

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2009/001005

Appellant : Smt Sashwati Rao

Public Authority : Ministry of Defence
(through Shri T.P. Srivastava, Dy. CAO (P)
(CPIO)

Date of Hearing : 9.2.2010

Date of Decision : 9.2.2010

FACTS :

By her RTI application dated 5.5.2009, the appellant had requested for information on 03 paras regarding the number of vacancies in the rank of Director for the years 2007-08 to 2009-10 and the matter related therewith. The CPIO had provided year-wise number of vacancies and some other information vide letter dated 4.6.2009. The first AA had declined to interfere with the decision of CPIO vide order dated 31.7.2009. The operative para of his order is extracted below :-

“The appeal has been examined. The news item in question is exclusively related to disclosure of file-notings which are not called for in the instant case. Further, DPC proceedings constitute confidential information and as such are barred from disclosure, in terms of the CIC judgment in Gopal Kumar Vs DGW, E-in-C’s Branch, Army HQs. As for the details of the ACRs, the CPIO had mentioned in his reply that the UPSC do not communicate the documents reflecting the details of ACRs considered by the DPC. Since the information is not available with the department, it cannot be furnished. Reply of the CPIO is, therefore, found to be in order. The appeal is disposed off accordingly.”

2. The present appeal is directed against the orders of CPIO/AA.
3. Heard on 9.2.2010. Appellant present. The public authority is represented by the officer named above. It is the submission of the appellant that she has been unfairly denied information. On the other hand, Shri Srivastava would submit that the appellant had already been given adhoc promotion to the rank of Director with the pay and pensionary benefits of a Director and the matter is now pending with UPSC for regular promotion. Therefore, the whole exercise undertaken by the appellant is of academic interest, more so, when she has already retired from service.
4. The appellant, however, insists for disclosure of information regardless of her adhoc promotion and retirement. The Commission has taken a view in a series of cases that DPC proceedings fall in public

domain and need to be disclosed to the appellant, for the sake of transparency in the promotion process.

DECISION

5. In this view of the matter, it is ordered that copies of the DPC proceeding for the relevant years may be provided to the appellant. However, if the proceedings contain the ACR gradings of other officers considered for promotion, the CPIO will be at liberty to obliterate the same.

6. The order of the Commission may be complied with in 03 weeks time.

Sd/-
(M.L. Sharma)
Central 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.

(K.L. Das)
Assistant Registrar

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