



पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड
(भारत सरकार का उद्यम)
POWER GRID CORPORATION OF INDIA LIMITED
(A Government of India Enterprise)



केन्द्रीय कार्यालय: "सौदामिनी" प्लॉट सं. 2, सेक्टर-29, गुडगाँव-122 001, (हरियाणा) दूरभाष: 0124-2571700-719, फ़ैक्स : 0124-2571762,
"Saudamini" Plot No. 2, Sector-29, Gurgaon-122 001, (Haryana) Tel. : 0124-2571700-719, Fax : 0124-2571762, Web.: www.powergridindia.com

C/CP/RTI/2014/135

Date: 19th November 2014

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

Sub: Information under Right to Information Act, 2005.

Dear Mr Nagar,

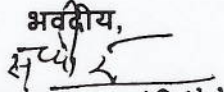
This has reference to your RTI request dated 15th October 2014 (received on 21st October 2014) seeking information under RTI Act, 2005.

The information sought is attached at **Annex-A**.

Details of Appellate Authority, as per the provisions of RTI Act, 2005 is as under

Shri B. Mishra
Executive Director (CP & IT) & Appellate Authority,
Corporate Centre
Power Grid Corporation of India Limited
"Saudamini", Plot No. 2, Sector-29
Gurgaon – 122007, Haryana

Thanking You,

भवदीय,

(सुधीर मिस्तल) 19.11.14

महाप्रबंधक(के.आ.)एवंके.लो.सू.अधिकारी

Attach: As above

Annexure-A

Q.1. The Annual Appraisal Policy of Power Grid Corporation of India Ltd. for the promotion of executives for the following cadres since 1996 updated/modified till 2014.

- a) Chief Manager to Deputy General Manager
- b) Deputy General Manager to Additional General Manager
- c) Additional General Manager to General Manager
- d) General Manager to Executive Director

Ans. The Appraisal Policy for the above mentioned levels is attached at **Annex-I**. Apart from this, for GM and above levels, the appraisal policy is provided by DPE, which is readily available on the DPE website.

Q.2. The promotion policy of Power Grid Corporation of India Ltd. for the promotion of executives for the following cadres since 1996 updated till 2014.

- a) Chief Manager to Deputy General Manager
- b) Deputy General Manager to Additional General Manager
- c) Additional General Manager to General Manager
- d) General Manager to Executive Director

Ans. The Promotion policy with respect to above level is based on the Board resolutions. Copies of the same have already been provided to you vide our letter dated 27.12.13 (Copy attached at **Annex-II**).

Q.3. Procedure of moderation of Annual Appraisal Reports if applicable for the promotion levels of (a) CM to DGM (b) Deputy General Manager to Additional General Manager (c) Additional General Manager to General Manager (d) General manager to Executive Director and the reports of moderation committee from 1.4.1996 to 2014 for all above levels.

Q. 4, 8, 11, 14 & 17.

The proceedings of all Corporate Promotion Committees constituted for the consideration of promotion from Chief Manager to DGM, DGM to AGM, AGM to GM and GM to ED since the date 01-04-1996 till today. The list of candidates considered for promotion verses orders issued for DGM to AGM, AGM to GM and GM to ED after 01-04-1996 till today.

Q5. Copy of evaluation sheet for the evaluation done by all Corporate Promotion Committees since 1.4.96 till date and the criteria followed by Corporate Promotion Committees from 01.04.1996 till date for promotion consideration from Chief Manager to DGM, DGM to AGM, AGM to GM and GM to ED.

Q 6, 9, 12 & 15.

The year wise content of all AARs or ranking of AARs or the marks of AAR(whichever is applicable) presented to the CPCs and the marks given by CPC for consideration of Promotion to the following posts (a) Chief Manager to DGM (b) DGM to AGM (c) AGM to GM (d) GM to ED

Q 7, 10, 13 & 16.

The noting or submission of cases for consideration to the Corporate Promotion Committees and also the copy of recommendations of the Corporate Promotion Committees along with the marks of interview allocated to each by Corporate Promotion Committee for promotion from Chief Manager to DGM, DGM to AGM, AGM to GM and GM to ED from 1.4.1996 till today.

Ans. Question No. 3 to 17 have already been replied vide dated. 27.12.2013 (**Annex-II**) in response to the RTI application made by you on 02.12.2013. In addition to the cases mentioned in our earlier reply, in a latest judgement dtd. 8th July, 2014 (**Annex- III**), Delhi High Court has held that DPC proceedings can only be disclosed to concerned employees and not to any other individual as that would constitute third party information. Accordingly, the information sought are exempted as per clause 8(1)(d), 8(1)(e) and 8(1)(j) of the RTI Act.

Further, you have requested the copies of promotion orders and the list of candidates considered for promotion since 1996 till date (18 years). The information requested relates to a very old period. Moreover, the applicant has requested the information for (a) Chief Manager to DGM (b) DGM to AGM (c) AGM to GM, and (d) GM to ED, for a period of 18 years. The information required is not available in any soft format and has to be dug out from the concerned files from that period. Retrieval of such data would require use of considerable time and resources. Accordingly, you are requested to specify the individual or a particular year for which information is sought. Further, in the event, you desire to inspect any specific document/ record, you can do so by visiting our Corporate Office "SAUDAMINI", Plot No. 2, Sector-29, Gurgaon-122007, Haryana on any working day with prior information. You are advised to intimate us your proposed date and time of visit and the specific records you wish to inspect at least two weeks in advance, so that the records can be kept ready for inspection..



