

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/900024
Right to Information Act-2005-Under Section (19)

Date of hearing : 12th January 2017

Date of decision : 12th January 2017

Name of the Appellant : **SHRI SUNIL KUMAR**
III/107 NTPC COLONY UNCHAHAR,
DISTT.- RAIBARELI, UP 229406

Name of the Public Authority/Respondent : **CENTRAL PUBLIC INFORMATION OFFICER**
HINDUSTAN PETROLEUM CORPORATION
LIMITED
REGD. OFFICE: 17, JAMSHEDJI
TATA ROAD, P. O. BOX NO.-
11041, MUMBAI- 400020

RTI Application filed on : 09/09/2015

CPIO replied on : 09/10/2015

First Appeal filed on : Dated Nil

First Appellate Authority order on : —

2nd Appeal received on : 28/12/2015

The Appellant was present at the NIC Studio, Raibareili.

On behalf of the Respondents, Shri S. Subbarao, CPIO was present at the NIC Studio, Mumbai.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

This matter concerns an RTI application filed by the Appellant, seeking copy of his performance appraisal report for the period 10th September 2006 to December 2007.

The CPIO reply

The CPIO replied that the information was not readily available with the Respondents.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

No order passed was passed by the FAA.

Grounds of the Second Appeal

No information provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant stated that he had sought a copy of his performance appraisal for the period 10.9.2006 to December 2007. However, even though he has been seeking this information for a long time, it has not been provided to him.

2. The Respondents stated that the services of the Appellant were terminated on account of poor performance during the training period w.e.f. 27.12.2007. They further submitted that they have on their records seven letters / e-mails vide which the shortcomings in the performance of the Appellant were conveyed to him before his services were terminated. However, in spite of their efforts, they have not been able to trace out the performance appraisal reports for the period mentioned by the Appellant. In response to our query regarding the retention policy of the Respondents in respect of the performance appraisal reports of employees whose services were terminated, the representative of the Respondents stated that no specific period has been prescribed for this purpose.

3. The Appellant stated that he is a physically challenged person and alleged that the reports are being deliberately denied to him as his physical disability was not taken into account while assigning work to him. In response to our query, he stated that he already has copies of the seven letters, e-mails, referred to by the Respondents and mentioned in the preceding paragraph.

4. We have considered the submissions of both the parties and note that while the Respondents claim that the appraisal reports in question are not available in records, they also stated that no specific period has been prescribed for retention of such reports in respect of terminated employees. Therefore, it cannot be concluded that the reports in question were destroyed. In view of the foregoing, the CPIO is directed to make a thorough search of the relevant records and provide the information to the Appellant. In case, however, it is the stand of the CPIO after a renewed search also that the information is not available on records, he should file a sworn affidavit to that effect to the Commission with a copy to the Appellant. The CPIO should comply with our above directives within thirty days of the receipt of this order, under intimation to the Commission. Such information, as is provided, should be provided free of charge.

5. With the above directions and observations, the appeal is disposed of.

6. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
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.

(Vijay Bhalla)
Deputy Registrar