

Government of India
Ministry of Earth Sciences

Speed Post.

Prithvi Bhavan,
Lodhi Road, New Delhi.
Dated the 19/10/12

No. MOES/29/73/2012-RTI

OFFICE MEMORANDUM

Subject: First appeal under RTI Act 2005 by Shri Santosh Kumar Rai, UDC, IMD.

Reference may kindly be made to the letter dated 26.9.2012 by Shri Santosh Kumar Rai, UDC, IMD whereby he has filed first appeal under RTI Act 2005 for providing information to Point No. 1 of his RTI application dated 10.7.2012.

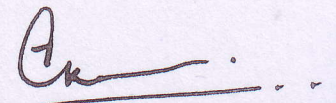
2. In this regard, the following documents has been seen :

- i) RTI application dated 10.7.2012 of Shri Santosh Kumar (Annexure – I).
- ii) Reply provided by the Ministry vide MOES ID Note No. MOES/29/31/2012-Estt. dated 25.7.2012 (Annexure – II).
- iii) Reply to the first appeal under RTI Act 2005 filed by Shri Santosh Kumar Rai, UDC vide No. MOES/29/73/2012-RTI dated 9.8.2012 (Annexure – III).
- iv) Letter dated 26.9.2012 by Shri Santosh Kumar Rai (Annexure IV).

3. From the above mentioned documents, it has been seen that the Ministry has already provided the reply to point No. 1 of RTI application dated 10.7.2012 of Shri Santosh Kumar Rai vide reply placed at Annexure - II. This has also been confirmed from the RTI application of Shri Santosh Kumar Rai itself where he himself has mentioned ;

“Earlier MOES has provided me notified RR of Scientist – C to Scientist – G with regard to DoD whereas I had requested to provide RR with regard to IMD.”

Since MOES in their reply dated 25.7.2012 (Annexure – II) has clarified that “IMD being a constituent of MOES, RR for MOES has been invoked” therefore, the reply to Sl. No. 1 is complete.



(Taranjit Singh)

First Appellate Authority for RTI for MoES.

Encl: i) to iv) as above.

To,
Shri Santosh Kumar Rai,
UDC, Room No. B-8,
Old Building, Office of DDGM, (Upper Air Instruments),
IMD Campus, Lodi Road,
New Delhi – 110 003

Contd.....2/-

Copy for information to:-

1. Secretary, MoES
2. JS(ES), MoES
3. Shri B.K. Thakur, CPIO, MoES
4. Shri Kailash Chand, US (Estt.), MoES
5. Dr. M. Sudhakar, Scientist – G and Transparency Officer, MOES.
6. In-Charge, IT Section, (Shri Krishnan), MOES with a request to upload the appeal on the Ministry's website.
7. RTI Cell for record.
8. Office Copy.

To,

Shri B. K. Thakur,
CPIO, Ministry of Earth Sciences
Prithvi Bhawan
Lodhi Road, New Delhi- 110003.

Sub. : Request to provide information under RTI Act, 2005.

Sir,

Case : Ministry of Earth Sciences (MoES) is granting promotion to the Scientists of the India Meteorological Department (IMD) under Flexible Complementing Scheme (FCS). FCS is being given to the Scientists on the basis of Govt. of India, DOPT's O.M. No. 2/41/97-PIC dated 9th November, 1998 and AB-14017/37/2008-Estt.(RR) dated 10th September, 2010. According to point No. (ii) of O.M. dated 10.09.2010, there is a minimum residency period prescribed (between 3 to 5 years) in each grade for getting promotion of next grade and according to point No. (ix) of the said O.M., Scientists/ Technical experts doing management/ administrative work should not be considered for up gradation under FCS, they should only be given benefit of up gradation under MACP. In this regard DOPT has issued further clarification on 23.09.2011 that "The qualification such as M. Sc.(Math), M. Sc.(Statistics), M. Sc.(IT), M. Sc.(Total Quality Management), MCA and M.A. (Operation Research) are not covered under FCS". As per Para 2 of OM dated 10.09.2010, "All the Ministries / Departments shall initiate action for review of the provisions of the Flexible Complementing Scheme and amend the provisions of relevant recruitment rules so that the scheme is brought in conformity with the decision / guidelines being conveyed vide DOPT's Office Memorandum. Assessment of Scientists from 01.01.2011 shall be done accordingly". Earlier MoES has provided me Notified RR (Notified on 28.04.2005) of Scientist 'C' to Scientist 'G' with regard to DOD vide letter No. MoES/29/16/2011-RTI dated 13.10.2011, whereas I had requested to provide RR with regard to IMD. In IMD number of Administrative staff are forcefully debarred for getting promotion despite of having vacant posts, notified RR and fulfilling eligibility criteria due to non implementation of the approved policy of BIFURCATION, which was approved by Ministry of Finance in 1979-80.

