

**CENTRAL INFORMATION COMMISSION**

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**File No : CIC/CC/A/2015/000001-AB**

**In the matter of:**

Sh. Pundalik E Yadav  
Flat No. 1608, F Building, Lalit, Nanded  
City, Sinhadgad Road, Pune- 411041

...Appellant

Vs.

Central Public information Officer  
M/o Defence  
DRDO, Ceptam, Metcalfe House,  
New Delhi- 110054

...Respondent

**Dates**

RTI application	:	09.06.2014, 10.06.2014
CPIO reply	:	17.07.2014
First Appeal	:	14.08.2014
FAA Order	:	17.09.2014
Second Appeal	:	21.10.2014
Date of hearing	:	<b>28.11.2016</b>

**Information sought:**

The appellant had sought copy of the eligibility criteria for the chairman of assessment board for Defence Research Technical Cadre (DRTC) posts from TO 'A' to TO 'B', details of qualifications relating to honorarium and details of allowances paid to the board chairman and the board members for the DRTC assessment board.

**Grounds for Second Appeal**

The CPIO did not provide the desired information.

## **Order**

**Appellant** : **Present**  
**Respondent** : **Shri RB Sharma, Scientist G**

The case of the appellant is as under:

- i. Defence Research Technical cadre (DRTC) is working on various technical assignments in DRDO, MoD. The promotion in DRTC is based on a merit base system giving equal preference to the Annual Appraisal report (APAR) & the assessment of the candidate by board constituted with a chairman & 3-4 board member including representative of the Director of the establishment.
  - ii. The appellant had appeared for the assessment of Technical Officer 'A' to Technical Officer 'B' on 23<sup>rd</sup> January 2014 from ARDE, Pashan and Pune.
  - iii. Accordingly he had submitted an RTI application to know the marks obtained by him and the other candidates, ie those who had been promoted in the year 2013 in the regular assessment for the post of Technical Officer 'A' to Technical Officer 'B' on 16<sup>th</sup> June 2014.
2. During the course of the hearing, the appellant submitted that the information sought for was not a secret information or strategic in nature. He further submitted that it is purely of administrative in nature & it is definitely related to human rights violation and victimization as his career prospect is fully dependant on the information sought. The appellant also submitted that as per Sec 4(1) of the RTI Act, all the information related to administrative data should be available on the website which would be helpful in making the promotion process completely transparent.
3. During the course of the submission, the respondent CPIO reiterated its reply dated 17.07.2014 and clarified that two separate replies were provided on the same date in response to the RTI applications dated 09.06.14 and 10.06.14. He further submitted that the information sought was not covered under any of the exceptions to the Sec 24(1) of the RTI Act.
4. After hearing both the parties and on perusal of record, the Commission observes that the core issue is whether the information sought is related to human rights violation or allegation of corruption. To arrive at a logical conclusion, it would be apt to examine both the RTI applications dated 09.06.14 and 10.06.14. The appellant in its RTI application dated 09.06.14 had sought information relating to APAR marks obtained by him in the year 2009 to 13 and other related information and in his RTI application dated 10.06.14 he had sought the information relating to DRTC posts.
5. The stand taken by the respondent which, this Commission has accepted is supported by decision of higher judiciary. At this juncture, the Commission finds it appropriate to reproduce operative part of the decision of a division bench of the Hon'ble High Court of

Delhi, in the matter of Neelam Bhalla vs Union of India, the relevant portion are enumerated herein below:

*“3. On a plain reading of the above provisions, it is evident that the Act does not apply to intelligence and security organizations specified in the Second Schedule, being organizations established by the Central Government or to any information furnished by such organizations to that Government. It is an admitted position that DRDO is a Central Government organization and is specified in the Second Schedule. Therefore, in the first instance, DRDO is an exempted organization and the said Act does not apply to it. However, the first proviso to Section 24(1) of the said Act clearly stipulates that information pertaining to allegations of corruption and human rights violations are not to be excluded under this sub-section. **In other words, the Act would apply to DRDO only to the extent of information pertaining to allegations of corruption and human rights violations.***

*4. In the present case, we note that the learned Single Judge has observed that the information sought by the appellant/petitioner did not pertain to corruption or human rights violations and, therefore, did not fall within the proviso to Section 24(1) of the said Act.*

*5. We agree with the view expressed by the learned Single Judge inasmuch as the information that was sought by the appellant/petitioner pertained to her service record which had nothing to do with any allegation of corruption or of human rights violations. Therefore, the CIC as well as the learned Single Judge were correct in holding that the information sought would not come within the purview of the Right to Information Act. It is another matter that the CIC had, as a matter of course, directed the DRDO to supply the information, which was ultimately supplied by the DRDO. The fact of the matter is that the DRDO could not have been compelled to supply the information under the said Act. That being the position, the provisions with regard to penalty under Section 20 of the said Act would also not apply.”*

6. In the light of above decision the Commission finds it irrelevant to enter into any detailed deliberations and discussions in this regard in view of the settled precedent on applicability of RTI Act to DRDO. The Commission also negates the appellants plea of human rights violation because if the submission of appellant were to be accepted, it would mean that service related grievances would qualify as human rights violation, this would defeat the very purpose of Sec 24(1) of the RTI Act.

7. Several other decisions of this Commission had been relied upon by the appellant the Commission does not consider it necessary to refer to or to enter into any discussion of the propositions laid down in the said decisions as in the matter of Neelam Bhalla the condition on which the exception granted under Sec24(1) can be lifted is discussed in detail. The appellant also was unable to substantiate his stand on human rights violation or allegation of corruption.

8. The Commission therefore, is constrained to uphold the reply of the CPIO as just and proper in respect of both the RTI applications dated 09.06.14 and 10.06.14.

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

**[Amitava Bhattacharyya]**  
**Information Commissioner**

Authenticated true copy

(A.K. Talapatra)  
Deputy Registrar