ANNUAL PERFORMANCE ASSESSMENT FOR EXECUTIVES

- 1.0 The Performance Appraisal System in operation for the executives of the Company, as modified from time to time, will generally provide the basis for determination of merit, efficiency, potential and suitability of Executives and Managers for positions of higher responsibility in the appropriate higher grade.
- 2.0 In POWERGRID our endeavour is that the Appraisal System is used as an instrument for improving the work culture. The focus is on the developmental and not judgemental aspects and the company is utilising the appraisal system as an instrument for :-
 - 2.1 Performance planning, analysis and review;
 - 2.2 Generating a healthy problem-solving dialogue between the Reporting Officer and the Appraisee about work-related problems;
 - 2.3 For improving communication and performance counselling;
 - 2.4 For improving levels of motivation through goal clarity.
- 3.0 **Objectives of Performance Appraisal**
 - 3.1 To integrate company and individual goals through a process of performance assessment linked to achievements and organizational objectives.
 - 3.2 To enhance awareness of targets/tasks and the responsibility of executives at all levels and to ensure fulfilment of organizational objectives.
 - 3.3 To facilitate the organizational objective of assessment of performance and potential.
 - 3.4 To distinguish between differing levels of performance on relative basis and to identify executives with potential to grow in the organization.
 - 3.5 To spell out the development actions to be taken to improve the performance of the officers.
- 4.0 **Appraisal Year & Coverage**

The appraisal year will be the financial year from 1st April to 31st March for executives in the level of E6 and above and calendar year from 1st January to 31st December for executives in the level of E5 and below.

 - 4.1 The Appraisal Reports are required to be filled in, in respect of all the executives who have served for a period of at least three months in the Appraisal Year.



- 4.2 If an executive has served in more than one Region/Deptt./Unit or with more than one Reporting Officer for a period of at least three months in the Appraisal Year, separate reports have to be sent from each Region/Deptt./Unit.
- 4.3 Where more than 6 months of the appraisal year have elapsed at the time of consideration of an executive's promotion, a Special Performance Report for the part year will be obtained and taken into consideration along with the Reports of the previous years. Once the special report is followed and replaced by the usual annual report, the special report will no longer be taken into consideration.
- 4.4 Performance Appraisal Reports for any period of less than 6 months in an appraisal year will not be taken into consideration for the purpose of promotion. However, where two or more reports are written in any appraisal year by reason of an executive being posted under different reporting/countersigning officers, a single rating for the year will be determined by the Corporate Promotion Committee.
- 4.5 Where the case of an executive comes up for consideration for promotion before he completes the prescribed eligibility period on account of a seniority weightage granted to him as a part of the terms of his initial appointment, the rating given in the first appraisal report in POWERGRID, if for a period of 6 months or more, will be deemed to be the appraisal rating of the earlier years reports which are to be taken into consideration in accordance with this policy statement.
- 4.6 The Appraisal System will be on a five-point scale, that is Outstanding, Very Good, Good, Average, and Not Satisfactory, as defined in the Appraisal Formats. The final overall evaluation by the "Moderation Committee" will be taken into consideration for the purpose of aggregation and marks will be allotted to various ratings as follows :

Rating	For Promotions upto E4	For Promotions from E4 to E5 & above
Outstanding	8	10
Very Good	6	8
Good	4	6
Average	2	4
Not Satisfactory	0	0

5.0 Target Setting and Feedback

- 5.1 Review on periodic basis of performance norms and targets for each individual is imperative and the HODs may have developed their own alternatives with respect to maintaining such data. The tasks/targets/performance norms set for each individual will cover both innovative and routine aspects of the job. In assessing the achievement of the targets/tasks/norms, cognizance should be taken of the external constraints and special efforts that have been made to overcome these constraints.



5.2 As development of subordinates is one of the important objectives of our performance appraisal system, the reporting officer must discuss employee's performance with him. Some suggestions with regard to what should be the content or subject matter of the discussions with the appraisee are as follows :-

- The content of what has been written in the self appraisal (part-I).
- Difficulties and constraints in meeting the targets as also the contribution made by the appraisee, both tangible and intangible.
- Strengths and weaknesses of the employee.
- Extent of achievement, reasons for shortfall and measures to avoid likely short-falls in future in target achievement.
- Where the rating on performance and executive abilities is either 0 or 2, the same should be discussed.
- Potential for undertaking jobs in other functions i.e. possibilities for job rotation could be discussed.

6.0 Procedure

6.1 Each executive is expected to write Part-I (Self Appraisal) and forward the proforma to his Reporting Officer.

6.2 Reporting

The Reporting Officer will complete the report in the light of the periodic records/data of the individual's targets and hand it over to the Reviewing Officer.

6.3 Review/Counter-signature

The reviewing Officer after recording his review will send the Appraisal Report to other officers in the channel of reporting till the report reaches the final Countersigning Authority viz. General Manager/Executive Director of the respective Region who will then countersign the report in case of agreement and also record his assessment wherever it differs from those of the Reporting/Reviewing Officers.

