

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/C/2015/000004/SB

Dated 22.09.2016

Complainant : Shri Braj Kishore Prasad,
C/o SusheelaKunj,
New Area (Near Aunashram),
Bisar Tank, Gaya,
Bihar-823001.

Respondent : The Central Public Information Officer,
Department of Personnel & Training,
North Block, New Delhi-110001.

Date of Hearing : 22.09.2016

Relevant dates emerging from the complaint:

RTI application filed on : 17.04.2015

Complaint filed on : 12.06.2015

Order

1. Shri Braj Kishore Prasad filed an application dated 17.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Department of Personnel & Training (DoPT) seeking information on three points pertaining to O.M. No.12/1/2009-Estt.(Pay-I) dated 28th August, 2014 issued by DoPT which clearly stipulates the norms for fixation of pay of State Government employees on their appointment in Central Government subsequent to implementation of CCS(RP) Rules, 2008 when the appointment is to a post carrying higher grade pay i.e., there is a categorical provision for protection of pay imparted to the State Government employees on their appointment in Central Government, including (1) whether there is any similar letter issued to the State Governments by the DoPT for fixation of pay for Central Government employees subsequent to their appointment in the State Government in higher grade pay given the fact that their appointment has been done through proper channel and (2) whether the Central Government employees are supposed to get the protection of pay in the State

Government (if their basic pay in Central Government becomes higher as compared to the initial basic pay as fixed by the State Government (due to accrual of increment).

2. Shri Braj Kishore Prasad filed a complaint dated 12.06.2015 before the Commission on the grounds that the CPIO did not provide the information sought by him even after expiry of the stipulated period for providing the information. The complainant requested the Commission's interference in this regard.

Hearing:

3. The complainant Shri Braj Kishore Prasad attended the hearing through video conferencing. The respondent Shri Pushpender Kumar, Under Secretary, DOPT was present in person.

4. The complainant submitted that no information has been provided to him in response to his RTI application dated 17.04.2015.

5. The respondent submitted that a reply to the complainant's RTI application was sent vide letter dated 19.05.2015. The appellant was informed, inter-alia, that only such information can be supplied which already exists and is held by the Public Authority or held under the control of the Public Authority.

Decision:

6. The Commission, after hearing both the parties and perusing the records, observes that due information has been provided to the appellant. However, since the appellant has stated that no information has been received by him, the Commission directs the respondent to resend a copy of the letter dated 19.05.2015 to the appellant within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations, the complaint is disposed of.
8. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer