumar Agrawal
Name of the Public Authority : NTPC Consumer Co-op. Society

Facts:

1. The appellant being dissatisfied with the CPIO's response approached the Chattisgarh Information Commission, which in turn has transferred the appeal to this Commission.
2. On perusal of records, it is observed that the appellant has asked for certain information relating to gas connection. The information is held by a Consumer Cooperative Society.

Decision:

3. The appellant is advised to seek information as per section 2 (f) and (j) of the Act. If any information is refused to him under section 8 (1) of the Act, he would be free to approach this Commission again. He should re-submit his application, as above, to the concerned CPIO, who should respond within 15 days from the date of receipt of fresh application, failing which penalty proceeding under section 20 (1) of the Act would be initiated.

4. The complaint is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri Santosh Kumar Agrawal, LIG Sada Colony, PO: Jamnipali, Dist: Korba, Chattisgarh.
2. The Public Information Officer, NTPC Consumer Co-op. Society, PO: Jamnipali, Dist: Korba, Chattisgarh.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3992/IC(A)/2009
F. Nos.CIC/MA/A/2009/000322
CIC/MA/A/2009/000323
Dated, the 15th May, 2009

Name of the Appellant: Shri. Balraj Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the parties were heard on 14/5/2009.
2. During the hearing, the details of information asked for and the replies given by the CPIO and the Appellate Authority were discussed. The CPIO stated that the requested information, as available, have been furnished and that there is no denial of information to the appellant.
3. The appellant alleged that:
 - The respondent has not indicated the grounds for denial of dependent status to his third child.
 - The reasons for stoppage of his annual increment has not been given to him
 - The list of LPG consumers which are allegedly transferred by the appellant while he was an office bearer of the Employees' Union was also not supplied to him.
4. The CPIO clarified as under:
 - As per the respondent's Policy, the third child of an employee cannot be granted the status of a dependent child for the purposes of such service benefits as education, health care, LTC, etc.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

- The relevant note sheet containing the approval of the competent authority for stoppage of increment has been duly supplied; and
- The list of LPG consumers in question were not handed over to the Office Bearers of the Employees' Union by the appellant, the then Secretary of the Union. He did not hand over the charge to his successor in respect of which a complaint was also registered with the police.

5. The CPIO, however, agreed to obtain the list of LPG consumers as currently maintained by the concerned official and the same would be supplied to the appellant.

Decision:

6. On hearing both the parties, it is evident that the CPIO has largely furnished the requested information, as available with the respondent.

7. The appellant has grievances regarding service matters which mainly arise from the fact that his third child has not been granted the status of dependent for such benefits as available to the employees. Moreover, some of the documents supplied to him have also not been certified or endorsed by the CPIO to ensure the authenticity of the documents provided to him.

8. As regards the supply of list of LPG consumers, as asked for, it is stated that the appellant himself is the custodian of the list which he did not hand over to his successor, after he lost election to the post of the Union Secretary. The records of events of dispute between the parties, which resulted in reporting the matter to the police, shows that the issues relating to the rivalries between the Employees' Unions are unnecessarily contested before the Commission in the garb of seeking information.

9. In view of the foregoing, the CPIO is directed:

- To clearly indicate the grounds for denial of the dependent status of the appellant's third child. The relevant evidence in this regard should be provided to the appellant, if not already supplied to the appellant to enable him to seek legal remedy. The reasons for stoppage of annual increment should also be indicated.
- The documents already supplied to him should be duly endorsed, as requested by the appellant; and
- The matter relating to the alleged transfer of LPG connections should be enquired by the Vigilance Department of the respondent and

accordingly appropriate action should be taken against the concerned employees under the Conduct Rules.

10. The CPIO is also directed to ensure that all the grievance matters of the employees are examined in the first instance by the Grievance Forum, so that the employees do not have to raise such issues before the Commission in the garb of seeking information.

11. With these observations, both the appeals are disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Balraj Singh, B-269, NTPC Vidyut Nagar, Gautambudh Nagar – 201 008 (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd. NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd. NTPC PMI, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4097/IC(A)/2009

F. No. CIC/MA/A/2009/00419

Dated, the 29th June, 2009

Name of the Appellant : Shri Brijendra Singh

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant was heard on 26.06.2009.
2. The appellant stated that the CPIO has refused to provide the list of candidates, who were selected as a labourer on 23.10.1991, on the ground that the requested information is old, over ten years, and is therefore not maintained.

Decision:

3. An information, which is not maintained or available, cannot be furnished. However, if the selected candidates continue to be in the service of the respondent, the details, as requested by the appellant, should be available with the respondent. The CPIO is therefore directed to search and examine the relevant documents and, accordingly, advise the appellant, who should also be free to inspect the relevant records and files.

4. With these observations, the appeal is disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties:²

1. Shri Brijendra Singh, Village-Ooncha Amirpur, PO: Vidyut Nagar, Dist: G.B. Nagar-201008.
2. Shri O.P. Khorwal, Central Public Information Officer, NTPC Limited, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4090/IC(A)/2009

F. No.CIC/MA/A/2009/000420

Dated, the 29th June, 2009

Name of the Appellant: Shri. Brijendra Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009, through a representative.
2. The appellant stated that he has asked for copies of Departmental Enquiry Reports in respect of the major accidents, which resulted in loss of life of several workers during the period mentioned in the RTI application dated 1/12/2008.
3. The CPIO has refused to furnish the information u/s 8(1)(d) and (e) of the Act, on the ground that the reports in question are available with the respondent in fiduciary capacity.
4. The appellant pleaded for providing complete information, as requested by him through his RTI application dated 1/12/2008.

Decision:

5. The Departmental investigations in respect of the occurrence of accidents of all kinds should be placed in public domain, as a large number of persons are affected in such accidents and that the action taken by the public authority should be consistent with the established practices and the relevant laws in this regard, in order to ensure equity and justice in the matter of compensation paid to eligible persons.

6. In view of this, the denial of information u/s 8(1)(d) and (e) of the Act is unjustified. The CPIO is directed to provide the copies of the departmental enquiry reports in respect of all the accidents, which took place during the period

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

as specified in the RTI application in question. The information should be furnished within 15 working days from the date of issue of this decision.

7. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Brijendra Singh, Vill: Ooncha Amirpur, PO: Vidyut Nagar, Dist: G.B. Nagar – 201 008.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4087/IC(A)/2009

F. No.CIC/MA/A/2009/000423

Dated, the 29th June, 2009

Name of the Appellant: Shri. Deepak Kumar

Name of the Public Authority: N.T.P.C. Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009 through a representative.
2. The appellant stated that the CPIO has refused, u/s 8(1)(j) of the Act, to provide the details of expenditure incurred on the visit of the Union leader, who is identified in the RTI application. He pleaded for providing the requested information.

Decision:

3. The details of expenditure incurred by the respondent on various activities should be put in public domain. Therefore, the denial of information u/s 8(1)(j) of the Act, is unjustified. The CPIO is directed to provide the requested information within one month from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.

4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Deepak Kumar, B-345 Ganga Nagar, Near Adharhila Public School, Meerut – 250 001.
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Aggarwal, Appellate Authority, NTPC Bhawan, Core-7, Scope Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4053/IC(A)/2009

F. No.CIC/MA/A/2009/000360

Dated, the 11th June, 2009

Name of the Appellant: Shri. D.S. Mishra

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was scheduled for hearing on 11/6/2009. But, the appellant did not avail of this opportunity. The appeal is, therefore, examined on merit.
2. In response to the RTI application, the CPIO has replied and refused to furnish the information regarding personal details of a third party. Being not satisfied with the response, the appellant has pleaded for providing the information.

Decision:

3. The appellant has neither responded to the notice for hearing nor indicated the public interest in disclosure of personal details of a third party. This appeal is considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. D.S. Mishra, Chaturvedi Bhawan, Near Samad Garage, Nirala Nagar, Rae Bareilly (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. The Appellate Authority, NTPC Limited, NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3604/IC(A)/2009

F. No.CIC/MA/A/2008/01570

Dated, the 16th January, 2009

Name of the Appellant: Sh. Ganga Prasad Pathak

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant did not avail of the opportunity of personal hearing on 15/1/2009. The appeal is, therefore, examined on merit.
2. The appellant has asked for information relating to the record of attendance of employees, which have been furnished to him. The appellant is, however, not satisfied. Hence, this appeal before the Commission.

Decision:

3. The CPIO has duly furnished the information on the basis of available records. As there is no denial of information, the appellant is advised to seek inspection of relevant documents, so as to identify the required information, which should be furnished as per the provisions of the Act.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

4. The appeal is accordingly disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Ganga Prasad Pathak, Navjeevan Vihar, Sector-2, Post. Vidhya Nagar, Distt. Sidhi, - 486 885. (M.P.)
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agarwal, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3782/IC(A)/2009

F. No.CIC/MA/A/2009/000128

Dated, the 19th March, 2009

Name of the Appellant: Shri. G. Veeraraghavan

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. Both the parties were heard on 19/3/2009.
2. The appellant, an employee of the respondent, has grievances regarding service matters, mainly promotion. He stated that the CPIO has not furnished complete information as asked for by him.
3. The CPIO stated that the appellant's representation for his promotion is under examination by the HR department of the respondent. He also said that appropriate decision would be taken in a month's time or so. Thereafter, it would be possible to furnish the information regarding alleged denial of appellant's promotion.

Decision:

4. As stated by the CPIO, the respondent has initiated the process for taking appropriate action for redressal of grievances of the appellant. He is directed to inform the appellant about the outcome of the appellant's representation at the earliest, preferably within 10 working days from the date of the final decision by the competent authority. In any case, a suitable reply should be given to the appellant in the matter of his promotion within six weeks from the date of issue of this decision. The appellant would also be free to seek access to the relevant records regarding the manner in which his grievance has been redressed after the complete process is over.

ⁱ *"If you don't ask, you don't get." - Mahatma Gandhi*

5. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. G. Veeraraghavan, B-10/69, NTPC PTS PO. Jyotinagar – 505 215, Dist. Karimnagar (A.P.)
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6 Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agarwal, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6 Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3834/IC(A)/2009

F. No.CIC/MA/A/2009/000167

Dated, the 1st April, 2009

Name of the Appellant: Shri. Hari Gopal Poddar

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant was heard on 1/4/2009.
2. The appellant, an employee of the respondent, has grievances regarding service matters, mainly transfer and promotion. In this context, he has sought for the following information:
 - (i) *Certified copy of approval of competent authority deciding the transfer of the applicant from BTPS, New Delhi to SSTVP, Shaktinagar;*
 - (ii) *Certified copy of all the documents referred in the approval of transfer as above;*
 - (iii) *Certified copy of approval of competent authority deciding the effective date of promotion from E3 to E4 from 8/9/04;*
 - (iv) *Certified copy of all the documents referred in the approval as on '3' above;*
 - (v) *Certified copy of approval for issue of IOM dated 4/8/08 by DGM (Promotion) and documents referred therein.*
3. The CPIO and the Appellate Authority have replied. But, refused to furnish the information u/s 8(1)(j) of the Act, on the ground that the disclosure of information is not in public interest.
4. In the course of hearing, the appellant cited the following decision of this Commission and pleaded for providing the information asked for by him:

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

“Under Section 4(1)(d) of the Act, a public authority is required to state reasons for its administrative or quasi-judicial decisions to affected persons. Accordingly, there is no justification for withholding the information relating to grounds for transfer of the appellant as approved by the competent authority. In view of this, the denial of information relating to notesheet containing the remarks of the concerned officials on the basis of which the transfer of the appellant was effected, is untenable.”

(Decision No.2996/IC(A)/2008 dated 5th August 2008)

Decision:

5. The appellant has asked for information relating to his transfer and promotion. Since he is directly affected in the matter, there is no justification for denial of information about the action taken by the respondent in respect of regulation of his services to the respondent. The denial of information u/s 8(1)(j) of the Act is, therefore, un-acceptable. The CPIO is, therefore, directed to furnish a point-wise response and provide the requested information within 15 working days from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.

6. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Hari Gopal Poddar, Dy. Manager (Fin.), NTPC-SSTPPS, PO: Shantinagar, Dist. Sonbhadra (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ *“All men by nature desire to know.”* - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3635/IC(A)/2008

F. No. CIC/MA/A/2008/01608

Dated, the 22nd January, 2009

Name of the Appellant : Shri Jainarayan Singh

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant did not avail of the opportunity of personal hearing on 21.01.2009. The appeal is therefore examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that the CPIO has furnished a point-wise response and thus furnished the information.

Decision:

3. As there is no denial of information and that the appellant has not responded to notice for hearing, it is presumed that he has no more interest to pursue the matter. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties: ²

1. Shri Jainarayan Singh, CPB-22, New Seelampur, Delhi-110053.
2. Ms. Abha Pandey, Sr. Public Relation Officer & CPIO, NTPC Limited, Badarpur Thermal Power Station, New Delhi-110044.

CENTRAL INFORMATION COMMISSION

Appeal No.CIC/PB/A/2007/00456 dated 14.3.2007

Right to Information Act 2005 – Section 19

Decision Announced 23.7.2009

Appellant - Shri Manohar Singh
Respondent - National Thermal Power Corporation (NTPC)

Facts:

In our decision of 3.1.06 on appeal No. **255/ICPB/2006** in **F. No. PBA/06/288** we had decided as follows:

“It is directed to CPIO and AA that they should arrange a hearing between the CVO of NTPC and the appellant on a mutually convenient date so that they can discuss the matter and wherever information is available can be supplied to the appellant, except in case if they are not falling under the exempted category. By any chance if the information is not traceable or is not available the Vigilance Department has to file an affidavit to the effect stating that the information is not available. This work may be carried out by the CPIO NTPC within a months time and furnish compliance to the Commission.”

Accordingly, the NTPC vide its letter dated 21.2.07 informed the Commission that a meeting between the CVO, NTPC and Shri Manohar Singh had been arranged on 27.6.07 at 2.30 p.m. With this was attached an affidavit dated 3.5.07 duly attested by the Oath Commissioner & sworn by Shri Pradeep Mehta, DGM (Vigilance) NTPC which concluded as follows:

“It was accordingly informed to the appellant that the register in the office of CVO would be checked for the stated period and the factual position would be made available in writing to Shri Manohar Singh. The appellant agreed.”

On this basis, through a letter of 16.3.07 the Commission informed appellant Shri Manohar Singh that the matter was being closed but if he wished to follow up the matter, he may inform the Commission within seven days. To this Shri Manohar Singh responded vide his letter of 27.4.07 stating that he had received this Commission’s letter of 16.3.07 only on 25.4.07 but also submitting

that no copy of comments had been received from respondents. He further submitted vide letter of 10.7.07 that he had filed a complaint dated 23.3.07 but has heard nothing further in the matter. He then filed a Writ in the Hon'ble High Court of Delhi on 14.9.07 seeking direction against what he treated inaction of the Central Information Commission with regard to the complaint made by him u/s 18 of the Right to Information Act, 2005, upon which by an order of March 18, 2009 **Writ Petition No. 6832/2007** was disposed of by Hon'ble Ravindra Bhat J with the direction to Central Information Commission to enquire into the matter after considering the records and such other materials as may be produced by the parties and pass appropriate orders.

The following appeared before us on 30.6.2009:

Appellant

Sh. Manohar Singh

Respondents

Sh. O.P. Khorwal, GM (CP) & CPIO

Sh. Pradeep Mehta, DGM (Vig)

Ms. Sudha Rao, Manager (HR)

Sh. Shankar Anand, Officer (Law)

Sh. Y. Devashish, Sr. Officer (CP)

Appellant Sh. Manohar Lal submitted that his plea was in relation to the order of this Commission in **F. No. PBA/06/288**. Specific information that remains to be provided is a copy of the ATR with a noting of the first part of 2.12.96 and second part of 19.8.97. He stated that he had received a copy of the noting of 2.12.96 but without its annexure. However, with regard to second part, he alleges that the information has been deliberately removed from the file and destroyed. This is contested by Sh. O.P. Khorwal, CPIO, who submitted that in accordance with the directions of this Commission, a hearing between CVO of NTPC and Appellant Sh. Manohar Singh had indeed been held, subsequent to which the records were inspected and supplied with the content of 270 pages to appellant Shri Manohar Singh on 28.2.07 in response to which they have received no letter, which led them to assume that appellant Mr. Manohar Singh

was satisfied with the information supplied. Subsequently, by letter of 21.3.07 they informed appellant as follows:

“In this regard, it is mentioned that the particular copy of the application of Sh. Manohar Singh along with comments of the then CVO, NTPC is not available / traceable; hence no comments can be offered. Further the perusal of the receipt register of the office of the CVO for the said period i.e. 8.8.03 to 5.9.03, no entry relating to any correspondence to Sh. Manohar Singh was found.”

In response Shri Manohar Singh cited the second RTI application on which the High Court of Delhi has adjudicated, which was to inspect dispatch and receipt records for the period 1996-98 and 2003 of CVO's Office and Corporate Vigilance Department, SCOPE contending that this was to establish the fact that the claims made by the CPIO of NTPC regarding the documents provided were false. In this context, he submitted that although he has now received a copy of the letter of 21.3.07, this was never actually sent to him. He has, therefore, stated that the affidavit of 3.5.07 is also false. Because of this also, he has sought the list of documents duly cataloged and indexed in his case in the possession of Corporate Vigilance Department.

The orders of the High Court of Delhi in **CMP No. 12944/2007 and WP (Civil) No. 832/2007** are as follows:

“The facts detailed above would disclose that the petitioner's applications, initially turned-down by the Vigilance Department and affirmed by the appellate authority were enquired into by the CIC which required that the matter should be resolved by an appropriate inspection and intimation. Whether the matter was ultimately called or not was something which the CIC should have satisfied itself. The petitioner apparently complained to the CIC under Section 18. The fate of that complaint is not known. Curiously, he has been able to obtain certain other documents and place them on record. The NTPC, at the same time, contends that it complied with the directions and issued a letter to him. The petitioner, however, denies having received that letter.

In the circumstances of the case, the Court is of the opinion that the complaint preferred by the petitioner, airing his grievance that the previous directions were not implemented, should be enquired into by the CIC which may, after considering the records and such other

materials, as may be produced by the parties, pass appropriate orders.”

On the basis of the above arguments and records before us at the time we came to the interim Decision that “in order to satisfy ourselves as to whether the matter was ultimately called or not in accordance with decision of this Commission of 3.1.07, it will be necessary for us to examine the concerned documents. The CPIO Shri O.P. Khorwal, GM (CP) will, therefore present to us on 21.7.2009 at 5.00 p.m. the following documents:

1. All those files held by the NTPC in Corporate Vigilance Department as well as in Badarpur regarding Shri Manohar Singh’s grievances.
2. The dispatch and receipt records for the period 1996-98 and 2003 of CVO’s Office and Corporate Vigilance Department, SCOPE
3. Documentary evidence to establish that letter of 21.3.07 was actually dispatched.

Accordingly, the appeal was heard on 21.7.2009. The following are present:

Appellant

Shri Manohar Singh

Respondents

Shri O.P. Khorwal, CPIO / GM (CP)

Shri Pradeep Mehta, DGM (Vig)

Shri Navneet Kumar, Mgr. (HR) Badarpur

Smt. Sudha Rao, Manager (HR)

Shri Y. K. Jha, Officer (Vig), Badarpur

Shri Shankar Anand, Officer (Law)

Shri Y. Devashish, Sr. Officer (CP)

GM (CP) Shri O.P. Khorwal, who is CPIO, presented the following documents:

1. Seven volumes of Files from Badarpur Unit of NTHPC
2. One Vol. from Grievance Branch
3. Seven vols. from Corporate Office
4. Seven Registers of Dispatch & Receipt of Vigilance Branch for the period 1996-98 & 2003.

5. Three RTI registers.

Shri Manohar Singh presented a copy his report of Inspection of Records under RTI Act dated 8.8.06 asserting therein that there had been “*tampering in page numbering (Vol. III), insertion of blank pages and missing pages in Service Books, please.*” On the Receipt Register he specifically referred to absence of entry of letters of 8.3.97 and 26.6.98. We, therefore, examined the Receipt Registers of dates falling on and around these dates and found no receipt recorded of either document. Moreover, we also inspected the RTI Register on which the dispatch of the letter of 21.3.2007 has been recorded in RTI-1996 in which there is an entry of a letter of 21.3.07 dispatched to Shri Manohar Singh but this is simply an entry and cannot be accepted as evidence to establish that the letter of 21.3.07 was actually dispatched; which is what has been asked for by this Commission.

The arguments concluded with appellant Shri Manohar Singh submitting that a penalty of Rs. 75,000/- be imposed for the delay in responding to his three applications, the notes of then CVO NTPC on the application of Shri Manohar Singh, which is claimed to be not available should be provided, an FIR be lodged for criminal negligence in maintenance of records and compensation be provided to appellant Shri Manohar Singh to cover the detriment suffered by him as a result of his having had to take recourse of litigation.

DECISION NOTICE

What we were called upon to do in the order of the Hon’ble High Court of Delhi was that this Commission should satisfy itself that the decision of this Commission had been ultimately called or not. To do so, we have heard the parties and examined the records. What the NTPC had been required to do by the order of this Commission is as follows:

1. The CVO of NTPC and appellant may discuss the matter on a mutually convenient date.
2. If information is not traceable or not available in the Vigilance Department, an affidavit to that effect may be provided by the Department.
3. The work be carried out within a month's time and compliance furnished to the Commission accordingly.

We find that action on Points 1 & 3 has been taken with the compliance report having been submitted to us in a letter of 21.2.2007 and an affidavit dated 3.5.07. The present dispute revolves around whether the affidavit filed before us is authentic or false. The plea of Shri Manohar Singh is that this is a false affidavit since the letter of 21.3.07 had never been sent to him, as claimed in the affidavit which had stated that *"accordingly, the undersigned verified the register for the period from 8.8.2003 to 5.9.2003 and no entry relating to the receipt of any correspondence pertaining to the appellant was seen during the said period."* Shri Manohar Singh claimed that this was sworn by having concealed the fact of receipt, since the copies of the concerned letters bore receipt stamps.

Having examined the records, we found that as stated by appellant Shri Manohar Singh and described in his letter of 8.8.06, there are missing files in the Service Book Vol. 1, which was inspected by us, although the document that has been described as 'Blank' is only faded. The issue here is whether the missing papers are those that could conceivably be connected with the case of Shri Manohar Singh. These Service Files contain cases of not only appellant Shri Manohar Singh but a host of others which accounts for the fact that Vigilance Department was hesitant to disclose these to appellant. This has, however, been done and we, therefore, cannot see grounds for directing Registration of FIRs on the allegedly missing documents.

This Commission requires only deciding upon the call taken by NTPC on our orders of 3.1.07. The question of now raising the issue of penalty for delay in

responding to original application, therefore, does not arise. However, although given ample opportunity to do so, CPIO, NTPC has been unable to establish that the letter of 21.3.07 was actually sent to appellant Shri Manohar Singh on that date. Nevertheless that letter has since been received by appellant Shri Manohar Singh enabling him to challenge the authenticity of the original date of dispatch. The letter in itself was not the substance of the information sought and, therefore, inability of CPIO to establish its dispatch on the due date before us cannot be construed to merit compensation for any loss or detriment suffered by Shri Manohar Singh.

This Commission is, therefore, satisfied that our orders of 3.1.07 have indeed been complied with and access to such records as are held by the NTPC provided, even though this has not brought satisfaction to appellant Shri Manohar Singh. **The appeal is, therefore, dismissed.**

Reserved in the hearing, this decision is announced in open chamber on this 23rd day of July, 2009. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner

(Shailesh Gandhi)
Information Commissioner

23.7.2009

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj Shreyaskar)
Joint Registrar
23.7.2009



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No. 4394/IC(A)/2009

F. No.CIC/MA/A/2009/000569, 570, 581

Dated, the 29th August, 2009

Name of the Appellant: Sh. M.P. Tiwari

Name of the Public Authority: NTPC

Decision:

1. Both the parties were heard on 27/08/2009.
2. In the Course of hearing, the details of information asked for through different RTI applications and the separate replies given by the CPIO were discussed. The CPIO agreed to
 - (i) Furnish the desired information on the basis of available records and files that are maintained by the concerned office; and
 - (ii) Allow inspection of documents so as to satisfy the appellant with respect to the desired information.
3. Both the parties should mutually decide a convenient date & time for inspection of documents within 15 working days from the date of issue of this decision.
4. All the appeal are thus disposed of.

Sd/-

(Prof. M.M. Ansari)

Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. M.P. Tewari, Flat No. 18, Pocket-G, Sarita Vihar, New Delhi – 110 076.
2. Sh. O.P. Khorwal, Central Public Information Officer, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Sh. Avinash C. Chaturvedi, Appellate Authority, NTPC Ltd. Power Management Institute., Plot No. 5-14, Sector – 16A, Noida, UP – 201 301.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4471/IC(A)/2009
F. No.CIC/MA/A/2009/000532
Dated, the 9th September, 2009

Name of the Appellant: Shri. P. Kumar

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The case was scheduled for hearing on 10/8/2009. But, the appellant did not avail of this opportunity. The appeal is, therefore, examined on merit.
2. The appellant, an Office-bearer of the Employees' Union, has asked for details of deductions from employees' salary for celebrating Pooja ceremony. The CPIO has refused to furnish the information u/s 8(1)(j) of the Act. Being not satisfied with the response, the appellant has pleaded for providing complete information.

