

Details of Appeal/Decision of First Appellate Authority for the period April 2017 to September 2017 under RTI Act 2005:

Sl. No.	ID No.	Ground of Appeal	Decision of First Appellate Authority/remarks
1.	ITPO/RTI/Appeal/02/13/2017	<ol style="list-style-type: none"> <li>1. I have sought certified copy of cabinet decision. CPIO instead has framed a cursory reply. Kindly provide me copy of cabinet decision taken to redevelop ITPO, New Delhi by engaging NBCC on nomination basis.</li> <li>2. In this para, I have sought documents which shows the reason of above cabinet decision. CPIO has framed his own reply instead of providing documents which contain the reasons of the decision.</li> <li>3. In third and last para, I have sought the material on the basis of which the above cabinet decision was taken including notes of officials of Ministry of Commerce, Finance Ministry, Niti Ayog and Urban Development Ministry, CPIO says it does not pertain to ITPO. I am not convinced with the reply of CPIO. ITPO must have moved the file for initiating the proposal and getting decision on it. Therefore, the information should be available with ITPO. If file is not with ITPO, the application should have been transferred to Ministry of Commerce, if the file is with Ministry of Commerce or to any other office where the file is.</li> </ol>	<p>The First Appellate Authority, ITPO after having perused the RTI Application, Information furnished by DPIO, ITPO and first Appeal of the applicant/appellant observed and ruled that:</p> <p>“Available information has already been furnished to the appellant corresponding to the queries raised in his RTI Application and justified.</p> <p>The FAA, ITPO also ruled that the appellant may be again informed that:</p> <p>M/s NBCC (I) Ltd has been appointed on a nomination basis as a Project Management Consultant (PMC) for the project of redevelopment of Pragati Maidan. ITPO Board approved it in the interest of the project.</p> <p>As far as transferring of RTI application to Ministry of Commerce &amp; Industry is concerned, there was no need to transfer as the same was received through Ministry of Commerce &amp; Industry as per provision u/s 6(3) of the RTI Act, 2005.</p>
2.	ITPO/RTI/Appeal/07/02/2017	<p>Porvided Incomplete, Misleading or False Information.</p> <p>The PIO has not transferred my RTI application for the required information to the concerned authority mentioned in the reply. Kindly expedite the process.”</p>	<p>The First Appellate Authority, ITPO after having perused the RTI Application, information furnished by DPIO, ITPO and first Appeal of the applicant/appellant, observed and ruled that the following may be informed to the applicant:</p> <p>The information has already been furnished to the appellant corresponding to the queries raised in his RTI Application. Your application was not transferred to the concerned authority i.e Directorate of Handicraft, Govt. of J &amp; K, as they had already conveyed in response to your earlier RTI application dated 20.8.2017, which was transferred to them, that clause (2) section 1 Chapter 1 of the Central RTI Act regarding its applicability, to Jammu &amp; Kashmir State which reads “it extends to the whole of India except the state of J &amp; K”. As such the</p>

			<p>information cannot be provided under the said Act. The applicant may be informed accordingly.”</p> <p>The above facts was also conveyed to you by DPIO, ITPO over phone and by PIO, ITPO vide letter dated 16.5.2017.</p>
3.	ITPO/RTI/Appeal/08/05/2017	<p>I had requested for a copy of the detailed/full mark sheet, considered by the DPC for recommending promotion to the post of Dy. Managers (from the feeder channel of PAs), vide my RTI application dated 2<sup>nd</sup> August, 2017. The detailed mark sheet considered by the DPC obviously implies that specific marks granted under the heads- Performance appraisal, Interview, Qualifications and Seniority of all candidates.</p> <p>Sir the information sought for has not been provided. The reply is incomplete and unsatisfactory as the mark sheet provided indicates only the breakup of marks given to me by the DPC. For the rest of candidates, only the total marks given by the DPC have been provided, without any breakup of the 4 different heads listed in the above para. It is not understood why there is a hesitation in giving full details.</p> <p>It is a strange coincidence that candidates listed from S.No. 6 to S. No. 12 as listed in ITPO letter no. ITPO/RTI/08/05/2017 dated August 31, 2017, have all received a total of 67 marks.</p> <p>Non provision of full details is a serious matter. After the enactment of RTI Act 2005, such details of mark sheet etc. are to be provided when requested under RTI, for a reasons of transparency. The entire aim of RTI is defeated if full information is declined to the applicant. This is perhaps even more applicable when there is a doubt about fair play – which I have already brought to the notice of CMD in my representations dated 6<sup>th</sup> July, 2017 and 6<sup>th</sup> September 2017. There is nothing confidential in the DPC proceedings under RTI. For example, Educational qualification is an open fact and is in public domain. Non provision of such details hence raises a doubt whether any attempt is being made to hide some short coming or error in the promotion process.</p> <p>In view of the above, I appeal to you, that the copy of the detailed/full mark sheet, considered by the DPC, for recommending promotion to the post of Dy. Managers (from the feeder channel of PAs), be provided to me, as requested in my RTI application dated 2.8.2017, for reasons of transparency and fair play.</p>	<p>The First Appellate Authority, ITPO after having perused the RTI Application, Information furnished by M(RTI Cell), ITPO and first Appeal of the applicant/appellant observed and ruled that the information has already been furnished to the appellant corresponding to the queries raised in her RTI Application and justified. The First Appellate Authority further ruled that the applicant/appellant may again be informed that “the detailed/full mark sheet to the post of Deputy Manager (from the feeder channel of PAs) also contains marks of ACR gradings, which is a confidential and personal information of other candidates and disclosure of which would caused unwarranted invasion of privacy of the individual. Hence, detailed/full mark sheet cannot be provided being personal information, exempt under Section 8(1)(j) of the RTI Act, 2005</p>