RTI Matter

No.10/5/(43)/2013-PG (RTI)
Government of India
Ministry of Power
Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001
Telefax No. 23730264

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Dated: 23rd October, 2013

To,

Shri Ajay Singh,
c/o Shri Govind Singh,
House No.-124, Masoodpur Dairy,
Gali No. 29, Vasant Kunj,
New Delhi-110070

Sub: Information sought for under the Right to Information Act, 2005.

Sir,

Reference is invited to your application under RTI Act addressed to CPIO,PGCIL and to Nodal Officer (RTI), M/o Power and received in PG Section on 13/10/2013 regarding seeking information with regard to promotion/leave etc in respect of employees of PGCIL.

The information requested in your application is available with PGCIL, Gurgaon for which your application is being transferred to them for further appropriate action.

Shri Ghanshyam Prasad, Director (PG), M/o Power, Shram Shakti Bhawan, Rafi Marg, New Dehli-110001 is the Appellate Authority.

Yours faithfully,

(Ajay Joshi)
Under Secretary (PG) & CPIO

Copy to

CPIO/ Nodal Officer, RTI, PGCIL, Gurgaon along with RTI application from Shri Ajay Singh with the request that in terms of provisions of Sec 6(3) of the Act the aforesaid RTI application may be taken as transferred to provide available information to the applicant in terms of provision of the RTI Act.

CPIO & US (RTI), MOP for information.

RTI REQUEST DETAILS

Registration No. :	POWER/R/2013/60263	**Date of Receipt :**	13/10/2013
Type of Receipt :	Online Receipt	**Language of Request :**	English
Name :	Ajay Singh	**Gender :**	Male
Address :	C/O Shree Govind Singh,House No.- 124,, Masoodpur Dairy, Gali No.-29,, Vasant Kunj, New Delhi, Pin:110070		
State :	Delhi	**Country :**	India
Phone No. :	Details not provided	**Mobile No. :**	Details not provided
Email :	rksingh761@yahoo.com		
Status(Rural/Urban) :	Details not provided	**Education Status :**	Details not provided
Is Requester Below Poverty Line ? :	No	**Citizenship Status**	Indian
Amount Paid :	10	**Mode of Payment**	Payment Gateway
Mode(s) of information Supply :	Hard Copy		
Does it concern the life or Liberty of a Person ? :	Details not provided.	**Request Pertains to :**	Ajay Joshi(PG)
Information Sought :	RTI in PDF file is attached for PGCIL which comes under Ministry of Power.		

Print Close

INFORMATION UNDER THE RIGHT TO INFORMATION ACT 2005

To,
Central Public Information officer (CPIO),
GM(CP), Corporate Centre,
Power Grid Corporation of India Limited,
Saudamini, Plot No. 2, Sector-29,
Gurgaon – 122001

Sub: Regarding information under RTI from PGCIL.

Sir,

Kindly provide information as below-

1. In a recent decision in Appeal: No. CIC/DS/A/2012/001377 dtd 10 January 2013 , CIC has ruled that records of employee leaves are disclosable under RTI. PI provide attested copy of records of leave for following employees as below-
   - **a)** For the period from 2004 to 2011
     - **i.** Jagnarayan Ram emp no- 01321
     - **ii.** Shyama Kumari, emp No.- 01266
     - **iii.** Rahul Yadav Emp No 01276
     - **iv.** Nitu Pargania emp -01286
     - **v.** Rohit Kumar Emp No. 01267
   - **b)** For the period from 2006 to 2012
     - **i.** Ankur Bhandari, emp No.- 01444
     - **ii.** Sanjay Kumar Gupta Emp No- 00931
     - **iii.** Gaurav Aggarwal Emp No- 01701
     - **iv.** Shalendra Kumar Verma emp no 01404

2. PI find below the details of some of the promotions in PGCIL-
   - **a)** Promotion to E3 grade in 2008 , 2009 ,2013
   - **b)** Promotion to to E4 grade in 2011,2012 2013
   - **c)** Promotion to E5 grade in 2013.
   - **d)** Promotion to to E7 Grade in 2012

   In context to above promotions, kindly provide following information from 2.1 to 2.4-

2.1 Kindly provide attested copy of entire chart/document showing the complete comparative assessment of every executive as assessed by the CPC.