Decision:

3. The appellant has asked for information on behalf of the employees, who have contributed to the celebration of Pooja ceremony. There is no justification for withholding the information, which pertain to the employees. The CPIO is, therefore, directed to furnish the information asked for, free of cost, as more than 30 days have already lapsed. The information should be furnished within 15

ⁱ *"If you don't ask, you don't get." - Mahatma Gandhi*

working days from the date of issue of this decision, failing which, penalty proceedings u/s 20(1) of the Act, would be initiated.

4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Sh. P. Kumar, Gen. Secy. CITU, Qrtr No.NH-3/B-210, PO: Vidhyanagar, Dist: Sidhi – 486 885.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110 003.
3. Sh. Avinash C. Chaturvedi, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4174/IC(A)/2009

F. No. CIC/MA/A/2009/00495

Dated, the 15th July, 2009

Name of the Appellant : Shri Raghuvar Kushwaha

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appeal was scheduled for hearing on 15/07/2009, but the appellant did not avail of this opportunity. The appeal is therefore examined on merit.

2. The appellant has asked for employment record of laborers pertaining 1977 to 1979. The CPIO and Appellate Authority have replied and stated that the requested information, being about thirty years old, is not maintained as per the record retention policy. Hence, the desired information cannot be furnished.

Decision:

3. As the information asked for is not available, it cannot be furnished. This appeal is therefore considered unnecessary and is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

If you don't ask, you don't get - Mahatma Gandhi

Name and address of parties: ²

1. Shri Raghuvar Kushwaha, Vill. Chilkadar, PO: Shaktinagar, Distt: Sonbhadra, UP.
2. Shri O.P. Khorwal, CPIO (RTI), NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4088/IC(A)/2009

F. No.CIC/MA/A/2009/000422

Dated, the 29th June, 2009

Name of the Appellant: Shri. Rakesh Sharma

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009 through a representative.
2. The appellant stated that the CPIO has furnished partial information. Specifically, he stated that the CPIO has not provided the information asked for under item nos.6, 7, 8 and 9 of the RTI application dated September 29, 2008.
3. The information asked for relate to deductions of specific amount from the employees' salary for providing relief to the persons affected due to fire on September 10, 2006, the details of which are mentioned in the application. The appellant alleged corruption in the collection of money from the employees, since the collected money was not paid to the affected persons. Rather, the money was returned to the contributors after a lapse of two years or so. He, therefore, pleaded for providing the relevant details, as specified in his RTI application.
4. The reply furnished to the appellant indicate that the CPIO has refused, u/s 8(1)(j) of the Act, to provide the information relating to the paid and unpaid treatments provided to the patients, as mentioned in the RTI application. The CPIO has also refused to provide the details of names and amount deducted from various employees for distribution among the fire affected persons, and as to why the money was not disbursed among the victims.

Decision:

5. The CPIO has furnished partial information while the remaining information relating to the paid and/or free treatments facility provided to patients at the hospital managed by the respondent has been refused u/s 8(1)(j) of the

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

Act, which is unjustified. Also, the CPIO has not disclosed the details of collection of money for providing relief to the persons, who suffered losses due to the fire.

6. As the RTI is meant for exposing inefficiency and containing corruption, such information, as above, should not be denied u/s 8(1)(j) of the Act. The said activities are undertaken as a part of the public function, in performance of the social responsibilities, the requested information should, therefore, be put in public domain. The CPIO is, therefore, directed to furnish the complete information, as asked for by the appellant, within one month from the date of issue of this decision.

7. The appellant would also be free to inspect the relevant records so as to identify and specify the required information, which should be furnished to him as per the provisions of the Act.

8. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Rakesh Sharma, Vill. Dhada, PO: Kasna, Dist. G.B. Nagar – 201 007.
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.4089/IC(A)/2009

F. No.CIC/MA/A/2009/000421

Dated, the 29th June, 2009

Name of the Appellant: Shri. Rakesh Sharma

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appellant was heard on 26/6/2009, through a representative.
2. The appellant stated that he has asked for information relating to the appointment and transfer of employees, on the basis of recommendation of the Minister of Power.
3. The CPIO has refused to furnish the information u/s 8(1)(j) of the Act. The appellant pleaded for providing the requested information.

Decision:

4. All the matters relating to appointment and transfer of staff should be placed in public domain to demonstrate fairness and objectivity in the action taken by the respondent. In view of this, the denial of information u/s 8(1)(j) of the Act is unjustified. The CPIO is, therefore, directed to provide the requested information within 15 working days from the date of issue of this decision.

ⁱ *“If you don’t ask, you don’t get.” - Mahatma Gandhi*

5. The appellant would also be free to inspect the relevant records and files so as to satisfy himself about the availability of the requested information, as maintained by the respondent.

6. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Rakesh Sharma, Vill: Dhada, PO: Kasna, Dist. G.B. Nagar – 201 007.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core- 6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3598/IC(A)/2008

F. No. CIC/MA/A/2008/01560

Dated, the 15th January, 2009

Name of the Appellant : Shri Ramkrishna Verma
Name of the Public Authority : NTPC-SAIL Power Co. Pvt. Ltd.

Facts: ¹

1. The appellant was heard on 15.01.2009.
2. The appellant has grievances regarding service matters. In response to his application for information, the CPIO has duly replied and furnished point-wise response, with which the appellant is not satisfied.
3. During the hearing, the appellant stated that the information furnished to him is incomplete and misleading. He therefore pleaded for providing complete information.

Decision:

4. Since there is no denial of information, the appellant is free to seek inspection of records so as to satisfy himself with the availability of required information. The CPIO should allow the inspection of records to the appellant.

If you don't ask, you don't get - Mahatma Gandhi

Both the parties should mutually decide a convenient date and time for inspection of records within 15 working days from the date of issue of this decision.

5. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:²

1. Shri Ramkrishna Verma, Block No. 117/C, Risali Sector, Bhilai nagar, Distt. Durg-490006, Chhattisgarh.
2. Shri Roy Thomas, Chief Manager (HR) & CPIO, NTPC-SAIL Power Company Private Limited (NSPCL), Bhilai (East) – 490021, Durg, Chhattisgarh.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No. 4669/IC(A)/2009

F. No.CIC/MA/A/2009/000609

Dated, the 30th October, 2009

Name of the Appellant: : Shri Ramesh Chand Sharma

Name of the Public Authority: : NTPC Ltd.

Facts:

1. Both the parties were heard on 30.10.2009.
2. The appellant has asked for information relating to the details of deduction of PF by the different Contractors of the respondent, NTPC, in respect of the workers who are employed by them.
3. The respondent, NTPC has furnished partial information while the remaining information, mainly the PF deduction, has been refused on the ground that the desired information are not available or maintained. Being dissatisfied with the response, the appellant has pleaded for providing complete information, which is held by the contractors and are in control of the NTPC.
4. During the hearing, some workers, who are employed by the Contractors for over ten years or so, alleged that (i) the details of PF deductions are not disclosed to them in spite of oft-repeated requests made by them; (ii) the workers are threatened of dire consequences, when such demands are made; and (iii) Even though the wages are paid in full through bank A/C, every worker is required to pay back in cash an specific amount to the Contractors, in presence of the official(s) of the respondent. In case of refusal of such payments, their jobs are terminated or workers are harassed. All the workers present during the hearing, revealed the names of Contractors, the details of amount paid back in cash to the Contractors in connivance with the official(s).
5. The CPIO stated that allegations made against the contractor has never been brought before him. He therefore, pleaded for an opportunity to investigate the matter so as to un-earth the truth about the deduction of PF, which is maintained by the Contractors. The CPIO assured the workers that he would do the needful to redress their grievances.

Decision:

6. The issue of non-payment of workers' entitlements, such as PF, is indeed very serious and therefore calls for thorough investigation. The CPIO is therefore directed to (i) ensure that the allegations made by the workers in his presence are duly investigated and necessary remedial measures are taken to redress the grievances of the workers; (ii) the PF details of all the workers who are presently working with the respondent's Contractors are furnished within one month from the date of issue of this decision; and (iii) the PF details of other workers who seek similar information, in respect of the already completed projects or the Contractors that are no more associated with the respondent, should also be gathered and furnished on case to case basis. All the relevant details about the payment wages and deductions on account of PF, insurance, health case, etc. should be routinely disclosed to all the employees/workers.

7. The appellant would be free to approach the Commission again if he is not satisfied with the compliance of this decision by the CPIO.

8. With these observations, this appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri Ramesh Chand Sharma, Vill: Salarpur Kalan, PO: Vidyut Nagar, Dist: Gautambudh Nagar, UP – 201 008
2. Shri O P Khorwal, CPIO, NTPC Ltd, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi - 110 003
3. The Chairman, NTPC Ltd., NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-11003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3919/IC(A)/2009

F. No.CIC/MA/A/2009/000232

Dated, the 27th April, 2009

Name of the Appellant: Shri. Ram Lakhan Mishra

Name of the Public Authority: NTPC Ltd.

Decision: ⁱ

1. Both the parties were heard on 24/4/2009.
2. During the hearing, it emerged that the CPIO has furnished the requested information on the basis of available records. There is, however, no denial of information. The appellant could not indicate as to which information has been refused to him.
3. As there is no denial of information, this appeal was unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***
ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Ram Lakhan Mishra, Manager/Pujari, Jwalamukhi Mandir, PO Shaktinagar, Sonbhadra (U.P.)
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agrawal, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.3628/IC(A)/2009

F. Nos.CIC/MA/A/2008/01614

CIC/MA/A/2008/01615

Dated, the 21st January, 2009

Name of the Appellant: Shri. Ravindra Kumar Sood

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant has filed two separate appeals, which are examined together. Both the appeals were heard on 21/1/2009 in absence of the appellant.

2. The CPIO stated that a point-wise response has already been given and the information asked for have thus been furnished on the basis of available records. He also stated that an action taken report on a representation submitted by the appellant could not be given earlier because the information did not exist. He, however, stated that an action taken report is now available and the same could be given to the appellant at the earliest.

Decision:

3. As assured by the CPIO, the details of action taken on the representation submitted by the appellant should be furnished within 15 working days from the date of issue of this decision.

ⁱ *“If you don’t ask, you don’t get.” - Mahatma Gandhi*

4. Since the appellant has not responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter.

5. Both the appeals are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Ravindra Kumar Sood, Qrtr No. 18, Type-IV, Staff Colony, Badarpur Thermal Power Station, New Delhi – 110 044.
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. G.K. Agrawal, ED-HR & AA, NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 3.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 3862/IC(A)/2008

F. No. CIC/MA/A/2009/00198

Dated, the 13th April, 2009

Name of the Appellant : Shri Ravindra Kumar Sood
Name of the Public Authority : NTPC Ltd.

Facts: ¹

1. The appellant did not avail of the opportunity of personal hearing on 13.04.2009. The appeal is therefore examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that the appellant has grievances regarding his services matter. He has challenged the decision of the respondent and the matter is pending before the Court for adjudication. On various issues arising from the petitions submitted by the respondent he raised queries and sought for clarifications through his RTI application. The CPIO has furnished a point-wise response with which the appellant is not satisfied, hence this appeal before the Commission.

Decision:

3. As the appellant has not responded to the notice for hearing and that the matter relating to his grievances regarding services matter is pending before the

If you don't ask, you don't get - Mahatma Gandhi

Court for adjudication, it may be hoped that the appellant would receive natural justice in the matter. Since there is no denial of information, this appeal was unnecessary and is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties: ²

1. Shri Ravindra Kumar Sood, Qtr. No. 18, Type-IV, BTPS Staff Colony, Badarpur, New Delhi-110044.
2. Shri A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhavan, Scope Complex, 7, Institutional Area, Lodi Road, New Delhi-110003.(Ref. No. RTI-955/2008 Dt. 13.10.2008).



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3804/IC(A)/2009

F. No.CIC/MA/A/2009/000153

Dated, the 25th March, 2009

Name of the Appellant: Shri. Shashank Kale

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was scheduled for hearing on 25/3/2009. But the appellant did not avail of this opportunity.
2. The appellant has grievances regarding service matters, mainly promotion. In this context, he has asked for certain information in the form of various queries, which have been replied to him. He is, however, not satisfied seemingly because his service related grievance has not been redressed.

Decision:

3. The appellant has not specified the information, u/s 2(f) of the Act, which has been refused to him. As the appellant has not responded to the notice for hearing and that there are no provisions under the Act for redressal of grievances of the employees of the respondent, this appeal was unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Shashank Kale, B-121, NTPC Township, Anta, Rajasthan – 321 209.
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Bhawan, Core-6 Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rastogi, Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3817/IC(A)/2009

F. No.CIC/MA/A/2009/000093

Dated, the 30th March, 2009

Name of the Appellant: Shri. Sheikh Niyamatullah

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appeal was heard in absence of the appellant on 30/3/2009.
2. The appellant has grievances regarding his participation in the Tendering process initiated by the respondent. The CPIO stated that a point-wise response has already been furnished and the required document has also been provided to the appellant. There is, however, no denial of information u/s 8(1) of the Act. The CPIO also expressed his willingness to allow inspection of all the relevant documents relating to the Tendering process in which the appellant has participated.

Decision:

3. The CPIO has furnished a point-wise response and, thus furnished the information on the basis of available records.
4. As the appellant has not responded to the notice for hearing, it is presumed that he is no more interested in pursuing the matter. Since there is no denial of information by the CPIO, the appellant is free to seek inspection of the relevant records and files, so as to identify the required information, which should be furnished to him.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. With these observations, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Sheikh Niyamatullah, House No.173, Ward No.1, Darri Road, Korba – 495 678 (Chattisgarh)
2. Shri. A.K. Sharma, CPIO, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.
3. Shri G.K. Agrawal, Appellate Authority, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3918/IC(A)/2009

F. No.CIC/MA/A/2009/000235

Dated, the 27th April, 2009

Name of the Appellant: Shri. Uma Shankar Yadav

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was heard in absence of the appellant on 24/4/2009.
2. The CPIO stated that the requested information has been furnished except the minutes of the Board of Directors in respect of Annual Additional Incentives. After some discussion, the CPIO agreed to provide the requested information.

Decision:

3. The CPIO is directed to furnish the extracts of the decision of the Board of Directors on the issue of Annual Additional Incentives for 2006-07. The information should be furnished within 15 working days from the date of issue of this decision.
4. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Uma Shankar yadav, B-78, Aloknagar, NTPC Township, PO: Dibiyaapur, Dist. Auraiya – 206 244.
2. Shri. A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Limited, NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4000/IC(A)/2009

F. No.CIC/MA/C/2009/000124

Dated, the 20th May, 2009

Name of the Appellant: Shri. Vipin Kumar

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The complaint was scheduled for hearing on 20/5/2009. But, the complainant did not avail of this opportunity. The complaint is, therefore, examined on merit.
2. The complainant has alleged that the requested information relating to the acquisition of land by the respondent has not been furnished to him. Hence, this complaint before the Commission.

Decision:

3. The CPIO is directed to furnish the information asked for within one month from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.
4. The appellant is advised to submit a copy of his RTI application dated January 24, 2009 to the concerned CPIO for ready reference.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. The complaint is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Vipin Kumar, Visthapit-2, Post: Sidhaura, Dist: Nalanda (Bihar)
2. The CPIO & AGM, NTPC Limited, Kahalgaon, Bhagalpur (Bihar).

ⁱⁱ *“All men by nature desire to know.”* - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4045/IC(A)/2009

F. No. CIC/MA/A/2009/00264, 275, 427 & 478 to 484

Dated, the 3rd June, 2009

Name of the Appellant : Shri V.K. Agarwal

Name of the Public Authority : NTPC Limited

Facts: ¹

1. The appellant was heard on 15/05/2009.
2. The appellant, an ex-employee of the respondent, has grievances regarding VRS, which he opted for in 2003. The respondent has duly settled the retrial benefits as per the entitlement of the appellant. The appellant has earlier pleaded for re-employment which was not acceded to by the respondent. The appellant has also explored legal remedy in the matter, but of no avail.
3. Under the provisions of RTI Act, he has submitted over 60 RTI applications, containing about 20 queries in each application. In almost all the applications he has separately made queries relating to his VRS and related matters.

If you don't ask, you don't get - Mahatma Gandhi

4. He has also submitted over 30 appeals and complaints before the Commission. Necessary orders have been passed for providing the information as per the provisions of the Act.

5. He has also been allowed inspection of records and files so as to enable him to identify and specify the required documents which should be provided to him.

6. On his complaint that CPIO of the respondent was not cooperating and allowing access to documents, this Commission allowed him to inspect the documents in presence of an officer of this Commission. Thus, every possible attempt has been made to satisfy the information needs of the appellant.

7. Yet, the appellant is not satisfied and he is in the habit of putting up multiple RTI applications in which he is separately making queries that have been answered.

8. The respondents have complained that the appellant is mis-using the provisions of the Act for promotion of his personal interest, mainly to harass the officials of the respondent. All the queries made by him relate to the appellant himself. There is, therefore, no public interest in entertaining his large number of applications at the costs of the shareholders of the respondent. In the garb of seeking information, the appellant is trying to secure re-employment with the respondent, which is not possible as per the rules.

Decision:

9. The appellant has had occasions to inspect the relevant records and files in presence of an officer from this Commission. Every effort has thus been made to provide access to the required information.

10. The appellant is a retired employee who has enough leisure time for writing and putting up frivolous applications, all of which relate to his VRS and other employment related issues. The respondents have indeed replied and furnished huge information at the costs of the public exchequer and other shareholders, merely to satisfy the personal interest of the appellant, who has been harassing the officials of the respondent. The appellant has unfortunately been mis-using the provisions of the Act for a sadistic pleasure, which should not be allowed at the costs of tax payers. He therefore does not deserve any relief in the matter and all the appeals are thus dismissed.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:²

1. Shri V.K. Agarwal, Flat No. 232, Prabhavi Apartments, Plot No. 29-B, Sector-10, Dwarka, New Delhi-110075.
2. Shri O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3590/IC(A)/2009

**F. Nos.CIC/MA/A/2008/01469, CIC/MA/A/2008/01470,
CIC/MA/A/2008/01471, CIC/MA/A/2008/01472,
CIC/MA/A/2008/01473, CIC/MA/A/2008/01474,
CIC/MA/A/2008/01475, CIC/MA/A/2008/01481,
CIC/MA/A/2008/01534, CIC/MA/A/2008/01557,
CIC/MA/A/2008/01576, CIC/MA/A/2008/01619,
CIC/MA/A/2009/00003, CIC/MA/A/2009/00004,
CIC/MA/A/2009/00005**

Dated, the 15th January, 2009

Name of the Appellant: Shri. V.K. Agarwal

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. Both the parties were heard on 8/12/2008 and 14/1/2009.
2. The appellant, a retired employee of the respondent, has asked for access to the documents regarding approval of VRS and inspection of personal file including ACRs. He has also asked for information relating to leave records, VRS details, etc, of other employees of the respondent. A large part of information has been solicited in interrogatory form.
3. He took VRS about five years ago and the retiral benefits were settled as per the policy of the respondent. In the last one year or so, he has submitted as many as 61 RTI applications and first appeals to the respondent, all of them have been replied but the appellant is not satisfied. He has, therefore, filed as many as 15 appeals and complaints before the Commission, excluding 8 appeals that were disposed of earlier. On the basis of earlier appeals before the Commission, the parties were directed vide Commission's Decision No.3008/IC(A)/2008 dated 7/8/2008, as under:

ⁱ ***"If you don't ask, you don't get."* - Mahatma Gandhi**

- *“The appellant has grievances regarding the processing of his application for grant of VRS. In this context, the information asked for have been furnished to him, though he is not satisfied.*
- *The appellant is advised to prepare a comprehensive list of required information and resubmit to the CPIO, who should examine his fresh application for information as per the provisions of the Act, and accordingly, furnish the information within 15 working days from the date of receipt of his fresh application. In case, any information is to be denied, the reasons for doing so, should be clearly indicated for review, if necessary, by the Commission.”*

4. During the hearing, the details of information asked for and the responses given by the CPIO were discussed. While the appellant alleged that he has not been provided complete access to personal and VRS files, the CPIO stated that all the relevant documents concerning the appellant have been shown to him. Even the ACR grades have also been provided. The CPIO stated that the information pertaining to other employees and remarks and comments of superior officers in respect of the appellant’s ACRs have not been provided to him. He also stated that the details of calculation of VRS have also been provided to the appellant who has not raised any objection in regard to the settlement of dues.

5. The CPIO also alleged that the appellant is harassing the employees of the respondent in the garb of seeking information and for promoting his personal interest to settle scores with his former colleagues. The CPIO, therefore, pleaded before the Commission that the appellant would be asked to resist from misusing the Act, for promotion of personal interest. He also stated that the appellant was seeking reinstatement in service, after accepting VRS, which was not possible.

6. The appellant, however, pleaded that he should be allowed inspection of complete VRS file as well as his personal files including ACRs.

Decision:

7. Through various applications, the appellant has asked for voluminous information, largely about the VRS, which he accepted about five years ago. The documents concerning the processing of his case in the matter of settlement of VRS have been provided. He has also been provided ACR grades. Yet, he is not satisfied. He has appeared before the Commission on a number of occasions and raised the issue of VRS. But, he has not been able to pin point as to what ails him in the matter of settlement of retiral benefits. The CPIO has stated that the appellant’s grievance is regarding reinstatement in NTPC Ltd. after availing of VRS which is, however, not possible. There is, therefore, no way

to redress the grievances of the appellant by way of his reinstatement after availing of VRS.

8. In the course of hearing, it was agreed between the parties that the CPIO would provide a fresh opportunity to inspect the relevant records pertaining to the approval of VRS by the competent authority and personal files. The CPIO is directed to allow inspection of complete files including the note sheets in order to satisfy the appellant about his information needs. Both the parties should mutually decide a convenient date and time for inspection of the relevant documents within one month from the date of issue of this decision.

9. In our earlier decision No.3008/IC(A)/2008 dated 7/8/2008 the appellant was advised as under:

“As there are no provisions under the Act, for redressal of grievances of the serving or retired employees of the respondent, the appellant is advised to seek legal remedy for redressal of his grievances relating to service matters.”

10. It is reiterated that the appellant should seek legal relief in the matter rather than raising issues about VRS under the provisions of the RTI Act. The appellant is accordingly advised.

11. With these observations, all the appeals/complaints are disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. V.K. Agarwal, Flat No.232, Prabhavi Apartments, Plot No.29-B, Sector-10, Dwarka, New Delhi – 110 075.
2. Shri. A.K. Sharma, CPIO, NTPC Ltd., NTPC Limited, NTPC Bhavan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 3.
3. Shri. G.K. Agrawal, ED-HR & PMI & AA, NTPC Limited, NTPC Bhavan, Core-7, SCOPE Complex, Lodhi Road, New Delhi – 3.

ⁱⁱ *“All men by nature desire to know.”* - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.3908/IC(A)/2009

F. No.CIC/MA/A/2009/000252

Dated, the 23rd April, 2009

Name of the Appellant: Shri. V.K. Agarwal

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appellant was heard on 23/4/2009.
2. The appellant alleged that the Appellate Authority of the respondent has not examined his appeal against the CPIO's reply. He also alleged that he was earlier allowed inspection of the relevant records, but, he could not access the required information. He, therefore, pleaded that the Appellate Authority of the respondent should be asked to examine his appeal for disclosure of information relating to the appellant's VRS.

Decision:

3. The appellant has been duly allowed inspection of the records and files relating to his VRS, including the details of settlements of retirement dues. Yet, he is not satisfied, even though there is no denial of information to him. However, as pleaded by the appellant, the Appellate Authority of the respondent is directed to examine the appellant's first appeal and pass necessary orders regarding disclosure of the requested information.
4. The appeal is, therefore, remanded back to the Appellate Authority, who may do the needful in the matter.
5. The appellant has submitted, in the recent past, over dozens of appeals regarding his VRS. In response to which he has been allowed inspection of records on a number of occasions and that the respondent has also duly complied with, in the presence of this Commission's official. Yet, the appellant is

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

not satisfied on one pretext or the other. He is thus misusing the provisions of the Act for promotion of personal satisfaction, mainly to harass the officials of the respondent, which is unfortunate. The appellant is advised again to refrain from raising the issues relating to his VRS and re-employment, since there are no provisions under the Act for redressal of such grievances

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. V.K. Agarwal, Flat No.232, Prabhavi Apartment, Plot No.29-B, Sector-10, Dwarka, New Delhi – 110 075.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., NTPC-PMI, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5158/IC(A)/2010

F. No.CIC/MA/A/2009/000963

Dated, the 12th February, 2010

Name of the Appellant: Shri. Ayodhya Prasad Tiwari

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was scheduled for hearing on 11/2/2010. But, the appellant did not avail of the opportunity of personal hearing. The appeal is, therefore, examined on merit.
2. On perusal of the documents submitted by the appellant, it is noted that the CPIO and the Appellate Authority have replied, with which the appellant is not satisfied. Hence, this appeal before the Commission.