6.4 Final Countersigning Authority

The final countersigning authority is as under :

Level of Appraisee	Countersigning Authority
E1 to E4	1. Concerned GM
	2. In case Reporting Officer is GM, then concerned ED.



- E5
1. Concerned ED or Director
 2. In case Reporting Officer is ED/Director, then the next higher level viz. Director/CMD

6.5 Wherever the overall assessment is 'outstanding' or 'not satisfactory' the Reporting/Reviewing Officer is required to substantiate the same with supporting facts.

6.6 Sufficient care should be taken to arrive at the overall rating on the basis of the ratings given on individual attributes of work performance and executive effectiveness factors.

6.7 Procedure for Personnel & Finance Heads

The assessment of the performance appraisal reports of Heads of the two key functional disciplines viz. Human - Resource (including Training), Finance & Accounts at the Regions will be written/reviewed by the ED/GM and countersigned by the concerned Functional Director/ED at the CC. The same will apply in case of HR, F&A executives posted in the Sub-station in whose case the reports will be reviewed by Heads of HR/ F&A of the Region also.

7.0 Adverse Reports

7.1 In the event of the overall assessment being 'Not Satisfactory', a communication will be issued to the concerned executive after the report has been countersigned by the concerned authority. For this, the final countersigning authority will send back the report to the Reviewing Officer for issuing the necessary communication to the concerned executive. The communication will be issued by the Reviewing Officer along with details including facts and figures.

7.2 Comments, if any, of the appraisee will be asked on the adverse report. The adverse report along with the comments of the appraisee will be examined by the final countersigning authority who will record his final decision along with reasons. Wherever CMD is the Reporting Officer or Reviewing Officer, his decision regarding expunction/retention of the adverse comments after due examination of the explanation submitted by the appraisee will be final.

7.3 The final decision will be communicated by the Reviewing Officer to the appraisee.



8.0 Normal Distribution Pattern of Appraisal Ratings

8.1 In appraisal of any population, the normal distribution pattern invariably holds good, may be with minor variations. Keeping this in view, while completing the appraisal reports, it should be ensured that :

Outstanding	15-20%
Very Good	35-40%
Good	40-45%
Average	15-20%
Not Satisfactory	0-5%

8.2 The above mentioned distribution pattern is not confined to the population falling in the zone of consideration for promotion alone but is applicable for the total population.

9.0 General

9.1 Where the overall assessment is being changed at higher levels, the authorities may keep the Reporting Officer(s)/Reviewing Officer(s) informed of such changes.

10.0 Schedule

10.1 The AARs in respect of Executive whose appraisal year is calendar year will have to be completed as per the following schedule :

Part-I	To be filled by the Appraisee	05th January
Part-II	To be filled by the Reporting Officer	12 January
Part-III	To be filled by the Reviewing Officer	15th January
	Overall Evaluation	22nd January
	All reports to reach HOP, Region	25th January
	All reports to reach HRM Deptt. CC	31st January

10.2 It is the responsibility of the HOP of the region to obtain the previous AARs of the employees from their erstwhile organisations.

**POWERGRID CORPORATION OF INDIA LIMITED
(CORPORATE HR APPRAISAL GROUP)**

INTER OFFICE MEMO

FROM: DGM (HR)

TO: ALL HOPs of Region/RLDCs

REF: C/HR/APP/2009

DATE: 12th October, 2009

Subject: Introduction of New Appraisal Formats for E1 to E5 and E6 to E7A level Executives.

A New Performance Appraisal format has been designed for Executives in the levels E1 to E5 and E6 to E7A in line with the formats prescribed by PSEB. This has been done keeping in mind the DPE, OM dated 18th October, 2005. The adoption of changed Performance Appraisal formats shall inter-alia facilitate cascading of MOU to individual levels, help in its achievement and bring about uniformity.

It has been decided to introduce the New Performance Appraisal Formats from the calendar year 2009 for executives in the level of E1 to E5 and financial year 2009-2010 for executives in the level of E6, E7 & E7A.

The New Performance Appraisal Format is divided into four parts viz.

- Performance
- Competencies
- Values
- Potential Appraisal.

The above four parts are to be rated and marked separately.

Key Features of the New Appraisal formats:-

- Key Result Areas (KRAs) have to be set after mutual discussions between the appraiser and appraisee.
- KRAs are to be aligned with MOU targets of the Corporation as far as possible.
- KRAs should be made objective with specific targets for completion. The target should be either in a Number/ Date/Days or Percentage.
- The progress on the KRAs are to be reviewed by the Reporting Officer.
- At the end of the appraisal period the appraisee would be required to fill actual achievement against each KRA.
- The appraiser shall discuss the actual achievements of appraisee at the end of appraisal period and record the contents of discussion.

- The appraiser shall award marks for the appraisal period in four parts of the Performance Appraisal Formats viz.
 - Performance
 - Competencies
 - Values
 - Potential Appraisal.

The concept of KRA and target setting training has been discussed in all regions for all HOD level positions through KRA sensitization workshops. Illustrative KRAs have been developed in the workshops in order to facilitate the understanding of KRA finalization in actual practice. Similar practice has been followed in Corporate Centre for specific groups.

