

File No. MoES/ 29/10/2014-RTI

**Government of India
Ministry of Earth Sciences**

**Prithvi Bhavan, IMD Campus
Lodhi Road, New Delhi
Dated :01.04.2014**

To,

**1. Ms. C.R.Asha Devi,
Plan Chery Madhom, Kannankulangra,
Tripunithura, Ernakulam District, Kerala,
PIN-682301**

2. CPIO, MoES

Sub: First Appeal under section 19(1) of RTI Act-2005

Kindly refer to your appeal made under section 19(1) of RTI Act-2005. The appellant is aggrieved with the response of CPIO, to her original RTI application (RTI application dated 21.01.2014). As per office record the RTI application was received by CPIO on 27.01.2014 and reply was sent by CPIO vide letter no. MoES/ 29/10-2014-RTI Dated 26.02.2014. It appears from the appeal made that the reply was received by the applicant on 03.03.2014. In short, aggrieved by the reply of CPIO on many points,applicant preferred first appeal.

A. The appellant has cited following reasons as ground of appeal:

1. No information is supplied within the specified period.
2. No specific information received for Question No. 2,3,4,7,8,10,11,12&14 , though the same has the specific answers and documents. No copy of the information received.
3. The documents in answer to Question No. 2, 3,4,7,8,10,11,12 &14 are neither secret documents or voluminous.
4. The answer given various questions is vague and misleading.
5. The appellants has been requested in response to some questions to 'peruse the record', for which she did not ask.
6. CPIO has sent multiple copies of same documents in different languages, though she had not asked.
7. Penalty and disciplinary action against the persons who caused the delay.

B. Appeal Portion

As per RTI Act 2005 "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any

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electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

I've gone through the content of the appeal. I also called the relevant file from Estt. Section MoES and perused the same. As far as delay in information is concerned, as per official record available in the MoES, the RTI application dated 21.01.2014 was received by CPIO, MoES on 27.01.2014 and reply was sent by CPIO vide letter no. MoES/ 29/10-2014-RTI Dated 26.02.2014. It appears from the appeal made that the reply was received by the applicant on 03.03.2014. So, in my opinion, it is neither the case of disciplinary action nor financial penalty. As far as other points of appeal are concerned I'm replying the same in tabular form, so that a clarity may emerge, since Right to Information Act, is an Act of the Parliament of India "to provide for setting out the practical regime of right to information for citizens".

SNo.	Information sought by applicant/ appellant	Reply by Appellate Authority
1.	Copy of the Recruitment Rules for selection and appointment to the posts of Scientist D and Scientist C in advertisement Number F. No. ESSO-1 (15)/2012-Sectt/Issue dated April 2012.	Appellant has raised this point as point no. 8 of her appeal. Although, CPIO has provided the copy of recruitment rules by letter dated 26.02.2014. However, CPIO is instructed to re-confirm the same/provide copy of recruitment rules based on which advertisement no. F.No. ESSO-1(15)/2012-Sectt/ Issue dated April 2012 was issued. It would be advisable to provide the copy of note sheet of 8,9,19 &11/N of File No. ESSO-1(15)2012-Sectt. Vol II along with Recruitment Rules.
2.	Copy of the O.M./Provision/Act/Authority/Manual/Guide lines/Process of Screening of the applications received, short-listing of the candidates for interview, sending out call letters to candidates for interview, conducting the interview, evaluation, and selection procedure adopted by the Ministry for selection of candidates to the posts of Scientist D and Scientist C vide the above advertisement issued in April, 2012.	CPIO is directed to supply following information/ document: 1. Letters for interview (scientist C&D) to Ms C.R.Asha Devi and her acceptance. 2. Copy of Minutes of screening committee(for scientist D) held on 11 th July 2012 for screening, which inter-alia gives reasons about eligibility of candidates The appellant is also requested to read documents at points 1 & 2 with recruitment rules.