Decision:

3. An information seeker is expected to ask for information, as per section 2(f) of the Act, which requires that the desired information should be available in any material form. A requester is not expected to elicit views and opinion of the CPIO through various forms of queries, as has been attempted in the instant case. The appellant is, therefore, advised to seek inspection of the documents

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

as per section 2(j) of the Act so as to clearly identify and specify the required information, which should be furnished to him, as per the provisions of the Act.

4. With these remarks the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. Ayodhya Prasad Tiwari, Vill: Pipralal, PO: Jayant, Dist: Singrqli – 486 890.
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, SCOPE Complex, Lodhi Road, New Delhi – 3.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5242/IC(A)/2010

F. No.CIC/MA/C/2010/000030

Dated, the 25th March, 2010

Name of the Appellant: Shri. Girdhari Lal Lohia

Name of the Public Authority: N.T.P.C. Ltd.

Facts: ⁱ

1. The complainant has grievances regarding release of security deposit by the respondent. Through his RTI application dated 25.06.2009 he has sought to know whether the respondent has released the security amount, the details of which are mentioned in the application. He has stated that the information has not been furnished by the CPIO and the Appellate Authority. Hence, this complaint before the Commission.

Decision:

2. The CPIO is directed to furnish the information on the basis of available records, within 15 working days from the date of issue of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated.
3. The complaint is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Sh. Girdhari Lal Lohia, Director, BMW Steels Ltd., Sadabad Gate, Hathras – 204 101 (U.P.)
2. The CPIO, NTPC Ltd., Kahalgaon Super Thermal Power Project, Bhagalpur – 813 214 (Bihar).
3. The Appellate Authority, NTPC Ltd., Kahalgaon Super Thermal Power Project, Bhagalpur – 813 214 (Bihar).



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5294/IC(A)/2010

F. No.CIC/MA/C/2010/000055

Dated, the 13th April, 2010

Name of the Appellant: Ms. Priya Patel

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The complainant has sought for certain information relating to a project report prepared by the respondent. She has stated that the CPIO has not furnished the required information. Hence, this complaint before the Commission.

Decision:

2. The CPIO is directed to furnish the information asked for on the basis of available records as per the provisions of the Act, failing which penalty proceedings u/s 20(1) of the Act would be initiated. The information should be furnished within 15 working days from the date of receipt of this decision.

3. The complainant is advised to re-submit a copy of the RTI application to the concerned CPIO of the respondent at the earliest for ready reference.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

4. With these observations, the complaint is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Ms. Priya Patel, Arya Vihar, P.O. Box No.7, Vill: Sainj, Dist: Uttarkashi – 249 193.
2. The CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. The Appellate Authority, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5286/IC(A)/2010

F. No.CIC/MA/A/2009/001028

Dated, the 12th April, 2010

Name of the Appellant: Shri. R.K. Dubey

Name of the Public Authority: N.T.P.C. Ltd.

Facts: ⁱ

1. The appellant was heard on 12/4/2010 through a representative.
2. In the course of hearing, the details of information asked for, which relate to allotment of quarters, and the CPIO's response were discussed. The appellant stated that there was inordinate delay in supply of information to him and that the information furnished to him is incomplete and misleading. The appellant also stated that he has asked for information for over about 20 years or so in a pre-designed format. He alleged that the CPIO has wrongly invoked section 7(9) of the Act for denial of information. He pleaded for allowing inspection of the records so as to enable him to obtain correct and complete information.

Decision:

3. The appellant's plea for inspection of the records is accepted. The appellant has asked for information regarding allotment of quarters and the relevant provisions under which quarters have been allotted to different categories of employees. He has also asked for details of beneficiaries. The appellant has requested for information in a pre-designed format for a period of over 20 years or so.
4. The appellant has indeed asked for voluminous information relating to allotment of quarters to the respondent's employees, which cannot be easily furnished within the stipulated period of 30 days. He has not indicated as to how he is affected in the matter. The appellant is, however, advised to seek

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

inspection of the relevant records relating to allotment of quarters so as to clearly specify, minimize and prioritize the required information.

5. The CPIO is directed to allow inspection of the records in respect of the allotment of quarters within 15 days from the date of receipt of this decision. Both the parties should mutually decide a convenient date and time for inspection of the relevant records. Upon inspection of the records, the appellant should clearly identify the records, which should be furnished to him.

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. R.K. Dubey, Advocate, Additional Distt. & Session Court Campus, Waidhan, Distt. Singrauli – 486 886 (M.P.)
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301 (U.P.)

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5654/IC(A)/2010

F. No.CIC/MA/A/2010/000392

Dated, the 26th July, 2010

Name of the Appellant: Shri. Amit Kumar Sharma

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the parties were heard on 26/7/2010.
2. The appellant has asked for information regarding selection of Law Officers. In response to the RTI application, the CPIO has furnished a point-wise response. Yet, the appellant is not satisfied.
3. During the hearing, the details of information asked for and the CPIOs response were discussed. The appellant pleaded for providing details of the selection criteria and the marks obtained by him in the written test and interviews.

Decision:

4. As agreed, the CPIO is directed to furnish the score of marks obtained by the appellant in written test and interviews within 10 working days from the date of receipt of this decision.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

5. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri. Amit Kumar Sharma, Flat No.239, Sector-10, Chiranjiv Vihar, Ghaziabad – 201 001 (U.P.)
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Limited, NTPC-PMI, Plot No.5-14, Sector-16A, NOIDA.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066

Website: www.cic.gov.in

Decision No.5133/IC(A)/2010

F. No.CIC/MA/A/2009/000937

Dated, the 9th February, 2010

Name of the Appellant: Shri. Animesh

Name of the Public Authority: NTPC Ltd.

Decision: ⁱ

1. Both the parties were heard on 5/2/2010.
2. The appellant has grievances regarding non-settlement of certain service benefits of his wife, who was earlier working in a school, which is run in the Township of the respondent. Instead of pointing out the specific grievances, he has raised issues in circuitous manner and sought for information, through different queries relating to the functioning of the respondent and its relationship with the school, namely DPS.
3. During the hearing, it was noted that a point-wise response has already been given by the CPIO. Since the appellant did not clearly reveal or indicate his main concerns about the alleged non-payment of certain dues to his wife by the school authorities, the respondents could not address the relevant issues nor the matter directly pertains to them, since the DPS is functioning autonomously. The respondents, however, assured that they would make sincere efforts to resolve the issues between the DPS and the appellant's wife, as per rules.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

4. The parties are therefore advised to cooperate with each other so as to amicably resolve the disputes within one month from the date of issue of this decision.

5. With these remarks, the appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. Animesh, B-55, Shivaji Road, North Gonda, Delhi – 110 053.
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA-201 301 (U.P.)

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5081/IC(A)/2010

F. No.CIC/MA/A/2009/000868

Dated, the 29th January, 2010

Name of the Appellant: Shri. Ayodhya Prasad Tiwari

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appeal was scheduled for hearing on 28/1/2010. But, the appellant did not avail of the opportunity of personal hearing. The appeal is, therefore, examined on merit.
2. On perusal of the documents submitted by the appellant, it is observed that the CPIO has furnished a point-wise response. The appellant is, however, not satisfied. Hence, this appeal before the Commission.

Decision:

3. Since there is no denial of information, the appellant is advised to seek inspection of the records and files so as to identify and specify the required information, which should be furnished to him, as per the provisions of the Act. The appellant is accordingly advised and this appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Sh. Ayodhya Prasad Tiwari, Vill: Pipralal, PO: Jayant, Dist: Singrauli
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi - 3
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5474/IC(A)/2010

F. No.CIC/MA/C/2010/000118

Dated, the 20th May, 2010

Name of the Appellant: Shri. Dal Bahadur Singh

Name of the Public Authority: Feroz Gandhi Thermal Power Station

Facts:ⁱ

1. The complainant has stated that the CPIO has not replied to his RTI application. Hence, this complaint before the Commission.

Decision:

2. The CPIO is directed to furnish the information asked for on the basis of available records within 15 working days from the date of receipt of this decision failing which penalty proceedings u/s 20 (1) of the Act would be initiated.

3. The complainant is advised to re-submit a copy of his RTI application to the concerned CPIO of the respondent, who may be the custodian of information at the earliest for ready reference. He should ensure that the desired information is clearly specified as per section 2(f) of the Act. The parties are accordingly advised.

4. If any information is refused u/s 8(1) of the Act, the complainant would be free to approach the Commission again for initiating appropriate action against the respondent.

5. The complaint is thus disposed of.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. Dal Bahadur Singh, Vill: Bhanapur, PO: Garhi Sampabad, Dist: Pratapgarh (U.P.)
2. The CPIO, Feroz Gandhi Thermal Power Station, NTPC- Unchahar, Rae Bareili, (U.P.)
3. The Appellate Authority, Feroz Gandhi Thermal Power Station, NTPC- Unchahar, Rae Bareili, (U.P.)

ⁱⁱ ***“All men by nature desire to know.”*** - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5577/IC(A)/2010

F. No.CIC/MA/A/2010/000313

Dated, the 30th June, 2010

Name of the Appellant: Shri. Daljit Singh

Name of the Public Authority: NTPC Limited

Facts: ⁱ

1. The appeal was scheduled for hearing on 30/6/2010. But, the appellant did not avail of this opportunity of personal hearing. The appeal is, therefore, examined on merit.
2. In response to the RTI application, the CPIO has furnished partial information while the remaining information has been refused u/s 8(1)(d) of the Act. Being dissatisfied with the response, the appellant has submitted the appeal before the Commission and pleaded for providing complete information.

Decision:

3. The appellant has neither indicated as to what is the public interest in disclosure of information, which has been refused to him u/s 8(1)(d) of the Act, nor he has indicated as to how he is affected in the matter.
4. This appeal is therefore considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Daljit Singh, L-II/101, New Mahavir Nagar Extn., Outer Ring Road, New Delhi – 110 018.
2. Shri. O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Limited, Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5442/IC(A)/2010

F. No.CIC/MA/A/2010/000199

Dated, the 17th May, 2010

Name of the Appellant: Shri. Daya Chand

Name of the Public Authority: N.T.P.C.

Facts: ⁱ

1. Both the parties were heard on 17/5/2010.
2. The appellant has grievances regarding termination of his services on the ground of mis-conduct.
3. In the course of hearing, the details of information asked for and the CPIO's response were discussed. The appellant stated that the information asked for, mainly the enquiry report has not been provided to him. In his response, the CPIO provided evidence of receipt of enquiry report in question.

Decision:

4. The documents submitted before the Commission prove that the appellant has lied before the Commission that the information has not been furnished to him.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

5. Since there is no denial of information and that there are no provisions under the Act for redressal of service related grievances of the employees, this appeal is considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. Daya Chand, H. No.RZ-80A, Gali No.6, East Sagarpur, New Delhi – 110 046.
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5365 /IC(A)/2010

F. No.CIC/MA/A/2010/00342

Dated, the 29th April, 2010

Name of the Appellant : Shri D Nandan Loharuka

Name of the Public Authority : NTPC Limited

Facts:

1. Both the parties were heard on 29th April, 2010. The details of information asked for and CPIO's response were discussed. The appellant has grievances regarding non-payment of dues and other related matter. The case has also been examined and adjudicated by the Court, but the appellant did not get any relief in the matter.

2. The appellant was also allowed inspection of relevant documents as per the Commission's order No. 3123/IC(A)/2008 dated August 25, 2008.

Decision:

3. There are no provisions under the Act for redressal of grievances regarding commercial and business related disputes between the parties. However, the CPIO would indicate the reasons for non-payment of dues, as claimed by the appellant within 15 days from the date of receipt of this decision.

4. With these remarks, this appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri D. Nandan Loharuka, C/o M/s Indian Enterprises, 62-A, Sai Mahima Colony, Chinch Bhawan, Wardha Road, Nagpur-440005.
2. Shri O P Kherwal, CPIO, NTPC Limited, NTPC Bhawan, Core-6, 7th Floor, Scope Complex, Lodhi Road, New Delhi-110003.

ⁱ ***“All men by nature desire to know.”*** - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5829/IC(A)/2010
F. No.CIC/MA/C/2010/000173
Dated, the 1st September, 2010

Name of the Appellant: Shri. Girdhari Lal Lohia

Name of the Public Authority: NTPC Ltd.

Decision: ⁱ

1. The complainant has alleged that the CPIO has not furnished the information asked for. He has, therefore, pleaded for providing the information.
2. The CPIO is directed to furnish the information on the basis of available records within 15 working days from the date of receipt of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated. If any information is refused u/s 8(1) of the Act, the grounds for denial of information should be clearly indicated for review, if necessary, by the Commission.
3. The complainant is advised to re-submit a copy of his RTI application, for ready reference, to the concerned CPIO, who may be the custodian of information. He should ensure that the required information is clearly specified as per section 2(f) of the Act, which requires that the information should be available in any material form. He ought not make attempts to elicit views and opinion of the CPIO through various forms of queries, as such queries are not covered under the definition of information.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

4. With these observations, the complaint is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri. Girddhari Lal Lohia, Hanuman Gali, Hathras – 204 101
2. The CPIO, NTPC Ltd., Kahalgaon Super Thermal Power Project, Dist; Bhagalpur – 813 214. (Bihar).
3. The Appellate Authority, NTPC Ltd., Kahalgaon Super Thermal Power Project, Dist. Bhagalpur – 813 214. (Bihar).

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5458/IC(A)/2010
F. No.CIC/MA/C/2010/000114
Dated, the 19th May, 2010

Name of the Appellant : Shri Kailash Chandra Tiwari

Name of the Public Authority : NTPC Limited

Facts:

1. The complainant has stated that the CPIO of the respondent has not furnished the information asked for. Hence, this complaint before the Commission.

Decision:

2. The CPIO is directed to furnish the information on the basis of available records within 15 working from the date of receipt of this decision, failing which penalty proceedings u/s 20 (1) of the Act would be initiated.

3. The complainant is advised to re-submit a copy of his RTI application to the concerned CPIO at the earliest for ready reference. He should ensure that the desired information is clearly specified as per section 2(f) of the Act.

4. With these observations, this complaint is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ “*All men by nature desire to know.*” - Aristotle

Name & address of Parties:

1. Shri Kailash Chandra Tiwari, House No. 132, Type-III, NTPC Colony, Tanda, PO: Vidyutnagar, Dist: Ambedkar Nagar, UP-224238..
2. Shri O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Raod, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5790/IC(A)/2010

F. No.CIC/MA/A/2010/000329 & 419

Dated, the 19th August, 2010

Name of the Appellant : Shri Kayum Mumammed

Name of the Public Authority : NTPC Limited

Facts:

1. The appellant has submitted two separate appeals, which were heard on 26.07.2010 and 19th August, 2010 in absence of the appellant.
2. The CPIO stated that the appellant has submitted a number of RTI applications, all of which have been duly replied and point-wise responses have also been furnished. He also stated that the appellant has made several representations to various national authorities, which sought for clarifications on the issues raised by the appellant. Suitable responses to all the representations have also been furnished so as to satisfy the appellant about the manner in which the grievances of land oustees have been redressed. As such there is no denial of information.
3. In the instant cases also point-wise responses have been furnished on the basis of available records and that there is no denial of information under section 8 (1) of the Act.

Decision:

4. The CPIO has furnished a point-wise response on the basis of available records As there is no denial of information under section 8 (1) of the Act nor there are provisions under the Act for redressal of grievances for land oustees, these appeals are considered unnecessary and are thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri Kayum Muhammed, VPO: Sahapur, Singroli, Dist: Sidhi, Madhya Pradesh.
2. Shri O.P. Khorwal, CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7, Industrial Area, Lodhi Road, New Delhi-110003.

ⁱ ***“All men by nature desire to know.”*** - Aristotle

CENTRAL INFORMATION COMMISSION
Appeal No. CIC/WB/A/2009/000684 dated 19-6-2009
Right to Information Act 2005 - Section 19

Appellant: Shri Manohar Singh
Respondent: Central Information Commission
National Thermal Power Corpn. (NTPC)

Heard & Decision announced 24.9.2010

FACTS

By an application of 23.10.2008 Shri Manohar Singh of Uttam Nagar, New Delhi applied to the Central Information commission seeking the following information:

“Copy of the ‘Summary of the details of information sought and furnished by the NTPC” (that was not supplied to the appellant) as mentioned in Para-7 of the Decision No. 760/IC (A)/2007 dated 22.6.2007.”

To this he received a response dated 24.11.2008 from Shri M. C. Sharma, Assistant Registrar CIC, informing him as follows:

“So far as the copy of ‘summary of the details of information sought and furnished by the NTPC’ is concern it is informed that the statement as mentioned in Para 7 of CIC’s Decision no. 760/IC (A), dated 22.6.2007 was made on the basis of presentations made by the respondent and you were also present when the records were shown to the Commission.

You may, therefore, approach the NTPC for the detailed documents, as the Commission merely perused the documents.”

Shri Manohar Singh then moved an appeal on 5.12.2008 before First Appellate Authority Shri Mohammed Haleem Khan, Secretary, Central Information Commission pleading as follows: -

“It is submitted that in my presence, no records were shown to the Commission. As a matter of fact, during unscheduled meeting NTPC had made certain oral submissions when LD. IC directed the respondent to submit a ‘summary of the details of information’ in CIC by serving a copy to the appellant. The appellant has repeatedly stated that the said summary was never served to the appellant.

Hence, the appellant has sought copy of the said ‘summary’ as mentioned in Para 7 of CIC’s Decision No. 760/IC (A)/2007

dated 22.6.2007. However, CIC is directing the appellant to 'approach the NTPC for the detailed documents.

Therefore, it is requested that either CIC provide the sought information or issue a denial of non-availability of the same."

In his order of 2.1.2009 Shri Mohammed Haleem Khan directed as below: -

"the Designated Officer is hereby directed to look into the records and supply the same to the appellant and if the same is not available, NTPC may be advised to comply with the decision of the Information Commissioner as mentioned in Para 7 of the decision No. 760/IC(A)/2007 dated 22nd June, 2007."

In compliance Shri M. C. Sharma wrote to CPIO Shri N. K. Sharma, NTPC Ltd. informing him that the statement was made on the basis of a presentation made by the CPIO, NTPC and, therefore directed that the copy of the summary sought by appellant Shri Manohar Singh be furnished to him. Upon this Shri Manohar Singh moved his second appeal before us with the following prayer:-

- A. Providing sought information,**
- B. Impose penalty at the rate of Rs. 250/- (per day) for malafide denial of information on which the decision No. 760/IC(A)/2007 dated 22.6.2007 has been based,**
- C. Imposing penalty at the rate of Rs. 250/- (per day) for delay in providing information despite of orders passed by AA under RTI Act.**
- D. Award compensation of Rs. 10,000/- (ten thousand) for mental agony caused to a senior citizen.**
- E. Admitting the present complaint with costs."**

He further pleaded as below:-

10.4 Because non-supply of information is violation of Principles of Natural Justice.

10.5 Because orders passed by AA/CIC, under the RTI Act, are binding on the CPIO."

The appeal was heard on 26-8-2010. The following are present.

Appellant

Shri Manohar Singh

Respondents

Ms. Anita Gupta, First Appellate Authority

Shri M. C. Sharma, CPIO

Appellant Shri Manohar Singh has asked for copy of the 'Summary of the details of information sought and furnished by the NTPC'. It has been

made clear at the level of the CPIO that no such noting exists in the file referred to. CPIO Shri M. C. Sharma in the hearing also confirms this. However, the matter was referred to CPIO Shri N. K. Sharma of NTPC Limited by Assistant Registrar of this Commission on 24.11.2008, subsequent to which also appellant Shri Manohar Singh has not received any information. For this reason the hearing was adjourned to 15th September, 2010 at 11.00 a.m. CPIO Shri N. K. Sharma, NTPC Limited was also directed to be present with a copy of the document sought and if there is no such document to confirm this in the hearing.

Accordingly on 24.9.2009 after an adjournment on 15.9.2010 the following are present.

Appellant

Shri Manohar Singh

Respondents

Shri O. P. Khorwal, GM (CP)/CPIO

Shri Y. Devashish, Sr. Officer (C)

Shri M. C. Sharma, US and Dy. Registrar, Central Information Commission

A copy of the summary together with related documents was handed over to the Commission by CPIO Shri O. P. Khorwal, GM (CP), NTPC and handed over in turn to appellant Shri Manohar Singh. . Because the CPIO, CIC had in fact provided the information held by him, he is not liable for penalty. However CIO Shri Khorwal, NTPC, to whom the matter stood referred, but who is not party to this appeal, is cautioned that in matters of this nature, failure to adhere to time limits mandated under the law can lead to penalty. The appeal has thus been allowed

Announced in the hearing. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)

Chief Information Commissioner

24-9-2010

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Pankaj K.P. Shreyaskar)
Joint Registrar
24-9-2010



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5484/IC(A)/2010

F. No.CIC/MA/A/2010/000223

Dated, the 26th May, 2010

Name of the Appellant : Shri Marishwari Bhat

Name of the Public Authority : NTPC Limited

Facts:

1. Both the parties were heard today, i.e. on 26th May, 2010. While the CPIO was present in person, the appellant was heard through a representative.
2. In the course of hearing, the details of information asked for and the CPIO's response were discussed. The CPIO stated that he has provided complete information as per available records. The appellant has however expressed dissatisfaction, mainly because the replies to various queries were not formulated as per the appellant's expectations.

Decision:

3. An information seeker is expected to ask for the information as per section 2 (f) of the Act, which requires that the information should be available in any material form. A requester is not expected to elicit views and opinion of the CPIO through various forms of queries, as has been attempted in the instant case. The appellant is accordingly advised to specify the required documents and re-submit

his application to the custodian of information. He may approach this Commission again, if any information is refused u/s 8 (1) of the Act.

4. This appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri Marishwari Bhat, VPO: Netala, Dist: Uttarkashi, Uttarakhand-249193.
2. Shri O P Khorwal, CPIO, NTPC Limited, NRPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.

ⁱ ***“All men by nature desire to know.”*** - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.6005/IC(A)/2010
F. No.CIC/MA/A/2010/000631
Dated, the, 30th September, 2010

Name of the Appellant: Shri. Nand Kishore

Name of the Public Authority: NTPC Limited

Decision: ⁱ

1. The appellant was heard on 30/9/2010.
2. In the course of hearing, the details of information asked for and the responses of the CPIO and the Appellate Authority were discussed. It was noted that the respondents have furnished a point-wise response. There is no denial of information.
3. This appeal is therefore considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)

ⁱ *"If you don't ask, you don't get."* - Mahatma Gandhi

ⁱⁱ *"All men by nature desire to know."* - Aristotle

Deputy Registrar

Name & address of Parties:

1. Shri. Nand Kishore, Vill: Panhera Kalan, Gatha Mohalla, The: Ballabgarh -121 004. Distt. Faridabad (Haryana).
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd. NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5485/IC(A)/2010

F. No.CIC/MA/A/2010/000209

Dated, the 26th May, 2010

Name of the Appellant : Shri Pawan Kumar Chaurasia

Name of the Public Authority : NTPC Limited

Facts:

1. Both the parties were heard today, i.e. on 26th May, 2010.
2. The details of information asked for and the CPIO's response were discussed. The CPIO stated that the information asked for has been furnished on the basis of available records.

Decision:

3. As there is no denial of information u/s 8 (1) of the Act, the appellant is advised to seek inspection of relevant documents so as to clearly identify and specify the required information, which should be furnished to him.
4. The CPIO is directed to allow inspection of records on a date and time convenient to both the parties within 15 days from the date of issue of this decision. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ "All men by nature desire to know." - Aristotle

Name & address of Parties:

1. Shri Pawan Kumar Chaurasia So. Late Shri Hari Nath Chaurasia, Lalgaon, Raibareilly, UP.
2. Shri OP Khorwal, CPIO, NTPC Limited, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5655/IC(A)/2010
F. No.CIC/MA/A/2010/000442
Dated, the 26th July, 2010

Name of the Appellant: Shri. Pramod Chandra Pradhan

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appeal was heard in absence of the appellant on 26/7/2010.
2. The CPIO stated that the information asked for by the appellant has been refused u/s 8(1)(j) of the Act, on the ground that the requested information pertains to the third party.

Decision:

3. The appellant has not indicated as to what is the public interest in seeking information relating to the third party. Nor he has indicated as to how he has affected in the matter. The denial of information u/s 8(1)(j) of the Act is justified. This appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***
ⁱⁱ ***“All men by nature desire to know.” - Aristotle***

Name & address of Parties:

1. Shri. Pramod Chandra Pradhan, AT: Telesingha, PO Jarda, PS Kaniha, Distt. Angul, Orissa.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Limited, NTPC-PMI, Plot No.5-14, Sector-16A, NOIDA.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5286/IC(A)/2010

F. No.CIC/MA/A/2009/001028

Dated, the 12th April, 2010

Name of the Appellant: Shri. R.K. Dubey

Name of the Public Authority: N.T.P.C. Ltd.