Marking System in the New Performance Appraisal Formats :

Appraisal Parameters	Marks E1 to E5	Marks E6 to E7A
Performance	75	65
Competencies	15	15
Values	05	10
Potential	05	10
Total	100	100

Following is the time schedule to be followed in the appraisal process:-

Sl. No.	Particulars	E1 to E5	E6 to E7A
1.	Distribution of AAR by CC to Regions or PDF format made available in the HR web site.	12 th October 2009	12 th October 2009
2.	Regions to organize KRA formulation exercise at RHQ	All Regions to organize KRA sensitization workshop and give guidance on filling up of new appraisal formats.	All the regions shall organize and complete KRA formulation workshop for E6 to E7A level executives on or before 30.11.2009 . In this meeting review of previous 6 month work may be done for E6 to E7A level and writing of KRA for the next six months may be undertaken.
3.	Final Review	The new appraisal formats shall be used for filling of AARs for the year ending 2009.	The Final Review Exercise for E6 to E7A level may be organized by Regional HR between April 1st and April 15th 2010 . The appraiser and appraisee shall discuss the past performance and record the same in the AAR. Then the appraiser, reviewing authority

			and countersigning authority shall complete the marking in AAR and send it to Corporate Appraisal Group. In this meeting itself the KRA for next financial year shall be finalized and signed between the appraiser and appraisee. The completion of review discussion and formulation of new KRA shall be sent to Dir. (Personnel) by HOP of the regions.
4.	Last date for receipt of completed AAR at Corporate Appraisal Group	15 th January'2010	30 th April 2010.

The new Performance Appraisal Formats for E1 to E5 and E6 to E7A level is enclosed for reference. Regions can organize sensitization workshops if required.

All other terms, condition and rules of Appraisal and Promotion policy shall remain unchanged.

This issues with the approval of Competent Authority.


 (Meenakshi Davar)

to any public activity or interest and which causes unwarranted invasion of the privacy of the individual. CIC in its order dated 24.09.2013 has held that this was 3rd party information and also confidential in nature, hence, the information was denied under the exemption from disclosure clauses of the RTI Act. The CIC has also taken the similar stand in the past vide order dated 15.7.2013.

Point No. 5, 8, 10 & 12

Same as point no. 4 regarding the CPC proceedings.

The documents in respect of candidates considered for promotion at each level along with promotion orders consist of 173 pages (approx.). Accordingly, as per the provision of RTI Act, 2005, you are advised to pay an amount of Rs. 346/- (Rupees three hundred and forty six only) at the rate of Rs.2/- per page as prescribed by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India.

Payment towards photocopy charges can be made through Demand Draft (DD), Bankers Cheque or Indian Postal Order (IPO) in the name of "Power Grid Corporation of India Ltd.", payable at Gurgaon, Haryana. On receipt of above stated amount, documents shall be forwarded to you.

Point No. 6

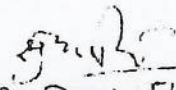
Same as point no. 4 for evaluation done by all Corporate Promotion Committees. Corporate Promotion Committee makes its recommendation taking into account the Academic Background, Performance Appraisal Reports, potential for elevation, interview before the Corporate Selection Committee and other relevant factors.

Point No. 11

The date of conducting the Corporate Promotion Committees since 7.12.2007 for the posts i.e DGM to AGM, AGM to GM and GM to ED is attached. Annex-II.

Thanking You,

भवदीय,


(सुधीर मित्तल) 21-12-13

महाप्रबंधक(के.आ.)एवंके.लो.सू.अधिकारी

Attach: As above

etc

Annexure-1

EXTRACTS FROM THE MINUTES OF 59TH BOARD MEETING HELD ON 24 SEP, 1996.

Any Other Item (Item No. 59.1.4):-

Confirmation of resolution relating to Ratification of the decision taken by CMD vide note dated 4.4.94 relating to the eligibility criteria for the post of GM:-

- 4.1. At this stage CMD referring to the circular memorandum dated 16.9.96 relating to the eligibility criteria for the post of AGM/GM etc. which was circulated to all the eight Directors, and four Directors including the Chairman and Managing Director but excluding Director (Personnel) have approved the resolution by circulation; while Sh. Ajay Dua, JS (System), Ministry of Power is away on foreign tour and other two Directors had not responded CMD further informed the Board members that in view of position explained above and in terms of Section 289 of the Companies Act, 1956, the resolutions as circulated were approved by the majority of Directors through circulation on 16.9.96.
- 4.2. At this stage, Director (Projects) and Director (Operations) handed over their notes dated 23.9.96 to the Chairman and Managing Director. The observation of the Director (Projects) was to the effect that ratification relates to the decision dated 4.4.94 which is two year old. The Chairman explained that the Director (Projects) had joined the Corporation only on 20.3.96. Regarding the observations of the Director (Operations), the Chairman stated that the decision dated 4.4.94 which is being ratified is already signed by Director (Operations) as is evident from Annexure to the Circular Memorandum. Shri R P Singh, Director (Personnel) did not participate.
- 4.3. In view of the above the following Resolutions as ratified by the Circular Memorandum, were confirmed:
 1. "Resolved that for consideration of the post of GM: Total minimum service of 5 years in DCA and

AGM scale put together out of which minimum 1 year service in AGM laid down vide decision dated 4.4.94 be and is hereby approved, confirmed and ratified with effect from the date of the said decision i.e. 4.4.94".

