

From:- Prem Shanker Nagar,
E-171 Ram Nagar Ext.,
Sodala, Jaipur, Rajasthan

Date: 3/1/2015

To,

B.Mishra, Executive Director
The appellate authority
Power Grid Corporation of India Ltd.
Saudamini, Plot No.2, Sector -29
Gurgoan 122001

Shri. Mishra
03/01/15
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Subject:- Denial of information requested under RTI act 2005.

Ref.:- 1. My application dated 2nd December for information under RTI act.
2. Your letter no. CP/RTI/2013/13 Dated 27 December 2013.
3. My RTI application dated 15-10-2014.
4. Reply recd. from the information officer vide letter no. 19-11-2014.

Dear Sir,

Please refer my earlier application to the information officer of Power Grid Corporation of India Ltd. on dated 2-12-2013 and the reply recd as referred above. In this regard it may be noted that information needed by me has not been furnished.

Again I have requested the information through my RTI request dated 15-10-2014, which was replied through your letter dated no. C/CP/RTI /2014/135 dated 19-11-2014.

It is deeply regretted that despite my all clarification regarding giving of above information to me the requested information has not been given completely. As I am not satisfied with the given information I request you to kindly treat this as my request to the appellate authority for getting the required information which has not been furnished to me that is point wise reply of points 4 to 17 of my letter dated 15-10-2014.

The reference of the decision of Delhi High Court given by you is also clear about giving such information after following the necessary procedure of the third party as prescribed under section 11(1) and 19(4) of the RTI Act if at all necessary. The disclosure of the information has not been denied in this judgment also.

The information sought at point no 3 to 17 has been denied on the ground that these information are exempted from disclosure under RTI Act 2005 Clause no. 8(i)(j) as these information contain about the character, capability of official reported upon and disclosure of information of AAR and CPC proceedings to third party amounts to cause unwarranted invasion of the privacy of the individual.

In this regard it may kindly be noted that POWERGRID being a Government of India undertaking is an organization working in public sector has to follow

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absolutely a transparent and fair methodology of promotions in a larger public interest which can not be examined and ensured until the above information is not furnished and there is absolutely no invasion of the privacy of the individual in disclosing the above information.

The RTI act section 8(i)(j) and its successive decision by CIC and honorable supreme court of India has made it clear that the information on this ground can not be denied until and unless information officer is satisfied that disclosure of this will lead to invasion of personal information and may harm to individual on the contrary it may possible that the POWERGRID has not followed the transparent and fair methodology and must have result in to harm to other employees and the management touts must have given promotion and just to hide these you are not giving such information to third party. Hence the ground taken by you for not furnishing these information is not justified and on the contrary disclosing of these information is necessary in public interest in order to ensure that the big public sector organization like POWERGRID are following fair and transparent promotion policy.

Kindly note that the number of CIC decisions and recent judgments of honorable Kerala High Court and Supreme Court of India are there which clearly state that these information can not be denied by public authority on the ground that it is personal information as the appointments, promotions up gradation are all public activity hence RTI clause 8(i)(j) should not be wrongly applied and similarly rules regarding salary, service matter, study leave records, posting and transfer and promotion information of public servants cannot be called 'personal information'.

It is further stated by the central information commission that no public authority can malafidely deny the information on the ground of personal information and it is expected from the PIO concerned that to construe the meaning of this section in fullest conformity with Act.

As I have only requested for the ranking of CR or the benchmarks of ACR considered by CPC for consideration of promotion and not any personal portion of the ACR hence the disclosure of the portion of ACRS which has been considered for promotion and the proceeding of CPC can not be a personal information as this must have affected at large to the other officers which are not considered for promotion by CPC.

Hence to ensure that CPCs and ultimately POWERGRID is following the transparent unbiased neutral and fair and consistent policy for promotion to its senior level executives, furnishing of information asked by me can not be denied and a large public interest justifies the disclosure of the information sought by me. Further the ACR ranking, benchmarks, and CPC proceedings of employees of a public sector undertaking has a relationship with public activity as he discharge public duties and is therefore the matter of public interest and asking of such information does not amount to any unwarranted invasion in the privacy of public servant it may further be noted that when such information can be supplied to the parliament, the information relating to the ACR and CPC proceedings can not be treated as personal documents or private documents.

The decision of Delhi High Court states that appointments to these senior level posts in the PSUs are made on a comparative assessment of the relative merits of various officers by a departmental promotion committee or a selection committee

as the case may be. The evaluation of past performance of these officers is contained in the ACRs. On the basis of comparative assessment a grading is given. Such information can not be viewed as personal to such officers.

Kindly arrange to send the information as sought by me in my application dated 15-10-2014 and also issue the show cause notice to the information officer that why penalty should not be imposed upon him under section 20(1) of the RTI act for prima facie denying the information to me with malafide intention and without any reasonable cause thereby causing obstruction to the supply of information to the appellant.

Thanking you

Yours truly,



Prem Shanker Nagar