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3.	Does the Selection Committee constituted for the interview of candidates for the posts of Scientist D and Scientist C vide the above advertisement issued in April, 2012 has the powers to amend the procedures of conducting the interview and selection process after issuing the above advertisement and after starting selection process ? If yes, copies of the relevant instructions / orders.	CPIO is directed to (i) supply the copy of advt. details vide letter ESSO-1(15)2012-Sectt Issued date April 2012 along with details of post, post code, eligibility criteria, general conditions etc. The relevant point under general condition may be highlighted. The corrigendum copy dated 26.04.2012 may also be supplied. (ii) Supply the copies of note sheet no. 27,28,29,30,37,38,64 of the file no. ESSO-1(15)/2012-Sectt (Pt. file), so that appellant can get complete details on relevant points.
4.	Parameters on which each candidate is evaluated in the Selection Committee held for the post of Scientist D vide the above advertisement issued in April, 2012.	CPIO is directed to provide of minutes of selection committee. The same may be read with RRs.
5.	Copy of the Minutes of the Selection process of the Selection Committee held for the post of Scientist D vide the above advertisement issued in April, 2012.	CPIO is directed to provide minutes of selection committee.
6.	Copy of the Minutes of the Selection process of the Selection Committee held for the post of Scientist C vide the above advertisement issued in April 2012.	Copy Already Supplied by CPIO.
7.	Name of all the Selection Committee members with designation who were in the interview Board for Scientist D and Scientist C as per Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	CPIO is instructed to (i) supply O.M.No. ESSO-1(15)/2012-Sectt. Dated 06.08.2012 and (ii) ESSO-1(15)/2012-Sectt. Dated 31.08.2012 vide which selection committee were constituted. The same O.M.s explicitly have name and designation of Committee Members.
8.	Marks/Weight age and file noting given by each member of the Selection Committee to each candidate appeared for interview for the post of Scientist D as per Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	No separate marks/ weight age etc. are available in relevant file. Only the minutes of selection committee are available, which has already been supplied.
9.	Marks/Weightage and file noting given by each member of the Selection Committee to each candidate appeared for interview for the post of Scientist C as per Advertisement No. ESSO-1(15)/2012-	No separate marks/ weightage etc. are available in relevant file. Only the minutes of selection committee are available, which has already been supplied to applicant by CPIO.

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	Sectt/Issued dated April 2012.	
10.	Can posts advertised for one institution be interchanged amount the attached offices, subordinate offices and autonomous bodies under MoES? If so, what is the provision and authority under which the posts can be interchanged? Copies of the provision and authority.	CPIO is directed to supply the copies Note sheet from 1/N to 6/N of ESSO-1(15) 2012-Sectt. (Part File).
11.	Copies of the applications submitted by Dr. Rasheed Kunju Muhammed, Dr. Kari Ramu, Dr. Parmanand Sharma, Dr. Manish Tiwari and Sri Prince Prakash for the post of Scientist D as per Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	In my opinion this information is exempted as per RTI Act 8(1)(j), since the information being of personal nature and disclosure will have no relationship to any public activity or interest and will cause unwarranted invasion of the privacy of the individual.
12.	Copy of Merit list of interview for the post of Scientist D at CMLRE, Kochi.	The minutes of Selection Committee containing list of candidates have already been supplied by CPIO. No other information is available.
13.	How many posts of Scientist D were filled up vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012? In which institutions, post of Scientist D were filled up vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012? Is the vacancy advertised as per the above Notification in CMLRE, Kochi filled up ?	Appellant has not appealed against provided information by CPIO, so not considered as part of appeal.
14.	Copy of the procedure adopted by MoES for Screening of candidates for the posts of Scientist D and Scientist C vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	CPIO is directed to supply the copy of minutes of screening committee of scientist D. Minutes of screening committee for Scientist C has already been supplied by CPIO. The same may be provided read along with RRs.
15.	Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012. In which institutions, posts of Scientist C were filled up vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012 ?	Appellant has not raised objection to information supplied by CPIO. Therefore, it is not considered as part of Appeal.
16.	How many posts of Scientist C were filled up at CMLRE, Kochi vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	
17.	Names of the applicants with their qualifications, working as Project Scientists	

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	in CMLRE, Kochi, who responded to the post of Scientist D vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	
18.	How many candidates appeared for the interview for the post of Scientist D were called for the interview for the post of Scientist C vide Advertisement No. ESSO-1(15)/2012-Sectt/Issued dated April 2012.	
19.	Whether any complaint has been received regarding my candidature and appointment as Scientist D or Scientist C at CMLRE, Kochi ? If yes, copies of those complaints.	

C. The following directions are also issued:

- (i) Since, 30 days have already passed, so this information may be provided free of cost to appellant.
- (ii) The information may be provided within 10 days of receipt of this letter.

D. Appeal Partially Allowed and Disposed Off.

E. In case you are not satisfied with the reply above the 2nd Appeal may be preferred to Central Information Commission as below:
Information Commissioner (KY), CIC, August Kranti Bhavan, New Delhi - 110 066.



Manish Kumar Bansal
Dir (ICC) & First Appellate Authority