"Resolved that the appointment made by the CMD based on total minimum service of 5 years in EGM & AGM scales put together out of which minimum one year service shall be in AGM scale is hereby approved, confirmed and ratified".

"Resolved that the eligibility period for appointment of DGM to the post of AGM shall be minimum 2 years services is hereby approved, confirmed and ratified".

"Resolved that the eligibility period for appointment to the post of both AGM & GM may be relaxed at the sole discretion of Chairman & Managing Director upto maximum of 6 months in exceptional cases, is hereby approved, confirmed and ratified".

"Resolved that the decision that the post of AGM & GM may be filled up by CMD as per work exigency/need basis is hereby approved, confirmed and ratified".

"Further resolved that all the decision taken by the CMD with the concurrence of all the functional Directors on 4.4.1994 and all actions taken by CMD on the basis of the said decisions is hereby approved, confirmed and ratified".

POWER GRID CORPORATION OF INDIA LTD
(CORPORATE PERSONNEL DIVISION)

April 4, 1994

Subj: Eligibility criteria for promotion of
General Manager to Executive Director

After taking over the various constituent organizations during the past three years, the different activities such as Operation & Maintenance of existing transmission system, construction of new Transmission system and strengthening of inter & intra-Regional links have increased manifold and assumed new significance in the present scenario of reforms taking place in the POWER SECTOR.

During the coming period of CONSOLIDATION and GROWTH, not only close monitoring is required over on going and new activities but also high level interaction with various outside AGENCIES/INSTITUTIONS is a must for organizational survival and successes. For effectively carrying out these responsibilities, few more posts at top level of the management i.e. EXECUTIVE DIRECTOR are to be created/operated. The operating of these additional posts will help in achieving smooth functioning of the organization and in providing career growth avenues to the eligible and deserving internal talent.

For the promotion (appointment) to the post of Executive Director, minimum period in the GM scale one has to put up is not spelt out anywhere. It is basically on work exigency basis. However, during initial period of regionalisation and expansion of NTPC, the practice was to consider those employees who were in the PB grade and had completed one to two years of service in the scale of General Manager (Rs.7250-200-8250) for the post of EXECUTIVE DIRECTOR (Rs.8250-200-9250).

In POWERGRID, different cultures have been blended to evolve new work systems/culture. The organization is being restructured as approved in the recent Board meeting and Regional concept is being introduced. The organization has challenging task of construction & operation and Maintenance of Transmission System through out the country apart from establishing Regional Lead Dispatch and Communication Systems and formation of National Grid. Thus, we need highly motivated top level executives at the level of Executive Director from the deserving internal talent. It is, therefore, proposed that eligibility period for consideration of promotion (appointment) from General Manager to Executive Director be kept as two years service initially in the scale of

Contd...2/

K. S. Srinivasan

Rs. 7250- 200-8250 and may be reviewed after three years depending upon the future plan of the company. This proposal is in line with the Govt. practice of considering General Manager's with 2 years experience for the post of Directors.

It is also proposed that the eligibility period may be relaxed at the sole discretion of Chairman & Managing Director by 6 months approximately in exceptional cases, as applicable for E6 & E7 level executives to meet organisational exigencies, if any.

STANDARD DATE :

Generally top level positions are filled on work exigencies basis. The same practice is being followed in most of the Public Sectors. Further, our company is in the stabilisation stage. It is, therefore, proposed that the post may be filled as and when need arises.

May kindly approve the following:-

1. In the initial year eligibility period for consideration of promotion (appointment) from General Manager to Executive Director as 2 years service in the scale of Rs. 7250-200-8250. The period may be reviewed after three years depending upon the future plan of the Company.
2. The eligibility period may be relaxed at the sole discretion of Chairman and Managing Director by 6 months approximately in exceptional cases.
3. The posts to be filled on work exigencies/need basis.

Submitted please.

(S K HARUAL)
GENERAL MANAGER (P&A)

ED (CS&P)

DIRECTOR (PERS)

CHD

ED(CSP)

G.M.(P&A)

P. C. ... 28/04/54

29/4/54

29/4

POWER GRID CORPORATION OF INDIA LIMITED
NEW DELHI.

CONFIDENTIAL

Extracts from the Minutes of the 43rd meeting of the Board of Directors held on Monday the 31st July, 1995 at (Noon) at the Registered office of the Company i.e. Floor, Hemkunt Chambers, 89, Nehru Place, New Delhi 110 019.

Item No. 44.2.6:- (Para 44.2.6.1.)

Confirmation of decision taken by Board members by circulation vide note dated 6.7.95 relating to relaxation of eligibility period from two years to one year for consideration of promotion (Appointment) to the post of Executive Director:-

Board considered the proposal in detail, approved the same and passed the following resolution:-

"Resolved that the decision taken by all the members of the Board in circulation to the proposal given in note dated 6.7.1995 approving eligibility period of promotion from two years to one year in the scale of pay of Rs.7250-200-9150 for consideration of promotion (Appointment) to the post of Executive Director be and is hereby confirmed and ratified".

Certified to be true copy
For Power Grid Corporation of India Ltd.