Facts: ⁱ

1. The appellant was heard on 12/4/2010 through a representative.
2. In the course of hearing, the details of information asked for, which relate to allotment of quarters, and the CPIO's response were discussed. The appellant stated that there was inordinate delay in supply of information to him and that the information furnished to him is incomplete and misleading. The appellant also stated that he has asked for information for over about 20 years or so in a pre-designed format. He alleged that the CPIO has wrongly invoked section 7(9) of the Act for denial of information. He pleaded for allowing inspection of the records so as to enable him to obtain correct and complete information.

Decision:

3. The appellant's plea for inspection of the records is accepted. The appellant has asked for information regarding allotment of quarters and the relevant provisions under which quarters have been allotted to different categories of employees. He has also asked for details of beneficiaries. The appellant has requested for information in a pre-designed format for a period of over 20 years or so.
4. The appellant has indeed asked for voluminous information relating to allotment of quarters to the respondent's employees, which cannot be easily furnished within the stipulated period of 30 days. He has not indicated as to how he is affected in the matter. The appellant is, however, advised to seek

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

inspection of the relevant records relating to allotment of quarters so as to clearly specify, minimize and prioritize the required information.

5. The CPIO is directed to allow inspection of the records in respect of the allotment of quarters within 15 days from the date of receipt of this decision. Both the parties should mutually decide a convenient date and time for inspection of the relevant records. Upon inspection of the records, the appellant should clearly identify the records, which should be furnished to him.

6. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. R.K. Dubey, Advocate, Additional Distt. & Session Court Campus, Waidhan, Distt. Singrauli – 486 886 (M.P.)
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301 (U.P.)

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5084/IC(A)/2010
F. No.CIC/MA/A/2009/000882
Dated, the 2nd February, 2010

Name of the Appellant : Shri. S.K. Mishra

Name of the Public Authority : NTPC Ltd.

Facts:

1. In response to the RTI application, the CPIO has informed that the information sought for is very old and, therefore, not maintained. Hence, it cannot be furnished. Being dissatisfied with the response, the appellant has approached the Commission and pleaded for providing the desired information which relate to various activities of the respondent.

Decision:

2. As there is no denial of information, the appellant is advised to seek inspection of relevant records and files so as to ascertain the availability of the desired information. The CPIO is directed to allow inspection on a date and time convenient to both the parties within 15 working days from the date of issue of this decision. With these observations, this appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri S.K. Mishra, Budh Nagar, Road No. 3, Lohia Nagar, Patna – 800 020
2. Shri O.P. Khorwal, Central Public Information Officer, NTPC Ltd, NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi - 110 003
3. Shri R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No - 5-14, Sector - 16A, Noida - 201 301



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5132/IC(A)/2010
F. No.CIC/MA/A/2009/000932
Dated, the 9th February, 2010

Name of the Appellant: Shri. S.K. Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appeal was heard on 5/2/2010, through appellant's representative, who did not carry with him an authorization letter from the appellant.
2. The appellant has asked for information in the form of various queries. In response to the RTI application, the CPIO and the Appellate Authority refused to provide the information u/s 8(1) (j) of the Act, on the ground that information asked for relate to personal information, the disclosure of which is not in public interest.

Decision:

3. An information seeker should ask for information, as per Section 2(f) and (j) of the Act. Accordingly, a requester is not expected to elicit views and opinion of the CPIO, through different forms of queries as attempted by the appellant in the instant case. Appellant's representative could not explain as to what is the public interest in disclosure of information, which has been refused to him u/s

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

8(1)(j) of the Act. The CPIO's decision is, therefore, upheld and this appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. S.K. Singh, C-142, Lajpat Nagar-II, New Delhi – 110 024.
2. Sh. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA-201 301 (U.P.)

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5656/IC(A)/2010

F. No.CIC/MA/A/2010/000430

Dated, the 26th July, 2010

Name of the Appellant: Shri. Sumeet K Chitlangiya

Name of the Public Authority: NTPC Ltd.

Facts:ⁱ

1. The appeal was heard in absence of the appellant on 26/7/2010.
2. The CPIO stated that the appellant has asked for certain documents, which he had submitted to one of the employees of the respondent, who has left the organization. The CPIO stated that he has made sincere efforts to search the documents submitted by the appellant. Since the documents are not available, the same could not be furnished to the appellant.

Decision:

3. The appellant has asked for copies of documents submitted by himself. The public authority is not necessarily liable to supply the documents that are generated by other authorities, other than the respondent. The appellant should have maintained a copy of the documents submitted to an official of the respondent. Now since the concerned official is no more associated with the respondent, there is no way that the documents could be accessed.
4. This appeal is, therefore, considered unnecessary and is thus disposed of.

ⁱ ***“If you don’t ask, you don’t get.” - Mahatma Gandhi***

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri. Sumeet K Chitlangiya, Pitrichhaya, B/14, Lohianagar, P.C. Colony, Behind Bata, Kankarbagh, Patna – 800 020.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appelalte Authority, NTPC Limited, NTPC-PMI, Plot No.5-14, Sector-16A, NOIDA.

ⁱⁱ “*All men by nature desire to know.*” - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No. 5486/IC(A)/2010

F. No.CIC/MA/A/2010/000179

Dated, the 26th May, 2010

Name of the Appellant : Shri Tej Bhan Singh

Name of the Public Authority : NTPC Limited

Facts:

1. The appeal was heard in absence of the appellant on 26.05.2010.
2. The CPIO stated that: (i) the appellant, an office bearer of the Employees' Union has asked for information free of cost as it took 35 days to send a response to the appellant; (ii) the information was held by another PIO and therefore it took longer time in obtaining and sending the response to the appellant; and (iii) there was no malafide intention for delayed response.

Decision:

3. With a view to ensuring faster dissemination of information, the appellant and CPIO, being employees of the respondent should have cooperated in the matter. As there is no denial of information, the appellant is advised to clearly specify the information up to 50 pages, which should be provided free of cost as per section 7 (6) of the Act. For remaining documents, if any, the appellant may be required to make payment as per the prescribed costs and fee rules. The

information should thus be furnished within 15 days from the date of receipt of this decision.

4. With these observations, this appeal is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri Tej Bhan Singh, Secretary, NTPC Employees' Union, K K Puram, Dibiyaapur, Dist: Auraiya-206244, UP.
2. Shri O P Khorwal, CPIO, NTPC Limited, NRPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi-110003.

ⁱ ***"All men by nature desire to know."*** - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5887/IC(A)/2010
F. No.CIC/MA/C/2010/000188
Dated, the 9th September, 2010

Name of the Appellant: Shri. Umashankar Singh

Name of the Public Authority: N.T.P.C.

Decision: ⁱ

1. The complainant has alleged that the CPIO has not furnished the information asked for. He has, therefore, pleaded for providing the information.

2. The CPIO is directed to furnish the information on the basis of available records within 15 working days from the date of receipt of this decision, failing which penalty proceedings u/s 20(1) of the Act would be initiated. If any information is refused u/s 8(1) of the Act, the grounds for denial of information should be clearly indicated for review, if necessary, by the Commission.

3. The complainant is advised to re-submit a copy of his RTI application, for ready reference, to the concerned CPIO, who may be the custodian of information. He should ensure that the required information is clearly specified as per section 2(f) of the Act, which requires that the information should be available in any material form. He ought not make attempts to elicit views and

ⁱ *"If you don't ask, you don't get." - Mahatma Gandhi*

opinion of the CPIO through various forms of queries, as such queries are not covered under the definition of information.

4. With these observations, the complaint is disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri. Umashankar Singh, H. No.1791, Flat No.5, Prasadi Gali, Kotla Mubarakpur, New Delhi – 110 003.
2. The CPIO, N.T.P.C., BARH, Patna, Bihar.
3. The Appellate Authority, N.T.P.C., BARH, Patna, Bihar.

ⁱⁱ *“All men by nature desire to know.”* - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5145/IC(A)/2010
F. Nos.CIC/MA/A/2009/000951
CIC/MA/A/2009/000952
Dated, the 11th February, 2010

Name of the Appellant: 1. Shri. Uma Shankar Yadav
 2. Shri. Tej Bhan Singh

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. Both the appeals were heard on 10/2/2010 in absence of the appellants.
2. The appellants have asked for certain information, through separate RTI applications. The information asked for relate to the details of contract workers, bonus, ex-gratia payments, details of guests, etc. In response to the RTI application and 1st Appeal, the CPIO and the Appellate Authority have duly replied and furnished a point-wise response. Being dissatisfied with the replies, the appellants have submitted two separate appeals before the Commission, which are examined together.
3. During the hearing, the details of information asked for by the appellants and the CPIO's responses were discussed. The CPIO stated that point-wise responses have already been given on the basis of available records and that there is no denial of information. He also stated that the appellants have already been asked, within the mandatory period of 30 days, to deposit the necessary photocopy charges, as prescribed, which the appellants have not paid. Hence, complete information have not been furnished to them. He also stated that in the past, on a number of occasions, documents have been provided free of cost. And, therefore, the appellants, who are associated with the Employees' Union, have asked for providing information free of cost for promotion of personal interests.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

Decision:

4. The CPIO has duly replied and furnished a point-wise response. The CPIO's demand for deposit of photocopy charges @ Rs.2/- per page is justified. The appellants are, therefore, advised to deposit the necessary charges to collect the desired documents.
5. Since the appellants are employees of the respondent, the CPIO would be free to deduct the amount in question, from the salary of the appellants so as to provide the documents asked for by them.
6. With these remarks, both the appeals are disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Sh. Uma Shankar Yadav, B-78 Alok Nagar, NTPC Township, PO: Dibiyapur, Dist. Auraiya – 206 244 (U.P.)
2. Sh. Tej Bhan Singh, Secretary, NTPC Employees' Union, K.K. Puram, PO: Dibiyapur, Dist: Auraiya (U.P.)
3. Sh. O.P. Khorwal CPIO, NTPC Ltd. NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi - 3
4. Sh. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ⁱⁱ ***“All men by nature desire to know.”*** - Aristotle



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5443/IC(A)/2010

F. No.CIC/MA/A/2010/000181

Dated, the 17th May, 2010

Name of the Appellant: Shri. Uma Shankar Yadav
Name of the Public Authority: N.T.P.C.

Facts: ⁱ

1. The appeal was heard on 17.5.2010 in absence of the appellant.
2. The CPIO stated that in response to the RTI application dated 9/7/2009, the CPIO asked for deposit of Rs.1158/- vide his letter dated 3/8/2009. The appellant has, however, pleaded for providing the information free of cost. The CPIO also stated that the information would be furnished if the requested amount, as per the prescribed rules, is paid to the respondent.
3. It also emerged during the hearing that the appellant has misled the Commission by stating that the CPIO and the Appellate Authority have not replied. The evidence before the Commission clearly show that the RTI application was replied within the stipulated period of 30 days.

Decision:

4. There is no denial of information. The CPIO has correctly advised the appellant to make necessary payment for providing the information. This appeal is, therefore, considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

ⁱ **“If you don’t ask, you don’t get.” - Mahatma Gandhi**

ⁱⁱ **“All men by nature desire to know.” - Aristotle**

Name & address of Parties:

1. Sh. Uma Shankar Yadav, B-78, NTPC Township, Dibiyapur, Dist: Auraiya – 206 244 (U.P.)
2. Sh. O.P. Khorwal CPIO, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.
3. Sh. R.K. Rustogi, Appellate Authority, NTPC Limited, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodi Road, New Delhi – 110 003.



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.5890/IC(A)/2010
F. No.CIC/MA/A/2010/000577
Dated, the, 9th September, 2010

Name of the Appellant: Shri. Umashankar Yadav

Name of the Public Authority: NTPC Ltd.

Facts: ⁱ

1. The appeal was scheduled for hearing on 8/9/2010. But, the appellant did not avail of the opportunity of personal hearing. The appeal is, therefore, examined on merit.
2. The appellant has asked for information relating to up-gradation and promotion of staff. He has asked for information through various queries. The CPIO has replied and furnished partial information while the remaining information relating to third parties have been refused u/s 8(1)(e) and (j) of the Act.
3. Being dissatisfied with the CPIO's response, the appellant has pleaded for providing the information.

Decision:

ⁱ *"If you don't ask, you don't get." - Mahatma Gandhi*

4. The CPIO has furnished partial information while the remaining information has been refused u/s 8(1) (e) and (j) of the Act.

5. The appellant has neither indicated as to what is the public interest in disclosure of information relating to third parties nor he has indicated as to how he is affected in the matter. This appeal is considered unnecessary and is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Deputy Registrar

Name & address of Parties:

1. Shri. Umashankar Yadav, B-78, Alok Nagar, NTPC Township, PO: Dibiyaapur, Dist: Auraiya – 206 244.
2. Shri. O.P. Khorwal, CPIO, NTPC Ltd., NTPC Bhawan, Core-6, Scope Complex, Lodhi Road, New Delhi – 110 003.
3. Shri. R.K. Rustagi, Appellate Authority, NTPC Ltd., Power Management Institute, Plot No.5-14, Sector-16A, NOIDA – 201 301.

ii *“All men by nature desire to know.”* - Aristotle

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002300

Appellant : Ms Geeta Kumari
Public Authority : NTPC.
Date of hearing : 19.10.2011
Date of Decision : 19.10.2011

Facts :-

Heard today dated 19.10.2011. Appellant is represented by her sister Ms Shiela Kumari. NTPC is represented by Shri S.K. Bera, DGM(CPIO). The parties are heard.

2. It has been brought to my notice that this very matter was decided by this Commission vide order dated 22.06.2011 in File No. CIC/LS/A/2011/000845. Shri Bera submits that the Commission's order has been complied with and the requisite documents have also been supplied to the appellant. Ms. Shiela, however, contests this claim. She submits that the documents have not been supplied.

3. Be that as it may, Shri Bera is hereby directed to ask the concerned officer to supply requisite documents afresh regardless of the fact that they were supplied earlier. He may also ask the concerned officer to give inspection of the documents to the appellant in his Patna office on a mutually convenient date and time.

4. This order may be complied with in **04 weeks** time. The appellant is also advised not to file repeated applications on the same subject in future.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Ltd.,
Core-6, 6th Floor, Lodhi Road,
New Delhi-110003.
2. Ms Geeta Kumari d/o Dashrath Prasad,
Rajiv Nagar Road No. 16, Keshari Nagar,
Patna-800024.

CENTRAL INFORMATION COMMISSION
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

File No.CIC/LS/A/2011/000845

APPELLANT	-	Ms Geeta Kumari
PUBLIC AUTHORITY	-	NTPC.
DATE OF HEARING	-	22.06.2011
DATE OF DECISION	-	22.06.2011

Facts :-

Heard today dated 22.06.2011. Appellant is represented by her sister Sheela Kumari. NTPC is represented by Shri O.P. Khorwal, GM(CPIO). The parties are heard.

2. The matter, in short, is that the appellant had appeared for written examination and interview for Post Diploma Trainee(Mechanical). She, however, was not selected. In this connection, vide RTI application dated 14.10.2010, she had requested that she may be intimated the marks obtained by her in the written examination and the interview and the cut off marks for these two categories etc.

3. Shri Khorwal submits that the requisite information has already been provided to the appellant. Even so, complete list of marks, both in the written examination and in interview – obtained by candidates of OBC category may be supplied to the appellant, free of cost, in **03 weeks** time.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO,
NTPC Ltd., Core-6, 6th Floor, Lodhi Road,
New Delhi-110003.
2. Ms Geeta Kumari, d/o Dashrath Prasad,
Rajiv Nagar Road No. 16, Keshari Nagar,
Patna-800024.

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002044

Appellant : Ms. Priya Patel
Respondent : NTPC
Date of hearing : 13.9.2011
Date of decision : 13.9.2011

FACTS

Heard today dated 13.9.2011. Appellant not present. NTPC is represented by Shri O. P. Khorwal, General Manager; Shri P. S. Rawat, Sr. Manger and Shri S. K. Bera, DGM. The officers are heard and the records perused.

2. It is noticed that vide RTI application dated 27.5.2010, the appellant had requested for a copy of the report got prepared by NIH, Roorkee, on the behalf of NTPC. As this information was denied to her, she filed the present appeal.

3. During the hearing, Shri Khorwal submits that the report in question deals with the ecology of glaciers in the border regions of India and China and, therefore, disclosure of this information would not be in the larger public interest. He also submits that the report contains information which is of 'commercial confidence' for NTPC which is another reason for its non-disclosure.

4. The appellant is reported to be running a NGO in Uttarkashi and appears to be a public spirited person. In my opinion, there is no harm if inspection of the report is given to her in the presence of a senior officer of NTPC. The copy of the report need not be given. This is in line with the Bombay High Court judgment dated 28th July, 2010, in Writ Petition No. 3871 of 2000.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K. L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited, NTPC Bhawan Scope Complex,
7 Institutional Area, Lodhi Road,
New Delhi- 110003

2. The Appellate Authority
NTPC Limited, Power Management Institute,
Plot No. 5-14, Sec-16A,
Noida-201301

3. MS. Priya Patel
Arya Vihar, PO Box 7,
GPO Uttarkashi-249193

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002033
(Nain Singh -Vs- NTPC)

Dated : 31.10.2011

This is in continuation of this Commission's proceedings dated 13.09.2010. As scheduled, the matter is called for hearing today dated 31.10.2011. Appellant present. NTPC is represented by Shri O.P. Khorwal, General Manager and Shri Ajay Chandra, DGM(Law). The parties are heard and the records perused. It is the submission of Shri Chandra that the area of 15 biswas covered under Khasra No. 437/1/02 was duly acquired in 1981 and that the appellant has no claim whatsoever on this piece of land. He also submits that he has obtained certified copies of the documents in-question from Land Acquisition Branch, Land & Building Department, Government of NCT of Delhi and produces the same before the Commission in support of his contention.

2. The appellant is shown these documents. The appellant, however, is not satisfied with the contention of Shri Chandra. It is his submission that if 15 biswas in-question were acquired by the competent authority, then he may be informed of the Award Number through which this piece of land was acquired. To this, Shri Chandra would respond that the impugned piece of land, along with other pieces of land, was acquired through Award No. 45 of 1969-70. The appellant, however, is not satisfied with the response of Shri Chandra.

3. Shri Chandra supply copies of the relevant documents running into 35 pages to the appellant, free of cost. The matter is being closed.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Ltd; NTPC Bhawan, Scope Complex,
7 Institutional Area, Lodhi Road,
New Delhi-110003.
2. Shri Nain Singh,
108, Aali Village, Sarita Vihar,
New Delhi-110076

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/MA/A/2010/000691/LS

Appellant : Shri Amod Chander Pradhan
Public Authority : NTPC
Date of Hearing : 3.1.2011
Date of Decision : 3.1.2011

FACTS :

The matter is called for hearing today dated 3.1.2011. Appellant not present. The public authority is represented by Shri O.P. Khorwal, GM, Corporate Planning (CPIO) & Shri Ravinder Kumar, Officer (RTI)

2. As per the submission of Shri Khorwal, NTPC appointed Shri Vimal Kumar Pradhan as a Store Keeper sometime back. However, an inquiry was instituted by NTPC into the allegation of said Shri Pradhan having got the appointment through fraudulent means. The inquiry is continuing and has not yet been completed. He also submits that said Shri Vimal Kumar Pradhan has taken the matter to the High Court of Orissa with a view to fore stalling any action on the part of the NTPC.

3. As the matter is still under investigation, the requested information is barred from disclosure u/s 8 (1) (h) of the RTI Act. Hence, the appeal is dismissed.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Assistant Registrar

Address of parties :-

1. Shri O.P. Khorwal
GM, Corporate Planning (CPIO),
NTPC Ltd,
NTPC Bhawan, SCOPE Complex, 7,
Institutional Area, Lodi Road, New Delhi-110003
2. Shri Pramod Chandra Pradhan
Telesingha, Jarda,
Kaniha, Angul District, Orissa

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/001999

Appellant : Bator Ram
Respondent : NTPC
Date of hearing : 5.9.2011
Date of decision : 5.9.2011

FACTS

Heard today dated 5.9.2011. Appellant present alongwith his assistant Shri Praveen Kumar. NTPC is represented by Shri O P Khorwal, GM; Shri Navneet Kumar, Manager and Shri Manoranjan Sarangi, Manager (HR). The parties are heard.

2. The matter, in short, is that the appellant had appeared for an interview for the job of a Dressor in NTPC but the job was not given to him. Shri Navneet Kumar, however, submits that as per policy decision of the Corporate Office, the proceedings were held in abeyance.

3. Be that as it may, Shri Navneet Kumar is hereby directed to give inspection of the entire records relating to the impugned selection process to the appellant and permit him to take extracts there-from, free of cost, on a mutually convenient date and time in 04 weeks time.

3. Shri Navneet Kumar is specifically directed to provide a copy of the roster to the appellant, if any such document exists.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K. L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited, NTPC Bhawan,
Core- 6, 7th Floor, Scope Complex,
Lodhi Road,
New Delhi-110003

2. The Appellate Authority
NTPC Limited,
Power Management Institute,
Plot No. 5-14, Sec-16 A,
Noida-201301

3. Shri Bator Ram
S-126/353, Shri K D Colony,
R. K. Puram, Sec-12,
New Delhi-110022

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/000960

Appellant : Brijesh Kumar Dubey
Respondent : NTPC
Date of hearing : 18.5.2011
Date of decision : 18.5.2011

FACTS

The matter is heard today dated 18.5.2011. Appellant not present. The NTPC is represented by Shri O. P. Khorwal, GM (CPIO) and Shri S. K. Bera, DGM. They are heard.

2. It is noticed that vide RTI application dated 5th May, 2010, the appellant had sought information on 25 paras, essentially relating to the Jawala Mukhi Colony constructed by NTPC at Singrauli Super Thermal Power Station and the matters related therewith. Shri Khorwal submits that information on most of the paras has already been provided to the appellant. However, information regarding para 05 which relates to the allotment of quarters to the journalists and regarding para 22 which relates to the date of joining of Shri R. N. Sahai in NTPC and details about his transfers etc, has been denied to the appellant u/s 8 (1) (j) of the RTI Act.

3. I am not inclined to agree with the view taken by the CPIO in the above mentioned two paras. In my opinion, the information requested in paras 05 and 22 falls in the public domain and cannot be denied to the appellant. The CPIO is hereby directed to disclose this information to the appellant in 03 weeks time.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Ltd., Core-6th Floor,
Lodhi Road,
New Delhi-110003

2. The Appellate Authority
NTPC Ltd., Core-6th Floor,
Lodhi Road,
New Delhi-110003

3. Shri Brijesh Kumar Dubey
Auri, Anpara,
Sobhadra-231225

CENTRAL INFORMATION COMMISSION
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

File No.CIC/LS/A/2011/001866

APPELLANT	-	Shri Brijesh Kumar Dubey
PUBLIC AUTHORITY	-	NTPC
DATE OF HEARING	-	19.09.2011
DATE OF DECISION	-	19.09.2011

Facts :-

Heard today dated 19.09.2011. Appellant not present. NTPC is represented by Shri S.K. Bera, DGM, and Shri Pratap Chawla, Executive Secretary. It is his submission that this matter has already been heard and decided on 18.5.2011 in File No. CIC/LS/A/2011/000960. The order is perused. The matter is res judi cata. Hence closed.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Ltd; NTPC Bhawan,
Core-6, 7th Floor, Scope Complex,
Lodhi Road, New Delhi-110003.
2. Shri Brijesh Kumar Dubey,
Auri(near Office of the Sahara India), Anpara,
Sonbhadra-231225.

CENTRAL INFORMATION COMMISSION
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

File No.CIC/LS/A/2011/002146

APPELLANT	-	Shri K.S. Jain
PUBLIC AUTHORITY	-	NTPC
DATE OF HEARING	-	19.09.2011
DATE OF DECISION	-	19.09.2011

Facts :-

Heard today dated 19.09.2011. Appellant present. NTPC is represented by Shri S.K. Bera, DGM and Shri D.K. Dutta, DGM. The parties are heard and the records perused.

2. It is the appellant's say that vide RTI application dated 24.07.2010, he had sought information on 04 paras regarding preferential treatment to SSI industries registered with NSIC etc. He submits that information regarding first three paras has already been provided to him but information regarding the 4th para viz. 'Policy of NTPC for price preferences' has not been provided to him.

3. In the facts and circumstances of the case, it is ordered that a copy of the policy guidelines issued by the Corporate Office may be provided to the appellant today itself, free of cost.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Ltd; NTPC Bhawan,
Core-6, 7th Floor, Scope Complex, Lodhi Road,
New Delhi-110003.
2. Shri K.S. Jain, Jeevan Diesels & Electricals Ltd.,
75, Farah Commercial Complex, JC Road,
Bangalore-560002.