2.2 Kindly provide attested copy of all the documents related to final relative grading.

2.3 Kindly provide the attested copies of all the documents related to proceedings of CPC.

2.4 Which criteria was adopted- merit-cum-seniority or seniority-cum-merit?

3. Pl find below the details of promotions given against each employee -

   a) Sanjay Kumar Gupta Emp No- 00931 (promotion to E5 and E6)

   b) Shyama Kumari emp no- 1266 (promotion to E3 and E4)

   c) Rohit Kumar emp no 01267(promotion to E3 and E4)

   d) Ankur Bhandari emp no- 01444(promotion to E3 and E4)

Kindly provide following information from 3.1 to 3.2 related to all appraisal reports in context to promotions as given against each employee -

3.1. Attested copy of all the documents related to achievement/special achievement of these employees that was taken into consideration while giving grades/marks in their appraisal reports.

3.2. Gradings/marks given by reporting officer,reviewing officer, next higher executive who supervise the work and countersigning authority. Pl note gradings given to employees are disclosable under RTI.I do not want copy of appraisal report.

3.3. Name of reporting officer,reviewing officer, next higher executive who supervise the work and countersigning authority.

4. Pl find below the list of few employees who are dropped once, more than once and some in every promotion-

   i. Nitu Pargania emp -01286(dropped once in every promotion)
   ii. Pardeep Singh Emp no-01092 (dropped in promotion to E4 and E5)
   iii. Challa Narasimha Rao emp no. 31103 (dropped in promotion to E3)
   iv. Rakesh Singh emp no. 01312(dropped in promotion to E3)
   v. Anita Srivastava emp no. 00639 (dropped several times)
   vi. Vinay Kumar emp No 11090 (dropped in promotion to E3)
   vii. Rahul Yadav,emp no 01276(dropped once in every promotion)

viii. Ronel Singh Hoarokcham emp no 01446(dropped in promotion to E4)
ix. Sunil Kumar Singh emp no- 01263 (dropped once in every promotion)
x. Ajay kumar Singh emp no-01268(dropped in promotion to E3)
xi. Shalendra Kumar Verma emp no 01404 (dropped in promotion to E4)
xii. S.B. Tripathi emp no. 01072 (dropped in promotion to E5 and E6)

Kindly provide following information from 4.1 to 4.5 related to all appraisal reports in context to promotions as given against each employee -

4.1. Pl provide the details of employees who had adverse report in any of the appraisal report.

4.2. Gradings/marks given by reporting officer,reviewing officer, next higher executive who supervise the work and by countersigning authority. Pl note gradings given to employees are disclosable under RTI.I do not want copy of appraisal report.

4.3. Name of reporting officer,reviewing officer, next higher executive who supervise the work and countersigning authority.

4.4. If there is any appraisal report, which is coming in way of promotion, the said appraisal report should be communicated to the employee concerned. Non-communication of such appraisal reports is arbitrary and in violation of Article 14 of the Constitution of India .

The Supreme Court in the decision reported in (2008) 8 SCC 725 (Dev Dutt v. Union of India) held that after recording ACR in the service register, the concerned employee should be put on notice and he should be given an opportunity to explain his position if he is not satisfied with the recording of ACR and non-communication of the same was treated as unfair and violative of the principles of natural justice.

While considering above facts, kindly provide following information from 4.4.1 to 4.4.4-

4.4.1. Kindly provide details/documents wherein above employees were communicated such appraisal reports which were coming in way of their promotion.

4.4.2. Kindly provide the details/documents wherein above employees were given opportunity to make representation for upgradation of such appraisal reports.

4.4.3. If the employees were not communicated such appraisal reports, kindly provide attested copies of circular/ guideline/policy on the basis of which it was done so.

4.4.4. If the employees were not given opportunity for representation for upgradation of grading in their appraisal report, kindly provide attested copies of circular/ guideline/policy under which it was done so.

4.5. Downgrading in appraisal reports i.e. *from very good to good or from outstanding to very good* required to be communicated to the concerned employee.