Company Secretary

ED (WR & HRM)

POWER GRID CORPORATION OF INDIA LIMITED
NEW DELHI

Extracts from the minutes of the 132nd meeting of POWERGRID Board of Directors held on Monday the 29th July, 2002 at 3.30 p.m. at POWERGRID Board Room, Sarai Office, New Delhi.

Item No. 132.2.11: (Para No. 132.2.11.1)

Appointment of Sr. Level Executives i.e. E8 and E9 levels -
Reconsideration of standard date for the purpose of calculating
eligibility period.

The Board was informed that last year with the approval of the Board the standard dates for the purpose of calculating the eligibility period for promotion/appointment of Sr.level Executives of E7 to E7A, E7A to E8 and E8 to E9 was changed to 1st April with a view to bringing uniformity in standard date for calculating the eligibility period of persons under consideration for these posts. However, it was observed that appointments to Sr.level Executives i.e. E8 and E9 are based on availability of vacancy/work exigencies and it would not be appropriate to wait for a fixed date of a year in view of the administrative exigencies. Therefore the proposal had been put up for reconsideration and shifting of the standard date to 1st day of the month with a grace period of 30 days in which CPC/interviews are conducted instead of 1st April presently in vogue. The Board considered the proposal, approved the same and passed the following resolution:

"Resolved that the standard date of eligibility for appointment in the level of GM (E8) and ED(9) be considered as on 1st day of the month (with a grace period of 30 days) in which CPC/interviews are conducted instead of 1st April which is presently in vogue. Resolved further that CMD POWERGRID be and is hereby authorized to implement the decision with immediate effect"

For kind information pl.

KD (HR)

20/7/02

20/7/02

Divya Tandon
DIVYA TANDON
Company Secretary
POWERGRID

POWER GRID CORPORATION OF INDIA LIMITED
NEW DELHI.

CONFIDENTIAL

Extracts from the minutes of the 117th meeting of POWERGRID Board of Directors held on Friday the 15th June, 2001 at 2.30 p.m. at Cecil Hotel, Shimla, HP.

Item No.117.2.3: (Para No.117.2.3.1)

Change in the Standard Date for the purpose of calculating eligibility period for promotions/appointments of Senior level Executives i.e. E-7 to E-7A, E-7A to E-8 and E-8 to E-9:-

117.2.3.1. ED(HR) explained the proposal to the Board. After deliberations the Board approved the same and passed the following resolutions:

"Resolved that the standard date relating to eligibility period for the purpose of promotions/appointments of senior executives i.e. from E-7 to E-7A, E-7A to E-8 and E-8 to E-9 levels be taken as 1st April every year (with a grace period of one month) w.e.f. 01.04.2001, as is in the case of executives at lower levels and CMD, POWERGRID be and is hereby authorized to implement the said decision.

Resolved further that CMD, POWERGRID be and is hereby authorized to constitute and convene Corporate Selection Committee based on the organizational requirements, exigencies and availability of vacancies for such promotions/appointments"

* * *

For kind information and necessary action please..

ED (HR)

Divya Singh
DIVYA SINGH
Ch. Secy.

ED (HR)

उत्तरदाता

13/07/01

30/7/2001

28/7/01

Annex-II

**DATES OF CSCs CONVENED FOR CONSIDERING CANDIDATES
FOR THE POST OF AGM, GM & ED SINCE 7.12.2007**

Sl.No.	Year	E8 to E9	E7A to E8	E7 to E7A
1.	2007	Nil	Nil	05-06/12/2007 (Wed-Thurs)
2.	2009	24-25/4/2009 (Fri-Sat)	18-20/11/2009 (Wed-Thurs-Fri)	21-23/11/2009 (Sat-Sun-Mon)
3.	2011	22-23/2/2011 (Tue-Wed)	01-02/06/2011 (Wed-Thurs)	25-26/07/2011 (Mon-Tue)
4.	2012	1-2/12/2012 (Sat-Sun)	16-17/01/2013 (Wed-Thur)	25-01-13 (Fri)

109
19/12/13

ANND III

Delhi High Court
Thdc India Ltd vs R.K.Raturi on 8 July, 2014

Author: Manmohan

30

§~

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P. (C) 903/2013
THDC INDIA LTD Petitioner
Through: Mr. Neeraj Malhotra with Mr. Prithu
Garg, Advs.

versus

R.K.RATURI Respondent
Through: Mr. R.K. Saini, Adv.

§ Date of Decision : 08th July, 2014

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

JUDGMENT

MANMOHAN, J: (Oral)

1. The present writ petition has been filed challenging the order dated 04th January, 2013 passed by the Central Information Commission (for short „CIC“) whereby the petitioner has been directed to provide photocopies of the DPC proceedings including the comparative grading statement pertaining to the recommended candidates as well as ACRs of the appellant himself for the period mentioned by him in his RTI application.

2. The relevant portion of the impugned order is reproduced hereinbelow:-

—4. We have carefully considered the contents of the RTI application and the response of the CPIO. The objective of the Right to Information (RTI) Act is to bring about transparency in the functioning of the public authorities. All decision making in the government and all its undertakings must be objective and transparent. It is only by placing the details of all decision making in the public domain that such objectivity and transparency can be ensured. Therefore, we do not see any reason why the DPC proceedings, specially, the comparative gradings of those recommended for promotion should not be disclosed. It is not at all correct to claim that such information is held in a fiduciary capacity. After all, the DPC operates as a part of the administrative decision making process in any organisation. The material that it considers is also generated within the organisation.