CENTRAL INFORMATION COMMISSION
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

File No.CIC/LS/A/2011/002161

APPELLANT	-	Shri Manohar Singh
PUBLIC AUTHORITY	-	NTPC.
DATE OF HEARING	-	22.09.2011
DATE OF DECISION	-	22.09.2011

Facts :-

Heard today dated 22.09.2011. Appellant not present. NTPC is represented by Shri G.S. Sodhi, AGM, Shri S.K. Bera, DGM, and Shri Pratap Chawla, Executive Secretary. They are heard and the records perused.

2. It is noticed that in compliance with this Commission's order dated 18.3.2009, certain documents, particularly, Diary No. 438 and Diary No. 439, were shown to the appellant herein. Vide RTI application dated 27.2.2010, he had sought copies of these documents. In response thereto, in letter dated 26.03.2010, the CPIO had mentioned that the appellant was not seeking any specific information. However, vide subsequent letter dated 30.6.2010, the CPIO informed the appellant that the requested documents were not traceable.

3. We would have appreciated if the CPIO had taken the same in the first communication which he took in the subsequent letter. The appellant, indeed, has sought information and, therefore, it can not be said that he is not seeking any information. Be that as it may, we direct the CPIO to make fresh efforts to trace out the documents and if they are not traced out, to inform the appellant accordingly, in **03 weeks** time.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Ltd; NTPC Bhawan,
Core-6, 7th Floor, Scope Complex,
Lodhi Road, New Delhi-110003.
2. Shri Manohar Singh,
B-33, Bhagwati Garden, Uttam Nagar,

New Delhi-110059.

CENTRAL INFORMATION COMMISSION
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

File No.CIC/LS/A/2011/001516

APPELLANT	-	Shri M.P. Tiwari
PUBLIC AUTHORITY	-	NTPC
DATE OF HEARING	-	12.08.2011
DATE OF DECISION	-	12.08.2011

Facts :-

Heard today dated 12.08.2011. Appellant present. NTPC is represented by Shri O.P. Khorwal, General Manager and Shri Navneet Kumar, Manager. The parties are heard.

2. The appellant requests for the following information :-

- (c) The certified copy of the approval taken from the competent authority/General Manager to charge sheet No. BTPS/04/93/803 dated 1st/3rd Sept. 1993 the applicant.
- (f) The certified copy of the last date of above Enquiry proceeding.
- (g) The certified copies of the documents filed by the management in support of the charges level against the applicant in charge sheet No. BTPS/04/93/803 dated 1st/3rd Sept. 1993.
- (h) The certified copy of the approval granted to Disciplinary Authority to restart the enquiry after about 10 years from the date of charge sheet.
- (i) The approval of competent authority/General Manager to restart the above enquiry after a gap of 5 years from the last date of enquiry.
- (j) The certified copy of the approval of competent authority/General Manager to issue charge sheet No. BTPS/04/01/C dated 31.3.2001/9.4.2001 to applicant.
- (k) The certified copy of the approval to issue charge sheet No. BTPS/DISCPL/94/C-419-424 dated 27.8.1994 to applicant.”

3. The requested information is disclosable to the appellant under RTI Act. Hence, the CPIO is directed to supply this information **in 02 weeks** time.

4. The appellant also mentions that another appeal filed by him vide File No. CIC/LS/A/2011/001247 was decided by this Commission on 21.6.2011 wherein the CPIO was directed to provide information on two paras as mentioned in para 03 of the said order but this information has not been supplied to him so far. The

CPIO is directed to look into the matter afresh and try to provide this information, if available.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Limited,
Core-6, 7th Floor, Scope Complex, Lodi Road,
New Delhi-110003.
2. Shri M.P. Tiwari,
Flat No. 18, Pocket-G, Sarita Vihar,
New Delhi-110076.

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/001247

Appellant : Shri M.P. Tiwari
Respondent : NTPC
Date of Hearing : 21.6.2011
Date of Decision : 21.6.2011

FACTS :

Heard today dated 21.6.2011. Appellant present. The NTPC is represented by Shri O.P. Khorwal, GM (CPIO); Shri S.K. Bera, DGM (Corp Plg) and Shri Navneet Kumar, Manager (APIO). The parties are heard.

2. It is the appellant's say that he was served a charge-sheet way back in 1993 and the departmental proceedings were initiated against him and in the process he retired from service in 2003. He has filed a suit for damages against NTPC in which connection he needs copies of the following documents :-

- “(a) The certified copy of the charge sheet ref No BTPS/04/93/803 dated 1st/3rd Sept 1993;
- (b) The certified copy of the office order issued by the disciplinary authority for appointment of Enquiry officer and presenting officer to enquire the allegation raised in the charge sheet No BTPS/04/93/803 dated 1st/3rd Sept, 1993;
- (c) The certified copy of the approval taken from the competent authority/General Manager to charge sheet No BTPS/04/93/803 dated 1st/3rd Sept, 1993 the applicant;
- (d) The certified copy of the statement of Shri Desh Raj Asst BTPS intelligence recorded in the enquiry of above charge sheet;
- (e) The certified copy of the incomplete cross-examination of Shri Desh Raj Asst intelligence in above enquiry.”

3. In addition to the above, the appellant also needs copies of the following two documents :-

“Para-(xii)

The Note dated 21.10.1983 of Shri I.P. Hazarika, the then D(Personnel), NTPC Ltd, regarding the case of Shri M.P. Tiwari, F/M III of Badarpur Division

Para-(xiii)

The Note dated 22.10.1983 of Senior Law Officer of BTPS on the above note dated 21.10.1983 of Shri I.P. Hazarika, Director (Personnel), NTPC Ltd.”

4. The requested information is disclosable to the appellant under the RTI Act. Hence, the CPIO is hereby directed to provide the requested information to the appellant in 03 weeks time.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. Shri O.P. Khorwal
GM (CPIO),
NTPC, NTPC Bhawan,
Scope Complex, 7, Institutional Area,
Lodhi Road, New Delhi-110003
2. Shri M.P. Tiwari
Flat No 18, Pocket-G,
Sarita Vihar, New Delhi-110076

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002033

Appellant : Shri Nain Singh
Respondent : NTPC
Date of hearing : 13.9.2011
Date of decision : 13.9.2011

FACTS

Heard today dated 13.9.2011. Appellant present alongwith his son Shri Brahm Prakash. NTPC is represented by Shri O. P. Khorwal, General Manager, and Shri Ajay Chandra, DGM (Law). The parties are heard.

2. It is the appellant's claim that Khasra No. 437/1/02, having area of 15 Bisbas located in village Aali, Delhi, belongs to him and NTPC has encroached upon it by way of stacking tons of ash on it. Vide RTI application dated 16.12.2009, he had sought to know from NTPC as to what action had been taken for removal of encroachment from his plot. It seems that the appellant did not receive any satisfactory response from NTPC and has filed the present appeal before the Commission.

3. The matter is adjourned to **31st October, 2011 at 1030 hrs.** NTPC is hereby directed to determine as to whether the said piece of land belongs to it or it belongs to the appellant. If it belongs to the appellant, then NTPC is directed to take appropriate legal steps in the matter.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K. L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited, NTPC Bhawan Scope Complex,
7 Institutional Area, Lodhi Road,
New Delhi- 110003

2. Shri Nain Singh
108, Aali Village, Sarita Vihar,
New Delhi- 110076

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/001470

Appellant : Navin Kumar
Respondent : NTPCL, Bangalore
Date of hearing : 11.8.2011
Date of decision : 11.8.2011

FACTS

Heard today dated 11.8.2011. Appellant not present. NTPC is represented by Shri O. P. Khorwal, GM (CPIO), Shri S. K. Bera, DGM and Shri Pranav Verma, Sr. Officer (HR). They are heard and the records perused.

2. It appears that NTPC had advertised for the post of Diploma Trainees in the Mechanical Branch in December, 2009, and had conducted written test and interview etc., in this connection. Vide RTI application dated 20.8.2010, the appellant had sought information on various aspects of this test.

3. During the hearing, Shri Khorwal submits that the appellant had not taken this test and, therefore, he is seeking third party information. I agree with Shri Khorwal. The appeal is misconceived. Hence, dismissed.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K. L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited,
Core-6, 6th Floor, Lodhi Road,
New Delhi-110003

2. The Appellate Authority
NTPC Limited,
Plot No. 5-14. Sec-16A, Noida,
Uttar Pradesh-201301

3. Shri Navin Kumar
C/o Shri Pankaj Kumar Jha,
Flat No. 202/B, Shivam Enclave,
Anandpuri, Patna,
Bihar

CENTRAL INFORMATION COMMISSION
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

File No.CIC/LS/A/2011/002169

APPELLANT	-	Shri Pushpendra Singh
PUBLIC AUTHORITY	-	NTPC.
DATE OF HEARING	-	21.09.2011
DATE OF DECISION	-	21.09.2011

Facts :-

Heard today dated 21.09.2011. Appellant not present. NTPC is represented by Shri S.K. Bera, DGM and Shri Pradeep Chawla, Executive Secretary.

2. It appears that the appellant had appeared in ET-2010 NTPC Entrance Test. In this connection, vide RTI application dated 6.5.2010, the appellant had sought information on a number of paras from the CPIO. The CPIO had responded to it vide letter dated 14.6.2010 wherein information on some of the paras was denied to the appellant. I have carefully gone through the RTI application and the decision of the CPIO and I have also heard the NTPC officers present before the Commission. In the light of the latest Supreme Court judgment dated 9.8.2011 in Civil Appeal No. 6454/2011 (Central Board of Secondary Education & Anr. –Vs- Aditya Bandopadhyay & Ors.), it is ordered that copies of the evaluated answer scripts of the appellant and copy of the answer key may also be supplied to him, free of cost, in **04 weeks** time.

3. The matter is decided accordingly.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO, NTPC Ltd; NTPC Bhawan, Core-6,
7th Floor, Scope Complex, Lodhi Road,
New Delhi-110003.
2. Shri Pushpendra Singh, 2nd floor,
WB-122-B, Ganesh nagar-II, Shakarpur,
Laxmi Nagar, Delhi-110092.

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/MA/A/2010/000789/LS

Appellant: R. K. Jain
Respondent: NTPC
Date of hearing: 7.3.2011
Date of decision: 7.3.2011

FACTS

The matter is heard today dated 7.3.2011. Appellant present. The public authority is represented by Shri O. P. Khorwal, GM (Corporate Planning) (CPIO) and Shri Y. Devashish, Sr. Officer. The parties are heard and records perused.

2. It appears that NTPC had awarded a number of contracts to M/s Elgin Electronics, for installation of audio visual devices etc. Vide RTI application dated 8.3.2010, the appellant had sought information on a number of paras in regard to these contracts. Dissatisfied with the response of CPIO and AA, he has filed the present appeal.

3. During the hearing, the appellant fairly submits that he has received information regarding para 01 but information regarding other paras has not been supplied so far. We are of the opinion that the information requested for by the appellant is disclosable to him under the RTI Act. Hence, the CPIO is hereby directed to supply copies of the requisite documents to the appellant, on payment of prescribed fee, in 04 weeks time. It is clarified that information is to be supplied only in regard to M/s Elgin Electronics and not about any other Company.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Ltd., NTPC Bhawan, Core-6,
Scope Complex, Lodhi Road,
New Delhi- 110003

2. The Appellate Authority
NTPC Ltd., Power Management Institute,
Plot No. 5-14, Sec-16A, Noida,
Uttar Pradesh

3. Shri R. K. Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
Delhi-3

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002211

Appellant : Shri Sanjeev Kapoor
Respondent : NTPC, New Delhi
Date of hearing : 3.10.2011
Date of Decision : 3.10.2011

FACTS :

Heard on 3.10.2011. Appellant not present. The NTPC is represented by Shri S.K. Bera, DGM. He is heard and the records perused.

2. Shri Bera submits that the appellant herein is an Executive in NTPC. Vide RTI application dated 10.5.2010, he had sought inspection of the DPC proceedings held in their establishment at Anta for the period 1993 to 2010. However, this information was denied by CPIO vide letter dated 1.6.2010 on the ground that it is third party information. It is also noticed that the same view was taken by the AA vide order dated 20.7.2010.

3. As noted above, the appellant is an Executive in NTPC. It is not clear as to what interest does he have to seek inspection of the DPC proceedings held in respect of non-executive cadre of the NTPC establishment at Anta and that, too, for almost 17 years. IN the premises, we, therefore, find no infirmity in the view taken by the CPIO and AA. The appeal is dismissed.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. Shri S.K. Bera
Dy General Manager,
NTPC Ltd, NTPC Bhawan,
Core-6, 7th Floor, Scope Complex,
Lodhi Road, New Delhi-110003
2. Shri Sanjeev Kapoor
Trainee's Hostel,
R No 22, NTPC Colony,
ANTA, Baran, Rajasthan-325209

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/001873

Appellant : V K Kapoor
Respondent : NTPC
Date of hearing : 16.9.2011
Date of decision : 16.9.2011

FACTS

Heard today dated 16.9.2011. Appellant not present. NTPC is represented by Shri O. P. Khorwal, GM (CPIO). He is heard.

2. It is noticed that vide RTI application dated 4.8.2010, the appellant, who is ex-DGM of NTPC had sought information on a number of paras regarding the employees' entitlement for leave and the matters related therewith under the NTPC Leave Rules. This was duly responded to by the CPIO vide letter dated 3.9.2010.

3. However, in the appeal memo filed before this Commission, the appellant has mentioned that para 01 of the RTI application has not been responded to. This is factually not correct. The appellant has also mentioned that certain information has been denied to him u/s 8 (1) (h) of the RTI Act. I have carefully perused the response of the CPIO and I find that this allegation is also not correct. In the premises, the appeal is misconceived. Dismissed.

Sd/-

(M.L. Sharma)

Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K. L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited, NTPC Bhawan,
Core-6, 7th Floor, Scope Complex, Lodhi Road,
New Delhi-110003

2. The Appellate Authority
NTPC Limited, Power Management Institute,
Plot No. 5-14, Sec-16A, Noida-201301

3. Shri V K Kapoor
DGM (Fin-1A) Retd. NTPC, C-1835,
FF, Sushant Lok-1,

Gurgaon-122002

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002388

CIC/LS/A/2011/002387

Appellant : Shri Uma Shankar Yadav
Respondent : NTPC
Date of hearing : 21.12.2011
Date of decision: : 21.12.2011

FACTS

These matters are heard today dated 21.12.2011. Appellant not present. NTPC is represented by Shri S. K. Bera, DGM. He is heard and the records perused.

2. It is Shri Bera's say that the appellant, who is an office bearer of NTPC Employees Union was supposed to travel to Hyderabad ex Auraya for attending a Union meeting. He did not get the regular railway ticket. He, therefore, wanted to buy Tatkal Ticket' and sought permission from the Management. This permission was not granted as he did not produce any proof of his not getting a regular ticket. It is in this connection that the appellant has filed the present appeal.

3. Suffice it to say that the matter in hand is purely departmental in nature and does not fall in the ambit of the RTI Act. The appeal is, therefore, dismissed.

File No. CIC/LS/A/2011/002387

5. It appears that a departmental enquiry was initiated against the appellant herein. Vide RTI application dated 5.5.2010, he had sought a copy of the enquiry report and some other documents. Shri Bera submits that copy of the enquiry report in English as also in Hindi translation, has already been supplied to him. He produces his letter dated 17.3.2011 in this regard which is perused.

6. It, thus, appear to us that requisite documents have been supplied to him. Even so, if the appellant wishes to seek any additional documents, he may approach the CPIO and the same are directed to be supplied to him as per law.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited, Core-6, 6th Floor,
Lodhi Road, New Delhi-110003

2. The Executive Director (HR) & AA
NTPC Limited, Plot No. 5-14, Sec-16A,
Noida-201301

3. Shri Umashankar Yadav
B-78, NTPC Township, Dibiyapur, Oreyya,
Uttar Pradesh

Subject : Implementation of Section of the RTI Act 2005

Reference Commission's directive dated 15.11.2010 under Section 19(8)(a) to the public authorities for time-bound implementation of Section 4 obligations under the RTI Act.

2. I invite your kind attention to the directive of the Commission for time-bound implementation of the provisions of Section 4 of the RTI Act, issued under the powers vested in it under Section 19(8)(a) of the RTI Act. Section 19(8)(a) of the Act states the following:-

"19(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

- (i) by providing access to information, if so requested, in a particular form;*
- (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;*
- (iii) by publishing certain information or categories of information;*
- (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;*
- (v) by enhancing the provision of training on the right to information for its officials;*
- (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;"*

3. The directive emphasizes that compliance with the Section 4 obligations by public authorities is at the heart of the RTI Act. It enjoined public authorities to accept transparency commitments by undertaking time-bound suo-motu disclosures.

4. Underlining that, transparency commitments and suo-motu disclosures would remain nothing more than vague promises, unless these are matched by tangible action through proper record-management-practices, and time-bound disclosure of several items of identifiable information under supervision and guidance of a senior officer of the public authority, this directive gives the following instructions:-

- (i) Public authorities to carry out time-bound action to complete parts of their Section 4 obligation within 120 days.
- (ii) The balance obligations, which involve sifting of records and making a conscious determination about what information can be brought into the public domain suo-motu, is to be completed within six months. This is part of the record-management aspect of Section 4 of the Act.

- (iii) It commends designation by the public authority of a sufficiently senior officer as Transparency Officer, to oversee the implementation of the Section 4 obligations. These officers are also required to be the interface with the Central Information Commission on the one hand and the public on the other, about transparency aspects of the functioning of the public authority.

5. As per the provisions of the RTI Act, a large part of the Section 4 commitment by the public authorities was to be completed within 120 days of the Act coming into force, i.e. 15th June, 2005. Certain public authorities have made some serious effort in this direction, but the overall action in implementing this provision has been slow and halting. This has necessitated the present directive.

6. It is important to note that Section 4 obligates the public authorities to use the latest technologies to discharge their transparency commitments under that Section, subject to availability of resources.

7. Commission feels that it has now become necessary that the top echelons of the public authorities are sensitized about seriously addressing the several aspects of discharging their Section 4 commitments, including progressive digitization of data and use of other available technologies, to not only make transparency the hallmark of their functioning, but also to create the right conditions for the public to access the information through painless and efficient processes that shall be put in place.

8. The ultimate aim of the RTI Act is that public should have access to most information held by public authorities without the use of the RTI laws. Section 4 of the RTI Act is an initial, but necessary, prelude to achievement of that objective. Hence the importance of this Section.

9. *I have been directed by the Commission to communicate to you its above mentioned directive for implementation by your Ministry / Department as well as all public authorities within your jurisdiction. It is requested that you may kindly issue appropriate directives to all top officers under your control as well as to the top officials of the public authorities controlled by the Ministry / Department to give immediate effect to the Commission's directive dated 15.11.2010.*

10. It is further requested that the relevant details of the officer designated as Transparency Officer by your Ministry / Department may be intimated to the Commission in about two-weeks' time. It is also requested that the public authorities within your jurisdiction may also be similarly instructed.

11. A portal is being set-up for uploading all the Section-4-compliance-related information. The idea is that an average citizen should be able to see for himself as to how public authorities have progressed in complying with the transparency obligations cast on them by Section 4 of the RTI Act. The details about the portal being developed shall be sent to you separately.

12. For the purpose of uploading information, a format has been devised, which is enclosed. It is requested that your Ministry/Department as well as all public authorities under your jurisdiction may be instructed that the information relating to Section 4-compliance should be put-up on the portal in the format prescribed and annexed.

13. It is requested that, given the importance of this initiative for promoting not only transparency, but overall good governance, this matter may kindly receive your personal attention and necessary instructions be issued to all concerned about implementing the Commission's directive within the prescribed time-schedules.

14. Any clarification with regard to the Commission's directive and its implementation may be obtained from Shri Aakash Deep Chakravarti, Joint Secretary (Legal) (Tel. No. (011) 26105021 and e-mail aakash.dc@nic.in) or Shri Pankaj Kumar Pandey Shreyaskar (Tel. No. (011) 26717354 and e-mail: pkp.shreyaskar@nic.in).

15. I shall be grateful, if this communication is acknowledged.

Enclosures:-

1. Commission's directive dated 15.11.2010
2. Format for uploading Section 4 information

Sincerely,

(B.B. SRIVASTAVA)

All Secretaries to the Government of India

CENTRAL INFORMATION COMMISSION
New Delhi

CIC/AT/D/10/000111
Dated 15.11.2010

Implementation of Section 4 of the RTI Act

Direction to Public Authorities u/s 19(8)(a) of RTI Act

Commission has been noting in its decisions that although the RTI Act has now been in place for five years, a key element of the law – voluntary disclosure by public authorities, enshrined in Section 4 of the Act – has not been fully implemented in letter and spirit. There are, no-doubt, departments and public authorities, which are more transparent and open than the others, but most do not conform to the matrix of disclosure set-out in Section 4.

2. Transparency has not become such a good idea because of the presence of the RTI Act, but it is good because transparency promotes good governance. Of the records, documents and files held by public authorities, a very large part can be made available for inspection, or be disclosed on request to the citizens, without any detriment to the interest of the public authority. This has not been done, or has still not been systematically addressed, largely because of an intuitive acceptance of secrecy as the general norm of the functioning of public authorities. This mental barrier needs to be crossed, not so much through talks and proclamation of adherence to openness in governance, but through tangible action – small things, which cumulatively promote an atmosphere of openness.

3. Section 4 of the RTI Act randomly lists out some of these steps / actions.

4. The following aspects need to be noted:-

(i) Secrecy in the functioning of the public authority should be the exception and not the norm, since as stated in the Preamble to the RTI Act, transparency of information is vital to a functioning democracy.

(ii) Oftentimes public authorities are unable to decide on what records and documents to be made public, or what parts of its action to be made open, mostly because of poor record-management-practices, which make it difficult to take focused decisions about what records to be made routinely available to the public.

Therefore, the first step towards promotion of transparency in the functioning of the public authority should be an improvement in the record-management practices. Section 4 lists-out the ingredients of record management in some detail.

(iii) When the record management practices are fully established in the public authority, the next step is to categorize the documents in terms of what can be disclosed voluntarily and what cannot be voluntarily disclosed.

The second category could be some sort of a negative list – a list of documents which a public authority is not in a position to bring into the open-category straightaway, but would examine its disclosure under RTI Act.

- (iv) The record-management practice, as much as possible, should be technologically driven. Technology should be used for efficient and wide dissemination of information subject to availability of resources and know-how.

This is an additional requirement to the proper record-management practice commended by Section 4.

- (v) While Section 4 enjoins public authorities to perform certain tasks for voluntary disclosure of information within 120 days of the commencement of the Act, i.e. on 12th October, 2005, it allows them “reasonable time” for putting in place a good record management practice supported by technology.
- (vi) Section 4 also enjoins Public Authorities to update the proactive disclosures every year.

5. The time has come now when the public authorities must start a sustained drive to inform their governance practices with transparency and to take the series of small steps required to put in place a system which promotes it. Section 4 provides only a window to possible actions and, much more will need to be done in order to achieve the type of goals which are envisaged.

6. Therefore, by powers vested in the Commission by Section 19(8)(a) of the RTI Act, we direct that the obligations set out in Section 4 of the

Act be discharged by the public authorities as per the time-limits set out against each activity.

I. Record Management Obligation:

Section 4(1) states that every public authority shall –

a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

This translates into the following action points:-

1. Catalogue records and index them for easy dissemination and disclosure.
2. Computerize records in a phased manner subject to availability of resources.

Similar obligation is also cast on public authority by Section 4(1)(b)(vi) and Section 4(1)(b)(xiv), which enjoin publishing within one hundred and twenty days from the enactment of this Act,–

(vi) a statement of the categories of documents that are held by it or under its control;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;”

It is directed that all public authorities implement the above obligations within 6 months (except for no.2 above).

II. Personnel related details and functions of public authorities:

The relevant portions of Section 4 calls upon public authorities to carry out the following:-

“b) publish within one hundred and twenty days from the enactment of this Act,—

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed; and thereafter update these publications every year;”

7. Public authorities were to have implemented these obligations within 120 days of the coming into force of the RTI Act on 15th June, 2005. In our experience, the action in this regard has been rather tardy. It is time that these directives of the law are fully implemented in a systematic manner through time-bound action. Commission, therefore, directs that these actions as ordained above shall be completed by all public authorities within a period of 120 days from the date of this order.

8. Commission further directs that,

(i) The information in compliance with Section 4 obligation by public authorities shall be uploaded on a portal to be set up exclusively for this purpose by the CIC.

(ii) Within 30 days of this order, each public authority shall designate one of their senior officers as “TRANSPARENCY OFFICER” (with all necessary supporting personnel), whose task it will be

- (a) to oversee the implementation of the Section 4 obligation by public authorities, and to apprise the top management of its progress.
 - (b) to be the interface for the CIC regarding the progress of (a).
 - (c) help promote congenial conditions for positive and timely response to RTI-requests by CPIOs, deemed-CPIOs.
 - (d) to be a contact point for the public in all RTI-related matters.
- (iii) Names of the Transparency Officers shall be communicated to the Commission by public authorities.

9. Commission wishes to emphasise, that as laid-down in Section 4(2) of the RTI Act, it should be the constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo-motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

10. Unless the key requirements of Section 4 are fully met by the public authorities 'suo-motu', the objectives of this Act as enshrined in

its Preamble and Section 4 itself cannot be realized. Hence this directive.