Kindly see Sh. J.S. Garg vs Union Of India (Uoi) And Ors. on 16 August, 2002 wherein court upheld the requirement of communication of downgrading any subsequent ACR to the employee concerned, failing which the ACR could not be considered by the DPC.

Any failure in communicating downgrading in ACRs is in violation of the judgment of the Hon'ble Supreme Court in U.P. Jal Nigam & Others vs Prabhat Chandra Jain & Others on 31 January, 1996

While considering above facts, kindly provide following information from 4.5.1 to 4.5.3-

4.5.1. Kindly provide the details/documents wherein above employees were communicated downgrading in their appraisal report.
4.5.2. Kindly provide details/documents whether such downgraded appraisal report were considered by CPC/DPC without communicating to the concerned employee.
4.5.3. If the employees were not communicated downgrading in their appraisal report, kindly provide attested copies of circular/ guideline/policy on the basis of which it was done so.

5. In the matter of promotions from E6 to E7 in 2012 ,Kindly furnish information as below-
   5.1. Attested copies of all documents related to Instructions, Criteria and Guidelines on the basis of which nobody from ET(Executive Trainee) 1st batch was promoted to DGM(E7) .
   5.2. In context to criteria in the promotions, pl provide following details from 5.2.1 to 5.2.2 –
   5.2.1. Which criteria was adopted- merit-cum-seniority or seniority-cum-merit ?
   5.2.2. If some other criteria was adopted, Kindly mention the same and also provide attested copies of circular/ guideline/policy on the basis of which the criteria was adopted.

6. Kindly provide details as below-
   6.1. Pl mention whether all the entries in appraisal reports are communicated to concerned employee in PGCIL.
   6.2. Pl mention whether downgrading in appraisal report by higher authority is communicated to concerned employee in PGCIL.
   6.3. Pl mention whether employees are given opportunity to make representation for upgradation of their appraisal reports in PGCIL.
   6.4. Pl mention whether CPC considers those appraisal reports which are not communicated to the concerned employee in PGCIL.

❖ ***<u>While providing the information, kindly consider following facts/cases/judgements showing how the law developed in the matter of appraisal reports/promotions over the course of the years.</u>***

➢ **<u>Regarding disclosure of DPC proceedings</u>** –

- PI note that In Case No. CIC/SS/A/2012/002415,**August 29, 2013**,CIC has ruled that proceeding of the DPC is disclosable category of information and is not personal information of any third party.From the case, it is also clear that it can be disclosed to third party.

- In Appeal No. CIC/WB/A/2009/000420, CIC has ruled that Copies of the original relative assessment are disclosable under RTI.

- In File No.CIC/SM/A/2012/000033m , 5 October 2012, the Central Information Commission has held, The relative grading of officers' annual confidential reports during their promotion is not a personal information and should be made public. Chief Information Commissioner Mr Satyananda Mishra said although the Annual Confidential Reports of an officer are a personal information which should be disclosed only to him or her, its relative grading during promotion process should be made public.

➢ **<u>Regarding communication of all entries in appraisal report as well as requirement of communication of downgrading any subsequent ACR</u>**

- That every entry in the ACR of an employee requires to be disclosed whether or not an executive instruction is issued in that behalf - is based on the premise that disclosure of the contents of ACR results in fairness in action and transparency in public administration. Kindly <u>See Dev Dutt vs Union of India</u> (2008) 8 SCC 725 at page 732, paragraph 13; page 733, paragraph 17; and at page 737, paragraphs 36, 37 and 38.

The apex court asserted that non-disclosure of the ACR contents to a public servant amounted to arbitrariness and violative of Article 14 (right to equality before law) as it deprives the employee concerned promotional opportunities.

- **In the recent matter of Sanjay Khedkar vs Secretary The State Of Madhya in Madhya Pradesh High Court... on 19 September, 2013**

  Any ACR which would have come in his way of promotion should have been treated as adverse and should have been communicated to him so that he could have taken any required step for correction in his gradings. Without communicating such ACR the same were not to be taken in the consideration as has been held by the Apex Court in the case of U.P. Jal Nigam and others vs. Prabhat Chandra Jain and others, AIR 1996 SC 1661, and in the case of Dev Dutt vs. Union of India & others, AIR 2008 SC 2513.