Kindly provide me the following information under RTI Act, 2005:-

1. Copies of Notified Recruitment Rules of Scientist 'C', Scientist 'D', Scientist 'E', Scientist 'F' & Scientist 'G' (notified after September, 2010 according to DOPT's guidelines issued on 10.09.2010) with regard to IMD. If not notified :

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Dir (E.S.)
C.P.I.O. (IMD)

- (a) Copy (s) of the approval/ consultation (including note sheets) taken from UPSC or DOPT for promotion in special circumstances (Repeal) as directed vide DOPT's O. M. No. AB-14017/79/2006- Estt (RR) dated 06.09.2007. If not,
- (b) Copy of the Govt. order/ Notification (if any), on the basis of which MoES is giving promotion under MFCS to the Scientists of IMD.
2. Copies of all the office orders and Note sheets by which MoES/IMD has constituted all Internal and External Screening Committees, after 10.09.2010 for the assessment of the Scientists for granting promotion under MFCS.
 3. Whether MoES is maintaining the data of qualification and residency period of all the Scientists of IMD who have been granted promotion under MFCS ? if yes a copy of that which can prove the qualification and residency period of all the Scientists of IMD in each cadre, if not please ask the CPIO, IMD to provide the requested data / information.
 4. If none of the above is maintaining data of qualification and residency period of all the scientists of IMD, then please specify who will be held responsible for loss of huge Govt. money, in case some ineligible Scientists have been promoted under MFCS or MoES will revert them and recover all excess payment made to ineligible Scientists.

Please inform how much amount I have to pay for above information.

I am enclosing IPO No. 05F 350866 dated 09.07.2012 for Rs. 10/-.

S.K. Rai

(Santosh Kumar Rai)
Room No. B-8, Old Building
O/o Dy. Director General of Meteorology
(Upperair Instruments)
Ph. 011-43824228

Dated : 10th July, 2012.

Annex - IV

✓ To,

Shri Taranjit Singh
Director (ICC) & First Appellate Authority
Ministry of Earth Sciences
Room No. 104, Prithvi Bhawan
Lodhi Road, New Delhi - 110003.

Sub. : Request for providing information under RTI Act, 2005.

Ref. : Your O.M. No. 29/14/2010-RTI dated 21.09.2012.

Sir,

With reference to point No. 1 of your above referred O.M., it is submitted that due to typographical mistake it was mentioned as 10.07.2010 in place of 10.07.2012. The date may kindly be read as 10.07.2012 in the last line of item '1' of my appeal dated 03.09.2012. There is only one pending RTI application with MoES i.e. dated 10.07.2012.

You are therefore requested to kindly provide me required information at the earliest as requested vide point No. 1 of my RTI application dated 10.07.2012.

Thanking you.

Yours faithfully,

S.K. Rai

(Santosh Kumar Rai)

Upper Division Clerk

Room No. B-8, Old Building

O/o Dy. Director General of Meteorology

(Upperair Instruments)

Ph. 011-43824228

Dated : 26th September, 2012

Jⁿ
11/10/12
Please provide me a copy of
RTI dated 10/7/12 as mentioned
at 'x' above.
Jⁿ
11/10/12
CPIO (MoES)

Ministry of Earth Sciences
(Estt. Section)

Subject:- Information sought by Sh. Santosh Kumar Rai, Room No.B-8, Old Building, O/c Dy. Director General of Meteorology, (upper air instruments), Mausam Bhawan, New Delhi under RTI act. 2005.

RTI Cell may please refer to their O.M. No. MOES/29/73/2012-RTI dated 11.7.2012 on the above mentioned subject. The information given below point-wise.

Sl No.	Information sought under RTI act, 2005	Information
1.	<p>Copies of Notified Recruitment Rules of Scientist 'C' Scientist 'D' Scientist 'E' Scientist 'F' & Scientist 'G' (notified after September 2010 according to DoPT's guidelines issued on 10.09.2010) with regard to IMD, if not notified.</p> <p>(a) Copy (s) of the approval consultation (including note sheets) taken from UPSC or DOPT for promotion in special circumstances (Repeal) as directed vide DOPT's. No. AB- 14017/79/2006 -Estt. (RR) dated 6.9.2007 if not.</p> <p>(b) Copy of the Govt. order/ Notification (if any) on the basis of which MoES is giving promotion under MFCS to the Scientists of IMD.</p>	<p>IMD being a constituent of MOES (Subordinate Office) Recruitment Rule (RR) for MoES has been invoked.</p>
2.	<p>Copies of all the office orders and Note Sheets by which MoES/IMD has constituted all internal and External Screening Committees after 10.9.2010 for the assessment of the Scientists for granting promotion under MFCS.</p>	<p>The information is available in a scattered manner in different files of IMD & MOES, HQs. The applicant may be requested to personally come at a mutually convenient date & time to collect the information from IMD as well as MOES, HQs.</p>
3	<p>Whether MoES is maintaining the data of qualification and residency period of all the Scientists of IMD who have been granted promotion under MFCS if yes a copy of that which can prove the Qualification and residency period of all the Scientists of IMD in each cadre, if not please ask the CPIO, IMD to provide the requested data/information.</p>	<p>Maintained by IMD.</p>
4	<p>If none of the above is maintaining data of qualification and residency period of all the scientists of IMD, then please specify who will be held responsible for loss huge Govt. money, in case some ineligible Scientists have been promoted under MFCS or MoES will revert them and recover all excess payment made to intelligible Scientists.</p>	<p>Not applicable</p>