11. Each Ministry or Department shall forward the directives to Public Authorities under their jurisdiction exercisable under Section 25(2) of RTI Act, 2005.

(A.N. Tiwari)
Chief Information Commissioner

(Annapurna Dixit) (Satyananda Mishra) (M.L. Shjarma)
Central Information Commissioner Central Information Commissioner Central Information Commissioner

(Shailesh Gandhi) (Sushma Singh) (Deepak Sandhu)
Central Information Commissioner Central Information Commissioner Central Information Commissioner

Authenticated By :-

(Aakash Deep Chakravarti)
Joint Secretary(Law) & Additional Registrar

CENTRAL INFORMATION COMMISSION

.....

F.No.CIC/AT/A/2009/000821

Dated, the 16th March, 2010.

Appellant : Shri Amarjeet Singh

Respondents : Directorate General of Vigilance Customs & Central Excise

This matter was heard partly through videoconferencing (VC) on 21.01.2010 in the presence of both parties. Appellant was present at NIC VC facility at Chandigarh, while the respondents represented by Shri Avinash Pushkarna, Joint Commissioner & Appellate Authority and Shri Rohit Singhal, Deputy Commissioner & CPIO were present at the Commission's New Delhi office, from where the Commission conducted its hearing.

2. Presently, four queries, viz. Sl.Nos.i, ii, v and vii appearing in appellant's RTI-application dated 24.03.2009 are subjects of this second-appeal. These queries read as follows:-

- "i. Copy of UO Note of Directorate of Vigilance sent to CVC seeking first stage advice in respect of Amarjeet Singh and Sh. D.S.Sra.*
- ii. Copy of UO Note of Directorate of Vigilance seeking reconsideration of CVC advice in respect of Sh. D.S.Sra.*
- v. Copy of Comments of Directorate of Vigilance (DOV) on the replies / representations / letters filed by Shri D.S. Sra.*
- vii. Comments of the Directorate of Vigilance on the above mentioned reply / written statement of defence of Sh.D.S.Sra."*

3. *Given the nature and the content of the queries at Sl.Nos.i and ii, CPIO is directed to consult CVC and take a decision about disclosing this information in the light of the advice tendered by CVC and CPIO's own consideration of the provisions of the RTI Act. This may be finalized within four weeks of the receipt of this order.*

4. In queries at Sl.Nos.5 and 7 what appellant has solicited is information relating to a vigilance enquiry against a third-party Mr.D.S.Sra. It is his point that he and Shri D.S. Sra were both proceeded against in the same matter and the file relating to both proceedings was common. In spite of this, while the proceedings

against Shri D.S. Sra were dropped, the one against appellant was pursued and continued. According to the appellant, it was discriminatory, which entitled him to know why in the same matter, enquiry against one person was dropped, but another was continued.

5. Respondents stated that it was true that both these enquiries were part of the same file as they related to the same matter but it was wrong for the appellant to assume that the weight of evidence in both cases and share in culpability was identical. One case was dropped while the other was continued on the basis of available evidence and the extent of the involvement of the officers in the irregularities. It was their case that since the enquiry against the appellant was currently on, any attempt by him to access the file independent of the decision of the Enquiry Officer would amount to impeding the process of the enquiry and hence would attract Section 8(1)(h) of the RTI Act.

6. Respondents have further argued that Commission, in its earlier decisions in *Dr.G.Sreekumar Menon Vs. DGV Customs & Central Excise; Appeal No.CIC/AT/A/2008/00918; Date of Decision: 27.11.2008* and *R.K. Singh Vs. DGV Customs & Central Excise; Appeal No.CIC/AT/A/2008/00222; Date of Decision: 30.06.2008* had directed that vigilance enquiry reports were not to be disclosed when an enquiry based upon that report was in progress.

7. Appellant pointed out that he had attempted to seek from the Enquiry Officer for the disciplinary proceedings against appellant the documents he has now sought under the RTI Act. The Enquiry Officer declined appellant access to these documents.

8. Appellant's point is that as the case against Shri D.S. Sra has been admittedly closed, respondents could not cite the exemption under Section 8(1)(h) in denying to the appellant the above information.

9. On an overview of this entire case, I do not find respondents' contention persuasive that information as regards the proceedings against Shri D.S. Sra should be declined to be disclosed even if that proceeding is now known to be closed, simply because a concurrent proceeding against the appellant himself in the same matter and in the same file is current. As has been pointed out by Justice Sanjeev Khanna of the Delhi High Court in *Addl. Commissioner of Police (Crime) Vs. Central Information Commission & Another in W.P. (C) No.7930/2009; Date of Decision: 30.11.2009*, Section 8(1)(h) of RTI Act does not have any permanent application to a class of cases for disclosure of

information, but must be applied to each case for assessing whether disclosure was warranted. One key-element in all such disclosure-requests was whether the proceeding was current or it was over. Once a proceeding is concluded, the information therein no more attracts Section 8(1)(h) because its disclosure cannot impede the process of enquiry or investigation. The Delhi High Court in the above-referred order has laid-down the law of disclosure in such matters. In the words of Justice Sanjeev Khanna,

“This Section does not provide for a blanket exemption covering all information relating to investigation process and even partial information wherever justified can be granted. Exemption under Section 8(1)(h) necessarily is for a limited period and has a end point i.e. when process of investigation is complete or offender has been apprehended and prosecution ends. Protection from disclosure will also come to an end when disclosure of information no longer causes impediment to prosecution of offenders, apprehension of offenders or further investigation.”

10. From that standpoint, the information at Sl.Nos.5 and 7 of appellant’s RTI-application dated 24.03.2009 should be disclosed.

11. But, this matter needs also to be examined from another angle, i.e. Section 8(1)(j) of the RTI Act. There would be no difficulty in applying the law expounded by the High Court to disclosure of information to an applicant in his own matter. But when the information requested belongs to a third-party, the question arises whether it can be treated as ‘personal’ to that party. For example, in the present case, the applicant and the third-party, Shri D.S. Sra were both departmentally proceeded against for alleged irregularities. The case against, Shri D.S. Sra was closed, but the one against the appellant was continued. Now the appellant wishes to access information relating to the proceeding of the case against Shri D.S. Sra, the third-party.

12. In my view, in matters such as this, where an applicant seeks information relating to an investigation against the third-party, request needs to be examined both under Sections 8(1)(h) and 8(1)(j). The key question is whether the investigation against an employee of a public authority can be described as ‘personal’ to that employee. There are two opposing viewpoints in this matter. One is that, even if an investigation/enquiry is against an employee of the public authority, it cannot be said to be personal to that employee because the enquiry is essentially an action by the public authority under a statute or Rules.

Mere fact that such action is directed against an employee, or a group of employees, does not invest the entire process with the characteristics of personal information of that employee or the group. The other view is that an enquiry or an investigation calls in question the conduct and action of an employee and hence is entirely personal to him. It relates to no other person, but that employee and disclosure of any information about that investigation or enquiry would have the impact of impairing the reputation and the standing of the employee. It even has the potentiality to harm that employee in other ways since it can be picked on by his adversaries to cause him harm or handicap in matters such as career-progression, litigation and even social interactions. Further, in terms of the definition of the term 'personal' as found in the Law Lexicon, "*the word personal means pertaining to a person or bodily form, of or relating to a particular person; exclusively for a given individual; relating to the person or body; relating to an individual, his character, conduct, motives or private affairs.*" It is argued that so long as a departmental enquiry/investigation exclusively focuses on a person who happens to be an employee, that enquiry ought to be treated as personal to the employee.

13. The more restrictive view of the meaning of the term 'personal' is that it relates to something which is in the exclusive private domain of an individual. In that sense, a departmental action against its employee cannot be said to be personal because it is not in that employee's private domain. According to this view, 'personal' begins where 'official' ends and the departmental enquiry is all 'official'.

14. From these two positions, a view is to be taken about the meaning of the term 'personal' as appearing in Section 8(1)(j) of the RTI Act.

15. In some of the Commission's earlier decisions, the meaning of the term 'personal' has been taken in the second sense, i.e. everything relating to and personal to an employee even if the action is an official investigation and an enquiry into his conduct. This information is personal to that employee since it excludes the rest of the world.

16. In my view, this position needs revisiting after the decision of Delhi High Court in Writ Petition (Civil) No.8396 OF 2009 in which it was held "Section 8(1)(j) reconciles two legal interests protected by law i.e. right to access information in possession of the public authorities and the right to privacy. Both rights are not absolute or complete. In case of a clash, larger public interest is the determinative

test. Public interest element sweeps through Section 8(1)(j). Unwarranted invasion of privacy of any individual is protected in public interest, but gives way when larger public interest warrants disclosure. This necessarily has to be done on case to case basis taking into consideration many factors having regard to the circumstances of each case.” Therefore, it would be incorrect to say that an official action against the employee of a public authority excludes the rest of the world, because in actual fact, it doesn’t. The employee is appointed by the public authority to discharge public functions, and it is the manner of his discharge of the functions which is called in question through enquiries and investigations. Therefore, it relates to overall governance with the public authority as well as its accountability to the larger public for discharging the functions for which the public authority was created. In that sense, the enquiry or investigation against the employee of the public authority ceases to be personal to the employee. Issue of governance and accountability to the public arises.

17. It would, therefore be safe to hold that investigation or enquiry against a third-party employee cannot be brought within the scope of Section 8(1)(j) of the RTI Act.

18. I conclude that an RTI-applicant can seek information not only pertaining to himself in investigation — ongoing or closed — but also against a third-party in a similar matter. The request will no-doubt be examined within the scope of the exemption-Sections of the RTI Act as well as Section 11(1) on account of its confidentiality, if any — such as that arises from action by the public authority under Section 124 of the Indian Evidence Act. But such information — third-party or otherwise — cannot be denied only on the ground that it was personal to an employee and that no public interest warranted its disclosure.

19. Thus in the present case, whether looked at from the standpoint of Section 8(1)(h) (*impeding the process of investigation*) or Section 8(1)(j) (*being a personal information to the other party*), I do not see any difficulty in authorizing the disclosure of the requested information. I also factored into my analysis in this matter the fact that what the appellant is seeking is information regarding discharge of another officer in a common enquiry which was launched against that officer as well as the appellant. Appellant was not discharged. The canons of justice and prudence would, therefore, dictate that he be allowed access to the material which permitted the public authority to exonerate the third-party, Shri D.S. Sra, but to continue the investigation against the appellant.

20. It is, accordingly, directed that these four items of information shall be provided to the appellant (after applying Section 10(1) of RTI Act where necessary, such as for protection of informers, witnesses, or source of information attracting Section 8(1)(g)) within two weeks of the receipt of this order by the CPIO.

21. Appeal disposed of with these directions.

22. Copy of this direction be sent to the parties.

(A.N. TIWARI)
INFORMATION COMMISSIONER

Central Information Commission

Room No.296, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama
Place, New Delhi-110066

Telefax:011-26180532 & 011-26107254 website-cic.gov.in

Appeal : No. CIC/LS/C/2009/000770-DS

Appellant /Complainant : Dr. Rajender K. Singla
Public Authority :
Arjun Dev, Registrar Education O/o Director Higher
Education, Chandigarh
Director, (Sh. Surinder Singh,
Sh.S.P. Puri Sh. Ram Lal, Superintendent,
Bhatia) Sh. R.C. Sharma and Sh. G.K.

Date of Hearing : 25/02/2011
Date of Decision : 25/02/2011

Facts:-

1. Dr. Rajinder K. Singla preferred RTI request dated 20.8.2009 before the CPIO, o/o Director Higher Education, Chandigarh Administration, seeking information regarding grant-in-aid given to DAV College etc. through four points – **enclosed herewith as Annexure 'A'**.

2. The CPIO, vide his letter dated 16.10.2009, offered opportunity of inspection of all records to the appellant and asked him to visit the office of the Principal. Appellant, however, did not take up this opportunity and instead preferred second appeal before the Commission. The matter was heard today. Respondents were present as above. Appellant did not appear.

3. Respondents stated that the appellant was in the habit of preferring RTI applications and had to date preferred 250 RTI applications (This fact is also confirmed by the appellant in his written submissions), through which he seeks voluminous and old information. Usually, the appellant does not appear before the First Appellate Authority when his appeal comes up for hearing and has also provided an address at which he does not live for receiving the

information. They submitted that the appellant who is a former contractual employee of D.A.V. College has already been provided information under the present RTI application running into over 200 pages and have so far provided him thousands of pages of information against his other RTI applications, thereby causing disruption in normal work and strain on their financial resources.

Decision

4. After hearing the averments of the respondents and on perusal of the facts on record, the Commission concludes that undoubtedly, the appellant is misusing the RTI Act to settle personal scores with his former employer. The Commission rules that such vexatious applications can be summarily dismissed at the level of the CPIO since it is obvious that these applications are not being preferred in public interest and are in fact adversely impacting the functioning of the public authority instead of strengthening it, which is contrary to the letter and spirit of the RTI Act.

(Smt. Deepak Sandhu)
Information Commissioner (DS)

Authenticated true copy:

(T. K. Mohapatra)
Under Secretary & Dy. Registrar
Tel No. 011-26105027

Copy to:-

1. Dr. Rajender K. Singla
House No. 62-A,
Sector 30-B,
Near Shiv Shakti Mandir,
Chandigarh.
2. The CPIO,
o/o Director Higher Education,
Chandigarh Administration,
Chandigarh.
3. The CPIO,
DAV College, Sector 10,
Chandigarh.

Central Information Commission

No.CIC/OK/C/2008/00597 & A/2008/00736

Dated: 02 January 2009

Name of the Appellant : Shri Rakesh Kumar Singh
280W / 12A, Mahalaxmi Enclave
Karawal Nagar, Delhi, 110094

Name of the Public Authority : University of Delhi

Background:

Shri Rakesh Kumar of Delhi filed an RTI-application with the Public Information Officer, University of Delhi, on 30 January 2008, seeking information on 25 counts relating to the Campus Law Centre, Law Faculty and its Library and the University Library, etc.

2. The PIO vide his letter dated 29 February 2008 replied to the RTI-application. Not satisfied with the reply of the PIO, the Appellant filed an appeal with the first Appellate Authority on 24 March 2008 who vide his letter dated 11 April 2008 replied to it. However, some part of the information relating to the Law Centre was not provided to the Appellant. In this connection, the Applicant approached the Central Information Commission with a separate complaint and an appeal on 28 May 2008.

3. The Bench of Dr. O.P. Kejariwal, Information Commissioner, heard the matter on 15 October 2008.

4. Shri Deepak Vats, Deputy Registrar & PIO, Dr. A.K. Dubey, Registrar & Appellate Authority and Prof. S.C. Raina, Professor In-charge, Campus Law Centre, represented the Respondents.

5. The Appellant, Shri Rakesh Kumar Singh, was neither present nor send any representative for the hearing.

Decision:

6. The Commission decided to club case Nos. 736 & 597 as not only the Applicant and the Respondents were the same but the RTI-applications also were practically the same.

7. In the absence of the Appellant, the Commission heard the Respondents and noted that basically the Appellant had raised certain issues about which there was no clarification in the RTI-Act. Thus, for example, the number of questions one could ask through a single RTI-application. It may be clarified that although there are issues on which the Act may be silent or there may be no clarity, commonsense and practicability of implementation override all the provisions of the Act. Thus, for instance, although in the RTI-Act, there is no limit to the number of questions which an Applicant can ask through a single RTI-application, nor the number of Departments about which the questions can be raised, it stands to reason that the Respondents cannot be expected to fish out information from a variety of sources and be made accountable for 50 or 60 questions on disparate issues through one single application. It, therefore, is generally agreed that through one RTI-application the Appellant should raise only one issue, on the presumption that the information about that issue is available at one place and can easily be located. Similarly, if one has to ask for information related to various Departments, it is desirable under Section 6(1) on the part of the Appellant to file his RTI-application with the PIO of the appropriate Department. In the present case, the Appellant through his one RTI-application has asked for information relating to different Departments of the University like the Law Faculty, two Libraries, National Service Scheme, Campus Law Centre, etc. The Respondents did direct these queries to the respective Centres/Sections. During the hearing, they clarified that in response to the RTI-application of 30 January 2008 they had asked the Appellant to deposit Rs.20/- and Rs.28/- respectively through their letter dated 25 February 2008 and 29 February 2008 respectively for supply of photocopies of the relevant documents. To neither of these did the Appellant respond. The Commission, therefore, considers this entire exercise as merely a measure to put the Respondents under undue pressure and to unnecessary harassment. The Commission thus dismisses the case with the above observations.

8. The Commission ordered accordingly.

(O.P. Kejariwal)
Information Commissioner

Authenticated true copy:

(G. Subramanian)
Assistant Registrar

Cc:

1. Shri Rakesh Kumar Singh, 280W / 12A, Mahalaxmi Enclave, Karawal Nagar, Delhi, 110094
2. The Public Information Officer, Delhi University, Gr. Floor, New Administrative Block, University Road, Delhi-110007
3. The Appellate Authority, Delhi University, Gr. Floor, New Administrative Block, University Road, Delhi-110007
4. Officer Incharge, NIC
5. Press E Group, CIC



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 2570/IC(A)/2008

(Adjunct to Decision No. 1684/IC(A)/2007 Dated: 17.12.2007)

F. No. CIC/MA/A/2007/00515

Dated, the 16th June, 2008

Name of the Appellant : Shri Mohd. Samad Khan
Name of the Public Authority : NTPC Limited.

DECISION

Background:

1. In our decision No. 1684/IC(A)/2007 dated 17.12.2008, the following was observed:
 - *The evidence is conclusive that the NTPC has made endeavors to provide jobs to all the land oustees but it has not been able to absorb at least 42 affected persons. At the instance of the Minister's intervention, a field survey was also conducted in 2005, in which the appellant participated. The appellant has asked for a copy of the survey report, which has been denied on the ground of its non-availability.*
 - *As agreed between the parties, the case is remanded to the CPIO, who should make a fresh attempt to search the relevant documents, mainly the Survey Report, as asked for by the appellant, within one month from the date of issue of this decision and furnish its copy to the appellant, failing which suitable action would be taken by the Commission in the matter, including institution of a high powered inquiry to unearth the truth.*
 - *The appellant is free to approach the Commission again if he is not satisfied with the compliance of the above decision by the CPIO.*

2. In pursuance of the above decision, the CPIO has stated vide his letter dated 24.01.2008 as under:

“We made afresh attempt to search the relevant document and also checked with the concerned NTPC Project, i.e. Farakka STPS, but no such Field survey report could be found.”

3. Being not satisfied with the response, the appellant complaint to the Commission that the NTPC ‘was not stating the truth’. He has alleged that the respondent has not made sincere efforts to provide the information. As a result, he has been denied of his entitlement for right to employment, as assured by the NTPC to the land oustees. Subsequently, both the parties were called again for 2nd hearing in the matter on 9.06.2008. The following were present:

Appellant:

- i.) Shri Mohd. Samad Khan
- ii) Shri Gautam Kaul

Respondent:

- i) Shri G.K. Agarwal Appellate Authority
- ii) Shri A.K. Sharma CPIO
- iii) Shri S.P.S. Solanki AGM
- iv) Shri MSD Bhattamishra DGM
- v) Shri Pradip Kumar LO

4. In the course of hearing, the respondents stated that the documents asked for did not exist and, therefore, it could be furnished to the requester. The respondents stated that the field survey, in question, was not conducted and therefore the report was not prepared. The respondents however admitted that *“the Ministry of Power (MOP) had solicited details of the list of 42 persons which was duly replied”*. However, no field survey was conducted, as stated by the appellant.

5. The appellant has contended that he, alongwith Shri Gautam Kaul and others, had met the then Hon’ble Minister of Power on 10.05.2005, who directed the concerned Joint Secretary in their presence to examine the complainant document and investigate the matter, which was done. In this regard, the respondents have admitted the fact that the

MOP 'solicited the details of 42 persons' which was duly replied by the NTPC. The contents have however not been divulged to the appellant, he alleged.

6. The appellant has also stated that most of the affected persons had participated in the survey and a preliminary draft was also prepared, which he had seen at certain stage. He also identified the persons who were associated with this exercise on behalf of the NTPC. He therefore alleged that the respondents have not made sincere efforts to search for the document which is critical for redressal of the grievances of all the land oustees. He also alleged that the MOP has also not replied to him about the outcome of the representations submitted to the Hon'ble Minister on 10.05.2005.

7. He also alleged that the NTPC is withholding the information for malafied reasons to deprive the land oustees of their claim for employment as assured by the respondent. It was also alleged that the local office of the NTPC refused to receive and acknowledge the petition. As a result, he had submitted his petition by post.

Analysis and Findings:

8. The respondents have admitted that the Ministry of Power had asked to look into the grievances of the land oustees of the NTPC Project in Farakka and to provide the job opportunities as per the respondent's offer letter dated 28.12.1984, which is reproduced herein below under para-10. The respondents have also admitted that the matter was examined and a reply was sent to the Ministry. It is evident, therefore, that on the basis of the directions given by the Hon'ble Minister, the respondent did examine the matter, in which the appellant along with others had participated. This is also evident from the affidavit submitted by the land oustees, the copies of which are available with the parties.

9. The respondent submitted its report to the Ministry, in response to the representations made by the appellant and other affected persons. The question whether a formal 'field survey report' was prepared or not is disputed between the parties. The

respondent has however not disclosed the details of the communication, which it had with the Ministry.

10. The Right to Information Act seeks, *inter-alia*, to promote accountability in the working of the public authorities. In the process of developing a solid infrastructure in such an important area as supply of electricity for the benefit of masses, the sacrifices made by the land oustees have seemingly been ignored by the NTPC. The promise of providing assured jobs to the affected persons has not been kept, which is evident from the following:

The NTPC vide its letter dated 28.12.1984 advised the respondent as under:-

*Sri/Srimati Md. Samad Khan
S/O Md. Mahasin Khan
Ratanpur, P.O. Dhuliyar, Msd.*

Sir/Madam,

Officially, we came to know from Berhampur Additional Land Requisition Office that due to the need of Farakka Super Thermal Power Project your land has been taken over from village Kendua, J.L. No. 26. The aforesaid Thermal Power Plant has decided that a list will be published for the employment of yours or any of your family members and that will be fixed on the basis of educational eligibility according to the rules of Corporation and in view of the technical experience.

According to your's direction, this list will be published in terms of the preferential order of Colum No. 8 of Form No. 2. In terms of proper identification of the near relative of your family who is directly dependant, you have attach a recent passport size photograph of the above mentioned eligible person is column 8 of Form No. 2.

You are, therefore requested to submit the form by post or in person to the Assistant Personal Officer, Farakka Super Thermal Power Project, Farakka, Murshidabad on or before 31.01.85, duly filling up the form affixed herewith in your own hand writing allowing the Certificate of Village Pradhan.

Your co-operation is earnestly sought for in this regard.

*Received
Sd/- Illegible,
30.1.85
Seal*

*Yours faithfully,
Sd/- Illegible,
(N. MUKHERJEE)
Assistant Personal Officer
Farakka Super Thermal Power Project.*

(Translated version of the NTPC's letter in Bengali submitted by the appellant)

11. The appellant completed the necessary formality for obtaining a job, but he was not offered the employment opportunity. He has been persistently pursuing the matter, but of no avail. The respondent has however stated that:

'No commitment, whatsoever, was given at any point of time for providing employment'.

12. This statement contradicts the intentions expressed by the respondent in the aforementioned communication of 28.12.1984. The appellant also mentioned during the hearing that he was interviewed also by the officials of the respondent. He was however not offered the job of even of a Peon/Attendant though he has been maintaining good health. The NTPC employs thousands of unskilled workers and the appellant could have been accommodated in lieu of the land acquired by the Government.

13. It emerges from the foregoing that the appellant has been made to suffer largely due to lackadaisical attitude of the concerned officials of the respondent. In the conventional wisdom and with a view to alleviating economic difficulties, it has been our practice that whenever land has been acquired from the farmers for promoting the larger interest of the society and economy, the farmers have duly been provided adequate financial compensation in lieu of the acquired land. And, the affected families have also been provided jobs to the land oustees, who are deprived of the major sources of income, i.e. farm activities. In the instant case, this has however not happened as the appellant has not been provided the employment, of which an assurance was given. Besides, the appellant is unable to have access to relevant information that would enable him to seek any relief from the competent authority, including legal relief from the Court. He is therefore facing a dead end, in so far as seeking justice is concerned.

14. The NTPC has thus failed not only in keeping its promise of providing work opportunity to the appellant but has also belied the expectations of the land oustees to protect their societal interests mainly right to work. The NTPC is expected to provide the benefits of its activities to the larger public without unduly depriving of the sources of

sustenance of the poor farmers, which is however not done in the instant case. In such situations, it is natural for the aggrieved persons to knock the doors of various authorities for seeking justice. In a democratic society like ours, a breach of confidence between the citizens and the elected Government or its instrumentalities may lead to mass resentment against public policies. It may even incite violence, which may not only retard progress but also destabilize democratic setup. This therefore requires careful handling of the matters arising from acquisition of farmer's land and / or the assurances of rehabilitations, as given to them in such cases.