Therefore, it is not correct to say that the DPC proceedings including the recommendations made by it can be said to be held by the public authority in a fiduciary capacity. About the ACRs of the Appellant, the Supreme Court of India has already held that the civilian employees must be allowed access to their confidential rolls, specially when these are held out against them in the matter of their career promotion. Following the Supreme Court order, the Department of Personnel and Training, we understand, has already issued a circular for disclosure of ACR.¶

3. Mr. Neeraj Malhotra, learned counsel for the petitioner submits that the impact of the impugned order passed by CIC is that the petitioner would be required to give information pertaining to DPC proceedings including the comparative grading statement pertaining to the recommended candidates, which information is excluded under the provisions of Sections 8(1)(e) and 8(1)(j) of the RTI Act. He emphasizes that the information directed to be released pertaining to other employees of the petitioner is being held by the petitioner in fiduciary capacity and would amount to disclosure of personal information.

4. Sections 8(1)(e) and 8(1)(j) of the RTI Act are reproduced hereinbelow:-

"8. Exemption from disclosure of information. --(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,--

xxx xxx xxx

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

xxx xxx xxx

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person. |

5. Mr. Malhotra also submits that as some of the information sought for pertains to third party, provisions of Sections 11(1) and 19(4) of the RTI Act would be applicable. Sections 11(1) and 19(4) of the RTI Act are reproduced hereinbelow:-

- 11. Third party information.--(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

xxx xxx xxx
19. Appeal .-
xxx xxx xxx

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.¶

6. On the other hand, Mr. Saini, learned counsel for the respondent submits that it is difficult to comprehend that any public interest would be served by denying information to the respondent with regard to DPC proceedings including the comparative grading statements pertaining to the recommended candidates as also photocopy of respondent's ACR containing the remarks of the reporting and the reviewing officers as well as accepting authority.

7. Mr. Saini points out that the respondent himself is a Government servant working in the same corporation and was considered by the selection committee for promotion in the said DPC proceedings. Hence, according to him, the respondent has a right to seek information regarding DPC proceedings including the comparative grading statements pertaining to the recommended candidates.

8. In support of his submission, Mr. Saini relies upon a judgment of the Supreme Court in Dev Dutt v. Union of India and Others (2008) 8 SCC 725 wherein it has been held as under:-

—36. In the present case, we are developing the principles of natural justice by holding that fairness and transparency in public administration requires that all entries (whether poor, fair, average, good or very good) in the Annual Confidential Report of a public servant, whether in civil, judicial, police or any other State service (except the military), must be communicated to him within a reasonable period so that he can make a representation for its upgradation. This in our opinion is the correct legal position even though there may be no Rule/G.O. requiring communication of the entry, or even if there is a Rule/G.O. prohibiting it, because the principle of non-

arbitrariness in State action as envisaged by Article 14 of the Constitution in our opinion requires such communication. Article 14 will override all rules or government orders.¶

9. Mr. Saini lastly submits that there is no question of compliance of pre-condition and pre-requisite of Section 11(1) read with Section 19(4) of the RTI Act.

10. Having heard learned counsel for the parties, this Court finds that in the case of Arvind Kejriwal v. Central Public Information Officer AIR 2010 Delhi 216, a Coordinate Bench of this Court has held that service record of a Government employee contained in the DPC minutes/ACR is "personal" to such officer and that such information can be provided to a third party only after giving a finding as regards the larger public interest involved. It was also held in the said judgement that thereafter third party procedure mentioned in Section 11(1) of the RTI Act would have to be followed. The relevant portion of the judgment in Arvind Kejriwal is reproduced hereinbelow:-

—21. This Court has considered the above submissions. It requires to be noticed that under the RTI Act information that is totally exempt from disclosure has been listed out in Section 8. The concept of privacy is incorporated in Section 8(1)(j) of the RTI Act. This provision would be a defense available to a person about whom information is being sought. Such defence could be taken by a third party in a proceeding under Section 11(1) when upon being issued notice such third party might want to resist disclosure on the grounds of privacy. This is a valuable right of a third party that encapsulates the principle of natural justice inasmuch as the statute mandates that

there cannot be a disclosure of information pertaining to or which „relates to“ such third party without affording such third party an opportunity of being heard on whether such disclosure should be ordered. This is a procedural safeguard that has been inserted in the RTI Act to balance the rights of privacy and the public interest involved in disclosure of such information. Whether one should trump the other is ultimately for the information officer to decide in the facts of a given case.

xxx xxx xxx

25. The logic of the Section 11(1) RTI Act is plain. Once the information seeker is provided information relating to a third party, it is no longer in the private domain. Such information seeker can then disclose in turn such information to the whole world. There may be an officer who may not want the whole world to know why he or she was overlooked for promotion. The defence of privacy in such a case cannot be lightly brushed aside saying that since the officer is a public servant he or she cannot possibly fight shy of such disclosure. There may be yet another situation where the officer may have no qualms about such disclosure. And there may be a third category where the credentials of the officer appointed may be thought of as being in public interest to be disclosed. The importance of the post held may also be a factor that might weigh with the information officer. This exercise of weighing the competing interests can possibly be undertaken only after hearing all interested parties.

