

**CENTRAL INFORMATION COMMISSION**

**Club building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi- 110067.**

**Tel: 011 - 26182593/26182594**

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**File No : CIC/CC/A/2015/000003-AB**

**In the matter of:**

Sh. Krishan Lal  
WZ-898 (2<sup>nd</sup> Floor) Nangal Raya, Pankha  
Road Near Gupta Sweet Shop,  
New Delhi-110046.

...Appellant

Vs.

Central Public information Officer  
M/o Defence  
Sena Seva Corps Abhilekh (Dakshin),  
ASC Records (South), Bangalore  
Karnataka- 560007.

...Respondent

**Dates**

RTI application	:	09.01.2014
CPIO reply	:	21.01.2014
First Appeal	:	16.10.2014
FAA Order	:	24.11.2014
Second Appeal	:	22.12.2014
Date of hearing	:	<b>28.11.2016</b>

**Information sought:**

The appellant wanted to know the reason for not getting promotion.

**Grounds for Second Appeal**

The CPIO did not provide the desired information.

**Order**

<b>Appellant</b>	<b>:</b>	<b>Absent</b>
<b>Respondent</b>	<b>:</b>	<b>CPIO, Major Unnikrishnan</b>

The reply of the CPIO available in the file mentioned that providing the copies of ACR and Minutes of DPC are outside the purview of the RTI Act 2005 as defined in Section 2(f), and also exempted from disclosure as clarified vide RTI Cell, ADG(AE), Sena Bhawan, IHQ of MoD (Army) New Delhi's circular dated 19<sup>th</sup> March, 2010. During the hearing the respondent CPIO was asked whether copies of the ACRs as sought for by the appellant could be provided at this point of time as these documents pertain to the appellant and are squarely covered under Section 2(f) of the RTI Act, the respondent CPIO submitted that the said records were not available as these had been weeded out as per record retention schedule. The record of the said DPC was also weeded out as per the same record retention schedule which stipulates that the records are kept for a period of 5 years after the date of holding of the DPC. He also submitted that ACRs are kept for five years after the retirement of an official as per the record retention schedule. In the present case the said DPC was held in 2007 and the appellant had retired from service in 2008.

Both the above stated records were weeded out before the receipt of the RTI application dated 09.01.2014 by the respondent.

The appellant was not present to challenge the contention of the respondent PIO.

On perusal of the case record, it was seen that the CPIO vide his reply dated 10.11.2016 had stated that non granting of promotion was a grievance which is not covered under the provisions of the RTI ACT.

After hearing the CPIO's submission the Commission came to the conclusion that copies of documents sought for could not be provided to the appellant as the same were weeded out after the year 2013.

***With the above observation, the appeal is disposed of.***

**[Amitava Bhattacharyya]  
Information Commissioner**

Authenticated true copy

(A.K. Talapatra)  
Deputy Registrar