15. Of late, the Government has been providing jobs to anyone who seeks it under the National Rural Employment Guarantee Scheme with a view to eradicating rural poverty. In the instant case, such an opportunity has been denied to the one who is demanding for the right to work on the basis of an assurance given by the respondent to compensate for the loss of a major source of livelihood, i.e. the agricultural land, which is acquired by the Government. The outcome of such a public action reflects both denial of justice to the land oustees as well as inequity in guaranteeing the opportunity for sharing the gains that are attributable to the achievements of the respondent. A positive action is therefore called for to rectify the deficiency in the policy of infrastructure development, so that the costs burden of the land oustees are minimized.

Decision Notice:

16. In view of the foregoing, the following decision notice is issued:

- i) The CPIO is directed to furnish the entire details relating to the reference made by the Ministry of Power to the NTPC alongwith the replies given to the MOP, including the 'file notings' in the matter, within 15 working days from the date of issue of this decision. The appellant, along with Shri Gautam Kaul who was present during the hearings, would be free to inspect the relevant documents on the date and time mutually convenient to the parties, within 15 working days from the date of issue of this decision.

ii) The NTPC is required to pay a suitable compensation u/s 19 (8) (b) of the Act for all kinds of losses and other detriment suffered by the appellant in the process of securing justice through different ways, including accessing information that could reveal the fact about his claim for the right to work . The appellant has not only sacrificed the land, the prices of which have increased manifold, and has also missed the opportunity of working and earnings, he has been deprived of timely justice for want of information or lack of accountability of the respondent, as discussed above.

- The NTPC is therefore directed to pay an amount equal to the total payments made so far to an employee, 'land oustee', who was offered employment (in the first batch) in the minimum scale of pay plus admissible allowances, in pursuance of the circular issued on 28.12.1984 to the appellant.

Alternatively, on the assumption that the respondent was at least offered the job of a peon/attendant, keeping in view his physical fitness, including educational qualifications, he should have been paid, on an average amount of Rs.4,000/- per month for 282 months (since January 1985 to June 2008), which comes to Rs. 11,28,000/- (Rupees eleven lakh and twenty eight thousand).

- The Chairman, NTPC, is directed to arrange to pay the above amount, on behalf of the respondent, through a bank draft in favour of the appellant on or before **July 30, 2008**, failing which interest at the rate of 10 percent per annum would be applicable.

iii) The Chairman, NTPC is also directed to explore the ways and measures to redress the grievances of all land oustees of the Farakka Project in terms of the understanding reached between the parties on the issue of rehabilitation of the affected persons. In view of its social responsibility and the national policy to empower the deprived groups, the NTPC should take urgent steps to alleviate the economic difficulties of land oustees, the costs of which to the company would be negligible in relation to its total profits since its inception. A

compliance report should be submitted to the Commission within three months as a testimony of its accountability, which is a major concern of the RTI Act.

17. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:

1. Shri Mohd. Samad Khan, Vill. Ratanpur (Station Road), PO Dhuliyar, Dist. Murshidabad-742202 (W.B.)
2. Shri A.K. Sharma, CPIO, NTPC Limited, NTPC Bhawan, SCOPE Complex, Lodhi Road, New Delhi-110003.
3. Shri G.K. Agarwal, Executive Director (HR & PMI) & Appellate Authority (RTI), NTPC Ltd., Core 7, Scope Complex, Lodhi Road, New Delhi-3.
4. The Chairman, NTPC Ltd., Core 7, Scope Complex, Lodhi Road, New Delhi-3.

Central Information Commission

Block-IV, Old JNU Campus

New Delhi-110067

Website: www.cic.gov.in

Decision No. 608 /IC(A)/2007

F.No.CIC/MA/A/2007/0022

Dated, the 3rd April, 2007

Name of the Appellant : Shri K.L. Sharma.

Name of the Public Authority: Bharat Petroleum Corporation Limited,
Mumbai.

DECISION

Facts:

1. The case was heard on 2nd April, 2007. The appeal filed by the appellant was sent to the CPIO for comments. A copy of CPIO's comments has also been forwarded to him directly by the CPIO. There is however no rejoinder from the appellant.
2. A perusal of the petition submitted by the appellant show that he had asked for copies of documents submitted by an applicant for BPCL distributorship. The information sought was denied on the ground that the information pertain to a third party and therefore it has no relation to any public activity.
3. During the hearing, the appellant mentioned that a part of the information sought relate to the activity of the respondent. Therefore, such documents should be given to him.

Commission's Decision:

4. A part of information sought pertain to the details of an application submitted by an aspirant of BPCL distributorship. Since such documents are submitted by a third party, the details of information sought has no relationship with any public activity. Therefore the CPIO has correctly denied disclosure of information u/s 8(1) (j) of the Act.
5. As regards other document that are due to the respondent, the CPIO should consider disclosure of identified documents as per the provision of the

Act. The appellant was accordingly advised to inspect the records so as to specify the documents and submit his request to the concerned CPIO for consideration within 15 working days from the date of issue of this decision.

6. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Address of the parties :

1. Shri K.L. Sharma, 18, Alkapuri, Alwar, Rajashthan.
2. Shri Vinod Giri, GM (Mktg. Coordn.) & CPIO, Bharat Petroleum Corporation Limited, Bharat Bhavan, 4& 6 Cummbhoy Road, Ballard Estate, Mumbai-400001.

No.CIC/AT/A/2007/00410
CENTRAL INFORMATION COMMISSION
Block IV, 5th Floor, Old JNU Campus
New Delhi-110 067

(Under Section 19 of the Right to Information Act, 2005)

Name of the Appellant: The Secretary
The Cuttack Tax Bar Association
Kamalpur,
P.O. Arunoday Market,
Cuttack-753 012.

Public Authority: The Commissioner of Income Tax-VII
O/o the Commissioner of Income Tax
Arunodya Market, Cuttack
Orissa – 753 012.

Date of Hearing: 14.12.2007

Date of Decision: 03.03.2008

Facts:

The appellant vide application dated 6th September, 2006 sought from the Commissioner of Income Tax & PIO, Cuttack the following information under the Right to Information Act, 2005:

1. (a) How many returns have been filed from 01.4.2005 to 31.08.2006 under their jurisdiction;
- (b) How many returns have been processed u/s 143(1) in Range-1 and Range-2, Cuttack (Ward/Circle wise) till 31.08.2006;
- (c) In how many cases refund is due during the above period but not granted and reasons thereof;

- (d) Whether interest u/s 244-A is granted from the date of processing to the date of issue of refund or not. If not, reasons thereof.
- 2. (a) How many petitions u/s 154 of the I.T. Act, 1961 have been received in the Range-1 and Range-2 (Ward/Circle wise) during the period from 01.04.2003 to 31.08.2006.
- (b) How many petitions have been disposed of during the above period and how many petitions are pending with reasons thereof.
- 3. (a) How many applications for grant of registration u/s 12-A(a) and approval u/s 80-G of the Act have been received by your office during the period of 01.01.2005 to 31.08.2006 and number of cases disposed of.
- (b) How many applications are pending before the ACIT and Addl. CIT with reasons thereof.

2. The application of the appellant was, however, summarily rejected by the Public Authority vide their letter No.CIT/CTC/2006-07/2759 dated 6th October, 2006. While rejecting the RTI application, the PIO stated that under Section 3 of the Right to Information Act, all citizens of India as individual shall have the right to information and regretted that the said information cannot be supplied to the Cuttack Tax Bar Association.

3. The appellant submitted written submission before the Chief Commissioner of Income Tax and First Appellate Authority challenging

the order of the PIO under Section 19(1) of the Right to Information Act, 2005 on the following grounds:

- (i) The appellant is a society formed for the benefit of advocates registered under the Societies Registration Act and is affiliated to Orissa State Bar Council and All India Federation of Tax Practitioners.
- (ii) Interpretation of Section 3 of the Right to Information Act is perverse and faulty and as such, the Appellate Authority cannot reject their application. They further submitted that the Association of the appellant is a society constituted of citizens only and even as per the interpretation of the PIO, the appellant is entitled to the information.
- (iii) Section 3 of the RTI Act is only a general provision which is merely declaratory in nature and does not vest any right on any one or declares who can apply for information. It simply declares that all citizens shall have the Right to Information. It is Section 6(1) of the RTI Act which states who is entitled to apply for information. The term "Person" is not defined in the Right to Information Act, 2005, hence the definition given in the General Clauses Act, 1897 has to be relied upon. "Person" has been defined in Section 3(42) of the General Clauses Act to include any company or association or body of individuals, whether incorporated or not. They also cited a few judgment of the Apex Court (AIR 2001 SC 2277; (2001)5 SCC 22 according to which a 'person' includes a 'Company'.
- (iv) They have submitted that a person shall also include a juristic person i.e. an idol or Gurugranth Sahib installed in public temple as per the Supreme Court judgments

reported in AIR 2000 (SC) 1421 and (2000)4 SCC 146. The appellant have, therefore, contended that theirs is an Association that is a Body of Individuals and are fully entitled to apply for information and receipt it under the RTI Act.

- (v) Appellant has further contended that the terms defined under Section 3 of the General Clauses Act, 1897 shall apply to all Central Acts and Regulations made after the commencement of the said Act as per the Supreme Court's ruling that "*the purpose of the General Clauses Act is to place in one single statute different provisions as regards interpretations of words and legal principles. Whatever the Act says, whether as regards the meaning of the words or as regards the legal principles, has to be read into every statute to which it applies.*" (AIR 1961 SC 838 pg.843). Appellant further submitted that Article 367 of the Constitution of India has made the General Clauses Act applicable to the Constitution of India and as per the Supreme Court judgment in AIR 1966 SC 644 pg.648 also, the General Clauses Act is applicable to the Constitution of India. The General Clauses Act shall, therefore, be applicable to the RTI Act.
- (vi) "Definition of person" as contained in Section 3(42) of the General Clauses Act includes an association, hence the appellant is entitled to apply and receive information under the RTI Act. The Allahabad High Court in its Full Bench decision has held that the word "person" can be construed to include a "Banking Company" and "Government Treasury" (AIR 1956 All 421 [FB]).

- (vii) In the Preamble to the RTI Act, the words `Citizens' and "Citizenry" are used in a plural sense. Similarly, in Section 3 of the RTI Act, the word "citizens" has been used in a plural sense and not in a singular sense. Therefore, a group of citizens also are entitled to apply for information under the RTI Act.
- (viii) The object of the RTI Act as enshrined in its Preamble is to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. The Preamble also states that "Democracy requires an informed citizenry and transparency of information which are vital to its functions and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed". Keeping these lofty ideals and objectives in mind, it can be said that rejection of the application by the PIO was unfortunate and against the spirit of the RTI Act and even against the principles of democracy and transparency.
- (ix) Chief Information Commissioner, Shri Wajahat Habibullah in his Foundation day lecture of the Institute of Company Secretaries of India at New Delhi delivered on 4.12.2006, declared that it was not only the corresponding duty of the Government to meet the request for information but also a responsibility on all sections, citizenry, NGOs and media towards that end. The Chief Information Commissioner has also expressed his opinion that NGOs are eligible to apply for information under the RTI Act. In this context, the Chief Information Commissioner also quoted Mahatma Gandhi who said "*the real Swaraj will come not by the*

acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused.” All NGOs are associations and societies and are applying and securing information under the RTI Act on behalf of the downtrodden and the deprived. The appellant further submitted that it was never the purpose of the RTI Act to deny information to any group of individuals or an association since it would defeat the very purpose of the Act.

- (x) Under the Constitution of India, only citizens are eligible to apply for writs with regard to their fundamental rights but the Hon'ble Supreme Court in AIR 1974 SC 1539 held that even a partnership firm is entitled to apply for writs since it stands for all the partners collectively and the petition should be deemed to have been filed by all the partners who are citizens of India. Calcutta High Court in AIR 1969 Calcutta 149 held that an association also can apply for writ. Therefore, an analogy could have been drawn while deciding the case of the appellant.
- (xi) The appellant further submitted that RTI Act being a welfare legislation, application made under it should not be rejected on hyper-technical ground.

4. The appeal of the appellant was heard by the 1st Appellate Authority on 05.12.2006. The appellate authority while dealing with the appeal has summarized the grounds taken by the appellant in his 1st appeal as under:

- (i) Sec.3 of the Act is only declaratory in nature and the word person is not defined in the Act and, therefore,

it has to be taken as one defined under Sec.2(42) of the General Clauses Act according to which “person” includes any company, association, body of individuals whether incorporated or not;

- (ii) As regards the CPIO’s contention that only citizens can apply for information, the appellant contended that the person signing the application is both an individual as well as citizen of India and, therefore, the information requested u/s 6(1) ought to have been supplied to the appellant.
- (iii) The word used in Section 3 is “citizens” and not “citizen”. Therefore, it covers group of citizens who are entitled for information.
- (iv) There are judicial pronouncements where persons other than individuals were found entitled to apply for issue of writ under the Constitution of India.

5. The appellate authority dealt with the above as under:

- (i) Section 3 of the RTI Act is not merely declaratory but also foundation for the supply of information and in that sense, it is similar to the charging section of any taxing statute. Section 3 of the General Clauses Act is only logical foundation of applicability to all Central Acts and is neither the rule of the law nor a rule of prudence in order to take into account its provisions as an aid to interpretation.
- (ii) Only a natural person can affix a signature on an application and wherever it has to be filed by a non-individual like a society, trust, company or association of persons, a specific provision is present in related statutes as to who would sign.

Under the Income Tax Act, 1961, such provision is contained in Section 2(31) but there is no such specific provision in the RTI Act as to who can sign an application under Section 6 of the Act.

- (iii) Looking at Section 21 to 24 of the Act, it is found that the RTI Act is a self-contained Act. If similar legislations of various States are considered like RTI Acts of Goa, Karnataka, Rajasthan, Assam, Delhi, Maharashtra, and Jammu & Kashmir, the following common features are noticed:
 - (a) Right to Information is available to all citizens;
 - (b) There is no specific definition of the word “person” who makes & request for supply of information;

6. The appellate Authority, however, by detailed orders dated 20th December, 2006 affirmed the orders of the CPIO and dismissed the first appeal of the appellant on the following grounds:

- (i) Section 3 of the Act is not only declaratory but is also the foundation for supply of information as per the provisions of the Act.
- (ii) As regards the 2nd argument of the appellant, the appellant being Cuttack Tax Bar Association and not an individual, such argument is not acceptable on facts and only militates against the main argument of the appellant that a non-individual can also seek information under Section 6 of the RTI Act. Similarly, an expression used in singular includes its plural form also and, therefore, the use of expression “citizens” as against the expression “citizen” does not in any way advance the case of the appellant.

- (iii) The various decisions cited by the appellant were rendered in totally different context. But in the context of right to know originating from freedom of speech and expression, Hon'ble Supreme Court of India observed in the case of Dinesh Trivedi Vs. UOI – 1997 (4) SCC 306 that it is axiomatic that citizens have a right to know the affairs of the Government which, having been elected by them, seeks to formulate sound policies of governance aimed at their welfare. Thus, it appears that the right to know is available to citizens only.

- (iv) Third “party” under Section 2(n) of the RTI Act means a person other than the citizen making a request for information and includes a public authority. It, therefore, appears that a person making a request for information could only be a citizen. When the provisions of Section 2(n) are read with section 3 of the RTI Act taking in consideration the absence of any provision as to who can sign an application under Section 6 of the Act, it is concluded that the view taken by the CPIO was correct. Decisions of the Central Information Commissioner in Monika India, Mumbai and People’s Union for Civil Liberties Rajasthan also support this view.

7. The appellant was not satisfied with the decision of the first appellate authority and submitted a 2nd appeal before this Commission reiterating therein his earlier grounds taken before the first appellate authority.

8. The 2nd appeal was listed for hearing on 20th May, 2007 before Single Bench of Information Commissioner, Mr. A.N. Tiwari. Important points of law were raised by both the sides. Information Commissioner, Mr. A.N. Tiwari desired that since the matter involved important points of law as to whether a juristic person can seek information under the RTI Act, the same should be resolved by the Full Bench. He also suggested that apart from the appellant and respondents, the Full Bench hearing should also be attended by Department of Personnel & Training and Ministry of Law and Justice. A request should also be made to one or two members from the Bar Council to assist the Commission in resolving this issue.

9. Hearing of the Full Bench was fixed for 14.12.2007 and notices were accordingly issued to all concerned parties to attend the hearing.

10. On the date fixed, the following were present:

APPELLANT

Cuttack Tax Bar Association — None attended

RESPONDENTS

Shri P.C. Mohanty, Commissioner of Income Tax

11. Both the parties reiterated their respective submissions in the Full Bench hearing.

12. The appellant inter-alia made the following further submissions before the Full Bench:

- (i) That the Chief Commissioner of Income Tax, Orissa is unable to think beyond the Income Tax Act, 1961 and tries to interpret all provisions of even a general law like the Right to Information Act in terms of the Income Tax Act. It

is, therefore, of paramount importance that Section 6 of the RTI Act which makes a person eligible to apply and in the absence of any definition of "Person" in the RTI Act, the definition of the term "person" in the General Clauses Act shall apply as is the case with many other legislations.

- (ii) The appellant also submitted that State legislations cannot be relied upon to interpret the provisions of the Right to Information Act, 2005, which only appears to be a subterfuge to escape from the duty to provide information.
- (iii) The appellant reiterated the case laws cited by him in his first appeal and alleged that the first appellate authority has not clarified as to why those case laws are not applicable and has simply avoided to deal with them.
- (iv) The necessity as to who shall sign the application under Section 6 of the RTI Act shall not decide as to who is entitled to apply under the RTI Act. The application under the Act is not similar to a Return under the Income Tax Act. The absence of provisions relating to who signs an application shall not confine the meaning of the term "Person" to an individual and such a contention is perverse.
- (v) The decision of the Supreme Court in Dinesh Trivedi Vs. UOI has been misinterpreted by the appellate authority by stating that "all citizens" means only citizens who can apply for information under the RTI Act as the same is not confined to individuals only and cannot be interpreted to mean that citizens as a group or association are not entitled for information. In any case, in the case cited, the Supreme Court has not decided the issue whether the term "person" used in the RTI Act covers individuals only.

- (vi) That Hon'ble Supreme Court has recognized the right of associations and societies to file writ petitions and other petitions in order to agitate for the rights of the poor, downtrodden and the exploited.
- (vii) That depriving information from the public leads to corruption. In a backward countries, the individuals are too weak or deprived in order to expect them to apply for information and fight against corruption in a Government. Associations and societies comprised of citizens have to come to their rescue and fight united.
- (viii) Refusal of information in one guise or the other is only self-serving and motivated. Therefore, the reliance placed on Section 2(n) of the RTI Act to interpret Section 6 is unconscionable and totally without any reasonable basis.
- (ix) The decisions of CIC in Monika India and PUCL are not applicable as nowhere in the said decisions the Commission has decision that only individuals are entitled to apply for information under the RTI Act. The meaning of "person" also as per Section 6 is not the issue in those decisions. Monica India's case was rejected because it was a company which is a separate legal entity in law and its members can change rapidly by transfer of shares in which case even on-citizens can become members or shareholders. Whereas this is not the case with associations or societies.
- (x) Similarly, the case of PUCL was rejected by the Commission because the information asked for was personal and business information.

- (xi) The genesis and the existence of the RTI Act is the outcome of the efforts of several NGOs (Non-Governmental Organisations), which are associations or societies in nature. In India where most of the individuals are illiterate and ignorant of their rights, it is the NGOs who agitate for their rights. Hence it can never be the spirit of the RTI Act to deny information if an association or society asks for the information. Adopting a pedantic or narrow-minded approach merely to deny information in order to maintain secrecy can only lead to corruption.

13. The appellant further submitted that the information sought by him related to pending refunds in the Income Tax Department at Cuttack and no specific or personal information about any assessee or taxpayer was sought. Refunds are the major source of corruption and the staff sits over it for long periods in order to compel the taxpayers to shelve out a portion of the refund amount in order to issue the Refund Vouchers or Cheques. There is no reason to deny such information on a macro level except to protect the corrupt on various technical and narrow legal grounds.

ISSUES FOR DETERMINATION:

- I. Whether Section 3 of the RTI Act entitles an association of citizens to receive information?

DECISION & REASONS:

14. The main contention of the appellant is that Section 3 of the RTI Act is merely declaratory in nature and does not vest any right on any one or declares who can apply for information. It simply declares that all citizens shall have the right to information. It is section 6(1) of the RTI Act which states who is entitled to apply for information. Since

Section 6(1) entitles every person to apply for any information, every person is, therefore, so entitled. The appellants have further built up their arguments on the edifice that the term “person” is not defined in the RTI Act and hence the definition given in Section 3(42) of the General Clauses Act, 1897 (Act 10 of 1897) has to be applied. Section 3(42) of the General Clauses Act, 1897 reads as under:

3(42) “person” shall include any company or association or body of individuals, whether incorporated or not.”

15. The appellants have cited a decision of the Apex Court in Union Bank of India Vs. Khader International Construction & ors. (**AIR 2001 SC 2277**) wherein the Apex Court has held that a public limited company which is otherwise entitled to maintain a suit as a legal person can very well maintain an application under Order XXXIII Rule 1 of the Civil Procedure Code. The Hon’ble Court in this case has held that the word “person” mentioned in Order XXXIII of CPC includes not only a natural person but other juridical persons also. In this case the issue before the Court was as to whether the word “person” mentioned in Rule 1 of Order XXXIII of the Code of Civil Procedure refers only to a natural person or includes also other juridical persons. In this case, reference was made to series of decisions on the subject and the Hon’ble Supreme Court held that a survey of various decisions would show that preponderance of the view is that the word “person” referred to in Order XXXIII includes a juristic person also. The Apex Court in this case quoted with approval the following observations of an earliest decision of Division Bench of the Madras High Court in (**AIR 1918 Madras 362**) [**Perumal Koundan vs. Tirumalrayapuram Jananukoola Dhanasekhara Sanka Nidhi Ltd.**] In this case, a company registered under the Companies Act went into liquidation and an official liquidator was appointed. The official liquidator applied under Order XXXIII Rule 11 to file a suit on behalf of the company *in forma pauperis* against the

petitioner therein. The petitioner raised objections that the company could not file a suit *in forma pauperis*. Repelling this contention, the Division Bench held:

"We are unable to accept this contention. The word 'person' is not defined in the Code of Civil Procedure and consequently the definition of word 'person' as including any Company or Association or body of individuals whether incorporated or not, in the General Clauses Act [X of 1897] would apply unless there is something repugnant to the subject or context."

16. But in the same case, the Hon'ble Court has also come to a conclusion that the word "person" is to be given its meaning in the context in which it is used. In this context, the Hon'ble Apex Court has cited the following observations of **Lord Selborne** in **Pharmaceutical Society v London and Provincial Supply Association**, (5 Appeal Cases 857) :

"There can be no question that the word 'person' may and ...prima facie does, in a public statute include a person in law; that is a corporation, as well as a natural person. But although that is a sense which the word will bear in law, and which as I said, perhaps ought to be attributed to it in the construction of a statute unless there should be any reason for a contrary construction, it is never to be forgotten, that in its popular sense and ordinary use it does not extend so far."

17. The appellants have also cited another decision of the Apex Court in *Shiromani Gurudwara Prabandhak Committee, Amritsar Vs. Shri Som Nath Dass & Ors.* (**AIR2000SC1421**) in which the question before the Hon'ble Court was as to whether 'Guru Granth Sahib' could be treated as a juristic person. In this case, quoting extensively from Salmond on Jurisprudence, (12th Edn) and from Jurisprudence by Paton, (3rd Edn); the Hon'ble Apex Court defined a "person" for the purpose of jurisprudence as any entity (not necessarily a human being) to which

rights or duties may be attributed. The following observations of the Hon'ble court are pertinent to be quoted in this context:

“14. Thus, it is well settled and confirmed by the authorities on jurisprudence and Courts of various countries that for a bigger thrust of socio-political-scientific development evolution of a fictional personality to be a juristic person became inevitable. This may be any entity, living inanimate, objects or things. It may be a religious institution or any such useful unit which may impel the Courts to recognise it. This recognition is for subserving the needs and faith of the society. A juristic person, like any other natural person is in law also conferred with rights and obligations and is dealt with in accordance with law. In other words, the entity acts like a natural person but only through a designated person, whose acts are processed within the ambit of law. When an idol, was recognised as a juristic person, it was known it could not act by itself. As in the case of minor a guardian is appointed, so in the case of idol, a Shebait or manager is appointed to act on its behalf. In that sense, relation between an idol and Shebait is akin to that of a minor and a guardian. As a minor cannot express himself, so the idol, but like a guardian, the Shebait and manager have limitations under which they have to act. Similarly, where there is any endowment for charitable purpose it can create institutions like a church hospital, gurudwara etc. The entrustment of an endowed fund for a purpose can only be used by the person so entrusted for that purpose in as much as he receives it for that purpose alone in trust. When the donor endows for an Idol or for a mosque or for any institution, it necessitates the creation of a juristic person. The law also circumscribes the rights of any person receiving such entrustment to use it only for the purpose of such a juristic person. The endowment may be given for various purposes, may be for a church, idol, gurudwara or such other things that the human faculty may conceive of, out of faith and conscience but it gains the status of juristic person when it is recognised by the society as such.