Therefore the procedure under Section 11(1) RTI Act. ||

11. This Court is also of the opinion that the finding of public interest warranting disclosure of the said information under Sections 8(1)(e) and 8(1)(j) of the RTI Act and the procedure contemplated under Sections 11(1) and 19(4) of the RTI Act are mandatory in nature and cannot be waived. In the present case, CIC has directed the petitioner to provide DPC minutes to the respondent without considering the defence of the petitioner under Section 8(1)(e) of the RTI Act and without following the procedure specified under Sections 11(1) and 19(4) of the RTI Act. It is pertinent to mention that Sections 11(1) and 19(4) of the RTI Act incorporate the principles of natural justice. Further, in the present case no finding has been given by CIC as to whether public interest warranted such a disclosure.

12. However, this Court is of the view that the respondent is entitled to the contents of his own ACR after redaction of the names of the reviewing, reporting and accepting officers. In fact, another coordinate Bench of this Court in *THDC India Ltd. v. T. Chandra Biswas* 199(2013) DLT 284 has held as under:-

–9. While the learned counsel for the respondent has contended before me that the respondent ought to have been supplied with the ACRs for the period 2004 to 2007, the respondent has not assailed that part of the order of the CIC. In my view, while the contention of the respondent has merit, which is that she cannot be denied information with regard to her own ACRs and that information cannot fall in the realm of any of the exclusionary provisions cited before me by the learned counsel for the petitioner i.e. Section 8(1)(d), (e) and (j), there is a procedural impediment, in as much as, there is no petition filed to assail that part of the order passed by the CIC.

9.1. In my view, the right to obtain her own ACRs inheres in the respondent which cannot be denied to the respondent under the provisions of Section 8(1)(d), (e) and (j) of the RTI Act. The ACRs are meant to inform an employee as to the manner in which he has performed in the given period and the areas which require his attention, so that he may improve his performance qua his work.

9.2 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. See *Dev Dutt vs. Union of India* (2008) 8 SCC 725 at page 732, paragraph 13; page 733, paragraph 17; and at page 737, paragraphs 36, 37 and 38.

9.3 Mr Malhotra sought to argue that, in Dev Dutt's case, the emphasis was in providing information with regard to gradings and not the narrative. Thus a submission cannot be accepted for more than one reason.

9.4 First, providing to an employee gradings without the narrative is like giving a conclusion in judicial/quasi-judicial or even an administrative order without providing the reasons which led to the conclusion. If the purpose of providing ACRs is to enable the employee to assess his performance and to judge for himself whether the person writing his ACR has made an objective assessment of his work, the access to the narrative which led to the grading is a must. [See *State of U.P. Vs. Yamuna Shankar Misra and Anr.*, (1997) 4 SCC 7]. The narrative would fashion the decision of the employee as to whether he ought to challenge the grading set out in the ACR.

9.5 Second, the fact that provision of ACRs is a necessary concomitant of a transparent, fair and efficient administration is now recognized by the DOPT in its OM dated 14.05.2009. The fact that the OM is prospective would not, in my view, impinge upon the underlying principle the OM seeks to establish. The only caveat one would have to enter, is that, while providing the contents of the ACR the names of the Reviewing, Reporting and the Accepting Officer will have to be redacted.¶

13. Consequently, this Court is of the view that ACR grading/ratings as also the marks given to the candidates based on the said ACR grading/ratings and their interview marks contained in the DPC proceedings can be disclosed only to the concerned employee and not to any other employee as that would constitute third party information. This Court is also of the opinion that third party information can only be disclosed if a finding of a larger public interest being involved is given by CIC and further if third party procedure as prescribed under Sections 11(1) and 19(4) of the RTI Act is followed.

14. Accordingly, the present writ petition is allowed and the matter is remanded back to CIC for consideration of petitioner's defences under Sections 8(1)(e) and Section 8(1)(j) of the RTI Act and if the CIC is of the view that larger public interest is involved, it shall thereafter follow the third party procedure as prescribed under Sections 11(1) and 19(4) of the RTI Act.

15. With the aforesaid observations and directions, the present writ petition is disposed of.

MANMOHAN,J JULY 08, 2014 NG

(7) Before taking any decision under sub-section (i), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. Exemption from disclosure of information

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- ✓(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- (f) information received in confidence from foreign Government;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- ✓(h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

PROVIDED that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

PROVIDED FURTHER that those matters which come under the exemptions specified in this section shall not be disclosed;

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

PROVIDED that the information which cannot be denied to the Parliament or State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

PROVIDED that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

COMMENTS

Sec. 8(1) imposes certain restrictions on the freedom of information, under which the Central Public Information Officer or State Public Information Officer may, for reasons to be recorded in writing, withhold the information, the disclosure or contents of which are exempted from disclosure for any of the grounds mentioned in cls. (a) to (j) of s. 8(1). Under cl. (a) information, the disclosure or contents of which will prejudicially affect the sovereignty and integrity of India or security of State or international relations shall be withheld. Subject to this clause, any information relating to any occurrence, event or matter which has taken place occurred or happened twenty years before the date on which any request is made under s. 6 shall be provided to any person making a request under that section.

9. Grounds for rejection to access in certain cases

Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. Severability

(1) Where a request for access to information is rejected on the ground that it relates to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;