R. Chand
(Kailash Chand) 25/7/12

Under Secretary to the Govt. of India

Shri B.K. Thakur, CPIO (RTI) & Sc'B, MOES.

MOES's ID Note No. MOES/29/31/2012-Estt dated 24.7.2012

Annex - 11

MINISTRY OF EARTH SCIENCES

MOES/29/73/2012-RTI

OFFICE MEMORANDUM

Dated 09/08/2012

Subject : First Appeal under RTI Act.2005.

Reference may kindly be made to the Appeal dated 08/08/2012 (Annex 1) made by Shri Santosh Kumar Rai, UDC, O/o DDGM, Upper Air Instruments, IMD, Mausam Bhawan, Lodi Road, New Delhi -3 under RTI Act 2005.

2. Shri Santosh Kumar Rai in his appeal has stated that neither MOES nor IMD has disseminated the required information as requested by him vide his RTI application dated 10.7.2012.

3. In this regard the RTI application dated 10/07/2012 made by Shri Santosh Kumar Rai and the reply given by MOES vide their ID note No. MOES/29/31/2012- Estt. dated 25/07/2012 has been seen. The following observation in this regard has been made:-

i). Question at Sl.1 :-

MoES has provided the reply. It has also been seen from RTI application dated 10.7.12 that notified RR's of MoES has already been supplied vide letter no. MOES/2/16-2011-RTI dated 13/10/11.

ii) Question at Sl. No. 2 :-

(a)The applicant was requested vide MoES ID Note No. MOES/29/31/2012- Estt. dated 25/07/2012 to come at a mutually convenient date and time to collect the information.

(b) However the applicant has stated in his appeal that 'as per the suggestion of MOES, I had visited thrice for the collection of information with CPIO, MoES but none of the concerned officer could be contacted.'

(c) In this regard it is observed that it would have been better had the Estt Section in their ID Note (No. MOES/29/31/2012- Estt. dated 25/07/2012) itself given at least one specific date / time to Sh. Santosh Kumar Rai for collecting the information with the request that if the proposed date/time is not suitable to him then he can seek another date/time after mutual consultations. This would have been made it easier for Sh Rai to collect the information and he was not required to visit the office thrice in vain. Accordingly the Estt Section, MoES is requested to please inform Shri Santosh Kumar Rai in writing (latest by 24.8.2012) about the date and time on which he can come to collect the information asked for vide question at Sl. No. 2. He may be given a flexibility that if the date/time proposed is not suitable to him then he can seek another date/time after mutual consultations.

(iii) For question at Sl. No. 3 :-

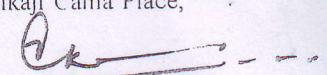
(a) MoES has provided the reply. The Estt Section vide their ID note dated 25.7.12 has clearly informed that the information is with IMD.

(b) The CPIO, IMD vide their reply dated 7/8/2012 has not refused categorically that the information for question at Sr No. 3 is not with IMD. The reply of CPIO, IMD is not specific and hence confusing to the applicant.

(c) The applicant is accordingly requested to file an appeal for this question with First Appellate Authority of IMD (The applicant is advised to send the question at Sr No. 3 along with the reply received from MoES to Appellate Authority, IMD, while filling the necessary appeal in IMD).

4. Next appeal, if any, lies with Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi.

Encl: Annex -I as above


(Taranjit Singh)

1st Appellate Authority for RTI for MoES,
Tel. No. 24669509

1. Shri Santosh Kumar Rai, UDC, O/o DDGM, Upper Air Instruments, IMD, IMD Campus, Lodhi Road, New Delhi

2. Shri Kailash Chand, U.S(Estt) MoES, New Delhi.

3. Shri N. S. Dalvi, CPIO & Admn. Officer, IMD, Mausam Bhawan, New Delhi.

4. Shri B.K. Thakur, CPIO & Sc. 'B' MoES, New Delhi.

5. First Appellate Authority under RTI Act for IMD, IMD, New Delhi

Copy for information to:-

1. Secretary, MoES, New Delhi.

2. JS (MoES), New Delhi.

3. Dr. M. Sudhakar, Sc. 'G' & Transparency Officer, MoES, New Delhi.