18. In *Som Prakash Rekhi v. Union of India* **1981(1)SCC449**, the Supreme Court defined a 'legal person' as any entity other than a human being to which the law attributes personality in the following words:

“...Let us be clear that the jurisprudence bearing on corporations is not myth but reality. What we mean is that corporate personality is a reality and not an illusion or fictitious construction of the law. It is a legal person. Indeed, 'a legal person' is any subject matter other than a human being to which the law attributes personality. "This extension, for good and sufficient reasons, of the conception of personality... is one of the most noteworthy feats of the-legal imagination." Corporations are one species of legal persons invented by the law and invested with a variety of attributes so as to achieve certain purposes sanctioned by the law.”

19. In *Yogendra Nath Naskar v. Commr of Income Tax, Calcutta AIR1969SC1089*, the Supreme Court held that the consecrated idol in a Hindu temple is a juristic person and approved the observation of West J. in the following passage made in *Manohar Ganesh v. Lakshmiram (1888) ILR 12 Bom 247*;

The Hindu Law, like the Roman Law and those derived from it, recognises not only incorporate bodies with rights of property vested in the Corporation apart from its individual members but also juridical persons called foundations. A Hindu who wishes to establish a religious or charitable institution may according to his law express his purpose and endow it and the ruler will give effect to the bounty or at least, protect it so far at any rate as is consistent with his own Dharma or conception or morality. A trust is not required for the purpose; the necessity of a trust in such a case is indeed a peculiarity and a modern peculiarity of the English Law. In early law a gift placed as it was expressed on the altar of God, sufficed it to convey to the Church the lands thus dedicated. It is consistent with the grants having been made to the juridical person symbolised or personified in the idol.

20. The appellants have further argued that since the RTI Act does not define the word “person”, it is imperative that the definition of the word “person” in Section 3(42) of the General Clauses Act is accepted. In support of their arguments, they have submitted that Article 367 of the Constitution of India has made the General Clauses Act applicable

to the Constitution of India and as per the decision of the Apex Court in **AIR 1966 SC 644**, the General Clauses Act will be applicable while interpreting the provisions of any Central Act. The appellants have cited the following observations of the Hon'ble Apex Court in the said case:

“13. In attempting to answer this question, it will be profitable to remember that the purpose of the General Clauses Act is to place in one single statute different provisions as regards interpretations of words and legal principles which would otherwise have to be specified separately in many different Acts and regulations. Whatever the General Clauses Act says, whether as regards the meanings of words or as regards legal principles, has to be read into every statute to which it applies.”

21. The appellants further submitted that the Hon'ble Apex Court in **AIR 1974 SC 1539** has held that even a partnership firm is entitled to apply for writs since it stands for all the partners collectively and the petition should be deemed to have been filed by all the partners who are citizens of India. They have also referred to a decision of the Calcutta High Court in Director General Ordnance Factories Employees' Association Vs. Union of India (UOI) (**AIR 1969 Cal 149**) where the Hon'ble High Court has held that an association can also apply for a writ. But in so far as this case is concerned, the Hon'ble Calcutta High Court has held that even where an association is permitted by law to bring legal proceedings, it can bring an application under Article 226 of the Constitution of India only when its right as a collective body as distinguished from the aggregate rights of its members are affected by the act challenged in the proceedings.

22. The appellants, therefore, are contending through their averments, mentioned above, that “person” includes a juristic person and since the RTI Act does not explicitly define the word “person”, the definition of the word “person” as appearing in Section 3(42) of the

General Clauses Act should be held to be applicable. In fact, the appellants are stating what is a settled position of law and there can be no doubt about what has been contended by them. But at the same time, one has to bear in mind that the Right to Information Act confers this right not on all `persons' but only on `citizens' and there is no ambiguity about the definition of the term "citizen". A juristic person can be a person but he cannot be a citizen. **Every citizen is a person but the vice versa of the same is not true.** An artificial or juristic person cannot be a citizen. The appellants have tried to justify their stand by asserting that Section 3 of the RTI Act is merely a declaratory provision and it is Section 6(1) of the RTI Act which confers the right. This argument is certainly untenable. Section 3 of the RTI Act is the leading provision. Section 6(1) deals with a procedural aspect and has, therefore, to be regarded as a subordinate provision. Apparently, there is no conflict between Section 3 and Section 6(1) and even if there be any, under the Rules of Interpretation of Statute, a subordinate provision has to give way to a leading provision.

23. The appellants have tried to bring an analogy of the RTI Act with Article 19 of the Constitution of India which confers certain Fundamental Rights to all citizens. Whether a juristic person can enforce these rights is a matter which has come up before the Hon'ble Supreme Court in number of cases. The Hon'ble Court has held that a company is not a citizen and has no Fundamental Right under Article 19. In State Trading Corporation of India Limited – **(1964)4SCR99**, the Court held that the State Trading Corporation is not a citizen which necessarily means that the Fundamental Rights guaranteed by Article 19 which can be claimed only by citizens cannot be claimed by such a corporation. The issue as to whether corporation or juridical person can be recognized as citizen has been revisited in detail by the Hon'ble Supreme Court in Bennett Coleman & Co. and ors. Vs. Union of India –

AIR1973SC106. The following observations of the Apex Court summarizing the entire earlier case law are quite pertinent to be quoted:

"11. This Court in *State Trading Corporation of India Ltd. v. The Commercial Tax Officer, Visakhapatnam* (**1964**)**4SCR99** and *Tata Engineering & Locomotive Co. v. State of Bihar* **AIR1965SC40** expressed the view that a corporation was not a citizen within the meaning of Article 19, and, therefore, could not invoke that Article. The majority held that nationality and citizenship were distinct and separate concepts. The view of this Court was that the word "citizen" in Part II and in Article 19 of the Constitution meant the same thing. The result was that an incorporated company could not be a citizen so as to invoke fundamental rights. In the *State Trading Corporation* case (supra) the Court was not invited to "tear the corporate veil". In the *Tata Engineering & Locomotive Co.* case (supra) this Court said that a company was a distinct and separate entity from shareholders. The corporate veil it was said could be lifted in cases where the company is charged with trading with the enemy or perpetrating fraud on the Revenue authorities. Mukherjea J., in *Chiranjit Lal Choudhuri v. The Union of India and Ors.* [**1950**] **S.C.R. 869** expressed the minority view that an incorporated company can come up to this Court for enforcement of fundamental rights.

12. There are however decisions of this Court where relief has been granted to the petitioners claiming fundamental rights as shareholders or editors of newspaper companies. These are *Express Newspapers (Private) Ltd. and Anr. v. The Union of India and Ors.* [**1959**] **S.C.R. 12** and *Sakal Papers (P) Ltd. and Ors. v. The Union of India* **AIR1962SC305**.

13. In *Express Newspapers'* case (supra) the *Express News papers (Private Ltd.* was the petitioner in a writ petition under Article 32. The *Press Trust of India Limited* was another petitioner in a similar writ petition. The *Indian National Press (Bombay) Private Ltd.* otherwise known as the "Free Press Group" was a petitioner in the third writ petition. The *Saurashtra Trust* was petitioner for a chain of newspapers in another writ petition. The *Hindustan Times Limited* was another petitioner. These petitions in the

Express Newspapers [1959] S.C.R. 12 case (supra) challenged the vires of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The petitioners contended that the provisions of the Act violated Articles 19(1)(a), 19(1)(g) and 14 of the Constitution.

14. In Sakal Papers' case (supra) the petitioners were a Private limited company carrying on business of publishing daily and weekly newspapers in Marathi and two shareholders in the company. There were two other petitions by readers of "Sakal newspaper. The reader petitioners also challenged the Constitutionality of the Act. The petitioners there challenged the Daily Newspapers (Price and Page) Order, 1960 as contravening Article 19(1)(a) of the Constitution.

15. Neither in the Express Newspapers case (supra) nor in Sakal Papers case (supra) there appears to be any plea raised about the maintainability of the writ petition on the ground that one of the petitioners happened to be a company.

24. In the Bank Nationalisation case, the petitioner was a shareholder and a director of the company which was acquired under the statute. In this case, the Hon'ble Apex Court has held that a shareholder is entitled to protection of Article 19 and that an individual right is not lost by reason of the fact that he is a shareholder of the company. The Bank Nationalisation case has established the view that the fundamental rights of shareholders as citizens are not lost when they associate to form a company. When their fundamental rights as shareholders are impaired by State action their rights as shareholders are protected. The reason is that the shareholders' rights are equally and necessarily affected if the rights of the company are affected.

25. It will not be out of context to refer to the following observations of the Hon'ble Supreme Court of India in Divisional Forest Officer Vs. Bishwanath Tea Co. Limited:

"7. ..we would first address ourselves to the question of law. Article [226](#) confers extraordinary jurisdiction on the

High Court to issue high prerogative writs for enforcement of the fundamental rights or for any other purpose. Undoubtedly, the respondent contended that its fundamental right under Article [19\(1\)\(g\)](#) to carry on trade has been violated. The High Court overlooked the well-settled legal position that a juristic person such as a Corporation is not entitled to any of the freedoms guaranteed by Article [19](#). The respondent was the sole petitioner in the High Court. It is a company incorporated under the Companies Act. The fundamental right claimed under Article [19\(1\)\(g\)](#) is to practice any profession or carry on any occupation, trade or business. The respondent (company) contended that it had a right to carry on its trade or business of cultivating and raising a tea garden and as part of it to cut timber and remove the same from the leased area without the payment of royalty and that insistence upon payment of royalty unsupported by law is an unreasonable restriction denying the fundamental right guaranteed to the respondent. Article [19\(1\)\(g\)](#) guarantees the fundamental freedom to a citizen. The respondent not being a citizen was not entitled to complain of breach or violation of fundamental right under Article [19\(1\)\(g\)](#). [See State Trading Corporation of India Ltd. v. The Commercial Tax Officer, Vishakhapatnam and Tata Engineering and Locomotive Co.v. State of Bihar. However, the shareholders of a company can complain of infringement of their fundamental rights [See Bennett Coleman & Co. and Ors. v. Union of India and Ors.] **AIR1973SC106**. Such is not the case pleaded. Therefore the writ petition on the allegation of infringement of fundamental right under Article [19\(1\)\(g\)](#) at the instance of respondent company alone was not maintainable.”

26. This Commission has been liberal enough to entertain appeals and complaints coming from associations and other juristic persons and this matter has been dealt with by this Commission in detail in `J.C. Talukdar Vs. C.E. (E), CPWD, Kolkata (**No.CIC/WB/C/2007/00104 & 105** dated 30.3.2007). Relevant extract of the decision notice which deals with the matter in detail is reproduced below:

“This is at heart a question of whether a Company or its Director will fall under the definition of citizen under the RTI Act 2005. A company or a Corporation is a "legal person" and, as such, it has a legal entity. This legal entity is distinct

from their shareholders, Managers or Managing Directors. This is a settled position in law since the Solomon's case decided long back by the House of Lords. They have rights and obligations and can sue and are sued in a Court of Law. Section 3 of the RTI Act 2005 confers "Right to Information" on all "citizens". A "Citizen" under the Constitution Part II that deals with "citizenship" can only be a natural born person and it does not even by implication include a legal or a juristic person. Section 2(f) of the Citizenship Act defines a person as under:

"Person" does not include a company, an association or a Body of individuals whether incorporated or not."

The objective of the Right to Information Act is to secure access to information to all citizens in order to promote transparency and accountability. The Hon'ble Supreme Court in Bennett Coleman & Co. and Ors. Vs. Union of India (decided in the year 1973) held that a shareholder is entitled to protection of Article 19 and that an individual's right is not lost by reason of the fact that he is a shareholder of the company. The Bank Nationalization case has also established the view that the fundamental rights of shareholders as citizens are not lost when they associate to form a company. In Delhi Cloth and General Mills Co. Ltd. (decided on 21.7.1983), the Apex Court observed that the judicial trend is in the direction of holding that in the matter of fundamental freedoms guaranteed by Article 19, the right of shareholder and the company which the shareholders have formed are rather co-extensive and the denial to one of the fundamental freedoms would be denial to the other. (Para 12)

Even though, therefore the companies and Corporations have not been held to be a citizen, there are number of cases where the Apex Court has granted relief to petitioner companies. One of the case, which can be cited as an example is the Express Newspaper Case. But in such cases, the petitioners have claimed fundamental rights as shareholders or editors of the Newspapers companies. The same was the situation in Sakal Papers Pvt. Ltd. Case.

A question may arise as to whether the case of a Firm is different from that of a company? In this regard following observations of Chagla, C.J. in Iron and Hardware (India) Co. v. Firm Sham Lal and Brothers, (**AIR 1954 Bom 423**) are pertinent:

*"In my opinion it is clear that there is no such legal entity as a firm. A firm is merely a compendious way of describing certain number of persons who carry on business as partners in a particular name, but in law and in the eye of the law the firm really consists of the individual partners who go to constitute that firm. **Therefore, the persons before the tribunal are the individual partners of the firm and not a legal entity consisting of the firm.**"*

Even if it were conceded that a company or a corporate body is a legal entity distinct from its share holders and it is not in itself a citizen, it is a fact that **all superior Courts have been admitting applications in exercise of their extraordinary jurisdiction from Companies, Societies and Associations under Article 19 of the Constitution of which the RTI Act, 2005 is child.** Very few petitions have been rejected on the ground that the applicants/petitioners are corporate bodies or Companies or Associations and, as such, not "Citizens". This Commission also has been receiving sizeable number of such applications from such entities. If the Courts could give relief to such entities, the PIOs also should not throw them out on a mere technical ground that the applicant /appellant happens to be a legal person and not a citizen.

In conclusion we direct that **an application/ appeal from an Association or a Partnership Firm or a Hindu Undivided Family or from some other group of individuals constituted as a body or otherwise should be accepted and allowed.** The CPIO, CPWD, Kolkata will dispose of the present application of Shri Talukdar accordingly, as mandated by Secs. 6 and 7 of the RTI Act, 2005."

27. In the present case, the appellants have come as a distinct legal entity. From the records it appears that the application under the Right to Information Act was submitted on 6th September, 2006 in the name of the Association. The application was signed by the Secretary, Shri Gopinath Padhi whose name as an individual can be ascertained only from the Letter Head of the Association and his signature per-se does not signify identity of the signatory. The first appeal has also been filed, not in the name of any individual citizen, but by the Secretary, Cuttack

Bar Association and it has been signed by Shri Natbar Panda who seems to have subsequently taken over as Secretary of the Association. Similarly, the 2nd appeal before this Commission has not been filed in the name of any individual citizen but by the Secretary of the Cuttack Bar Association and it has been signed by Shri Natbar Panda as Secretary for and on behalf of the Association. From this, it is clear that the signatories to the application and the appeal under the R.T.I. Act are two distinct individuals. It, therefore, leaves no doubt that it is the Association which is the applicant and the appellant as a distinct legal entity and the Association or its Secretary in its official designation cannot be treated as "citizen" under the law.

28. **The appeal petition, therefore, stands dismissed.** The party will, however, still have the liberty to make a *de novo* application but in such cases it must be an application of one or some of its members, in their capacity as citizens.

Announced on this the 23rd day of March, 2008. Notice of this decision be given free of cost to the parties.

(Dr. O.P. Kejariwal) (A.N. Tiwari) (Wajahat Habibullah)
Information Commissioner Information Commissioner Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(L.C. Singhi)
Additional Registrar

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/SG/A/2010/903041

Right to Information Act 2005 – Section 19

Appellant - Ms. Sarah Cyriac

Respondent - Delhi University

Interim decision announced : 15.4.2010

Facts:

By an application of 21.7.09 Ms. Sarah Cyriac of Panchsheel Park, New Delhi applied to the CPIO Assistant Registrar (Estates), Delhi University seeking the following information:

“Please provide me with certified photocopies of my evaluated answer sheets pertaining to the following 6 papers.

	Paper No.
(i) Economy, State and Society	8
(ii) Development Theory and Experience	9
(iii) Public Economics	12
(iv) Introductory Econometrics	14
(v) Topics in Microeconomics	15
(vi) International Trade	17

To this Ms. Sarah Cyriac received a response dated 20/24.8.09 informing her as follows:

“There is a decision of the full bench of the Hon'ble Information Commission in the case of Shri Rakesh Kumar Singh & other v/s Shri Harish Chander, Lok Sabha Secretariat & others dated 23.4.2007 (Complaint. No CIC/WB/C/2006/00223, appeal nos. CIC/WB/A/2006/00469 & 00394; appeal nos. CIC/OK/A/2006/00266/00058/00066/00315) which says that citizen cannot seek disclosure of the evaluated answer sheets under the RTI Act, 2005.’

Upon this, Ms. Sarah Cyriac moved an appeal on 11.9.09 before Registrar Shri S. K. Jaipuria, upon which Shri S. K. Jaipuria in his order of 16.10.09 decided as follows:

“Since there is no actionable point in the appeal and there are no other points on which the information has been sought, hearing in the matter may not be a prudent option. Therefore, the decision of the PIO is upheld.”

Upon this, Ms. Cyriac submitted a representation dated 23.10.09 before the Registrar, University of Delhi clarifying as follows:

“Revaluation is not an option as there is every possibility that it is not my answer scripts which are being re-evaluated.’

In response through an order of 23.10.09, the Registrar Delhi University wrote to Ms. Soma Cyriac, mother of appellant Ms. Sarah Cyriac, as follows:

“During the decision in the first appeal stage, hearing was offered to the appellant in case she was not satisfied with the decision.

After hearing both the parties, it appears that there is no ground which needs to be addressed on the basis of the original application under the Right to Information Act, 2005. Therefore, there is no further actionable point in the appeal and the decision of the PIO is upheld.

If the appellant, being a student of the University has any problem in the result, she may contact the office of the Dean (Examinations) on telephone no. 011-27667934 for other efficacious procedure available with the appellant.”

Subsequently, Ms. Sarah Cyriac submitted a further representation to the Registrar dated 28.10.09 protesting both the response received and alleged discourtesy shown to her mother, after which she moved her second appeal before this Commission.

This matter was heard by the Commission in Single Bench on 14.1.10. The Appellant had written six papers for the 3rd Year BA Economics (Hons.). She received 50% marks in five of the six papers. In the sixth paper she was marked absent. Once she produced the examination hall attendance sheet to prove that she had taken the sixth paper, she was informed within 3 days that she had 50% marks. University of Delhi follows a policy of secrecy by which a unique number is assigned to each student and this unique number is given to each of the answer scripts of the student. This process is followed so that the

examiner does not know the name of the student whose answer sheet he is evaluating. If what the appellant is stating is true i.e. her answer sheet has been confused with some other student – then re-evaluating the same answer sheet would serve no purpose. During the hearing the PIO of Delhi University and the Dy. Registrar (Results) were present. They submitted that as 28 lakh students are appearing for exams, there is a possibility for error. Consequently, this case was referred to a Full Bench, which is constituted in the Commission comprising of Chief Information Commissioner Shri Wajahat Habibullah & Information Commissioners Ms. Annapurna Dixit and Sh. Shailesh Gandhi, which heard the matter on 13.4.2010. The following are present:

Appellant

Ms. Sarah Cyriac
Ms. Soma Cyriac

Respondents

Mr. Rajesh Kumar Sinha, Registrar, Delhi University
Mr. J. Chanda, Asstt. Registrar / CPIO
Mr. Deepak Vats, Dy. Registrar
Mr. R. P. Singh, Dy. Registrar (Results)
Mr. Morice Tete, Asstt. Registrar
Mr. M. A. Sikandar, Dy. Registrar
Mr. Anil Arora, Asstt. Registrar.

Shri Rajesh Kumar Sinha, Registrar submitted that if appellant Ms. Cyriac has misgivings regarding the authenticity of results, she has two options – either (1) rechecking or (2) revaluation. She has sought neither. He further submitted that whenever doubts of this nature had been raised on the results announced by the Delhi University, such papers have been submitted in the past in several cases before the High Court and Supreme Court in sealed cover. In not a single case have the doubts expressed been substantiated, even after perusal before the highest Court of justice. He, therefore, presented the impugned papers in sealed cover in case this Commission wished to examine these.

On the other hand, appellant Ms. Sarah Cyriac submitted that simply inspection by the Information Commissioners, who are not experts in this regard, will not serve her purpose. She has grave doubts regarding the basic scrutiny exercised by the examiner in her case since she has always earned the

appreciation of teachers and intellectuals on her mastery of subjects in which she has received paltry marks and, therefore, wishes to see the documents credited to her for herself. Appellant Ms Cyriac has also submitted a written petition in which she has pleaded as follows:

- “1. I have been offered admission to post graduate courses in a number of foreign universities based on GRE scores, previous academic records, work, experience and extracurricular-all of which are in shocking contrast to my final year university scores.
2. I am now in the process of applying for scholarships to fund my studies. Though I have excellent letters of recommendation from distinguished academicians, my undergraduate scores in the final year are so impossibly low that chances of winning a scholarship appear bleak.
3. I request the honourable full bench of CIC to ensure that the marks I have secured, that are rightfully due to me be disclosed and awarded as quickly as possible.
4. This is possible if and only if, photocopies of my answer scripts are issued to me as per my original RTI application and the submissions made by me in the presence of Hon'ble Information Commissioner Shailesh Gandhi.
5. The University of Delhi has itself realized that innumerable errors occur during the allotment of fictitious roll numbers and that the present evaluation system encouraged unaccountability, it is, therefore, proposing to revamp the system w.e.f. the 2010- 2011 Semester Examinations. (Please see point 5 of ECISS deliberations enclosed herewith).
6. I have wasted one precious academic year while I waited for my appeal to run its course. May I therefore, appeal to the Commission to expedite the process of 'righting a wrong' and ensuring basic natural justice for me?”

INTERIM DECISION

The stand of respondents that this issue stands settled in a decision of this Commission is correct. It will not be possible for a Bench of this Commission to now rule on the general issue. This Commission has moreover no powers of review unless it is in exercise of general inherent power to review its decision which has erred in fact or in law. However, the applicability of the provisions which led to the decision in complaint No. **CIC/WB/C2006/00223**; Appeal Nos. **CIC/WB/A/2006/00469** & **00394**; Appeal Nos.

CIC/OK/A/2006/00266/00058/00066/00315, Rakesh Kumar Singh & Ors vs. Lok Sabha Secretariat & Ors can be examined in light of the present application in the case of Ms. Sarah Cyriac, given the fact that a larger Bench has already ruled only of the applicability in regard to public examinations conducted by institutions established by the Constitution like UPSC or institutions established by any enactment by the Parliament or Rules made thereunder like CBSE, Staff Selection Commission, Universities., etc, the function of which is mainly to conduct examinations and which have an established system as fool-proof as that can be. In Para 40 of the same decision the Commission has also ruled that the disclosure of the answer sheets by certain institutions *“shall be the general rule but each case may have to be examined individually to see as to whether disclosure of evaluated answer sheets would render the system unworkable in practice”*. This will require deliberation by a larger Bench. The Chief Information Commissioner will, therefore, in exercise of his authority u/s 12(4) constitute a larger Full Bench for this purpose, the date of hearing of which will be duly intimated to the parties.

Announced in the hearing. Notice of this decision be given free of cost to the parties.

(Ms Annapurna Dixit)
Information Commissioner

(Shailesh Gandhi)
Information Commissioner

(Wajahat Habibullah)
Chief Information Commissioner
15.4.2010

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj K.P. Shreyaskar)
Joint Registrar
15.4.2010

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/002749

Appellant : Pankaj
Respondent : NTPC, New Delhi
Date of hearing : 11.1.2012
Date of decision: : 11.1.2012

FACTS

The matter is heard today dated 11.1.2012. Appellant not present. NTPC is represented by Shri O. P. Khorwal, GM (CPI) and Shri S. K. Bera, DGM. They are heard.

2. The matter, in short, is that the NTPC had acquired a piece of land of one Nand Lal of Himachal Pradesh and, as per policy, had given a job to his son Shri Puneet Gautam. The appellant has alleged that Shri Puneet Gautam furnished false documents to NTPC for getting the job and has requested for copies of documents submitted by Shri Puneet Gautam for seeking the job.

3. Shri Khorwal submits that copy of the appointment letter issued to Shri Punjeet Gautam has already been supplied to the appellant but other documents have not been supplied as they are personal in nature.

3. Be that as it may, the CPIO is hereby directed to offer inspection of the relevant records to the appellant on a mutually convenient date and time in 04 weeks. The matter is decided accordingly.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

1. The CPIO
NTPC Limited, NTPC Bhawan,
Core-6, 7th Floor, Scope Complex,
Lodhi Road, New Delhi-110003

2. Shri Pankaj
S/o Shri Devi Chand, R/o Badhyar Po Chakher,
Arki, Solan, Himachal Pradesh-171102