

From:- Prem Shanker Nagar,

Date

~~-08-2014~~ 15/10/2014

Address :- E-171 Ram Nagar Ext.,
Sodala, Jaipur, Rajasthan

Email id:- psnagaradvocate@gmail.com

To,

Shri Sudhir Mittal – General Manager (C.P.)

Central Public Information Officer

Powergrid Corporation Of India Ltd.,

Saudamini Plot No- 2, Sector 29

Gurgoan 122 001.

Email id - smittal@powergridindia.com

Subject:- Information under RTI act.

Reference:- 1 My application dated 2nd December 2013 seeking information under RTI act.

2. Your reply ref noCP/RTI/2013/143 of 27th December 2013.

3. My application to appellate authority and his reply.

Dear Sir,

Please refer my above application for seeking the information under RTI act from you on the matter related with the promotion of executives in POWERGRID. You have replied under ref no CP/RTI/2013/143 of 27th December 2013. Not satisfying with the above I have requested to the appellate authority(Copy enclosed) and the information has not been furnished by POWERGRID on the ground that the application to the appellate authority was not submitted within the time frame. It shows your intention of not providing the said information. It appears that proper procedure as per policy and rules are not followed in the promotion of executives by POWERGRID and now you are not providing the information by taking the wrong defense of RTI Section 8ij which is not correct.

I I have requested for the promotion policy of POWERGRID for promotions for the posts from DGM to AGM ,AGM to GM ,GM to ED. Basically I intend to know the complete policy that how the employee of above cadre are considered for promotion in next higher cadre and what are the written policy followed for promoting the employee in the above cadre but the information is given only for the eligibility period. Kindly confirm that no other policy guidelines, documents etc. except the

information sent to me is available for promotion in the above cadre and no guide lines to CPCs are available for consideration of promotion.

2. The information sought at point no 3, 4, 5,6,7,8 and 9 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 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 rulesing 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.

As informed to me that my application to appellate authority was not within the time frame I am submitting application once again for providing the following information .Kindly provide me the following information as per RTI act.

1. Kindly give me the copy of Annual Appraisal Policy of Power Grid Corporation of India Ltd for the following cadre of executives 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.

2. The promotion policy 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.

The copy of above policies may please be given to me.

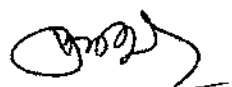
3. Procedure of moderation of Annual Appraisal Reports if applicable for the promotion levels of (a) Chief Manager to DGM (b) Deputy General Manager to Additional General Manager. (c) Additional General Manager to General Manager (d) General Manager to Executive Director and the reports of moderation committee from 01-04-1996 to 2014 for all above levels.

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

5 Copy of evaluation sheet for the evaluation done by all Corporate Promotion Committees since 01-04-1996 till date and the criteria followed by all 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.

Promotions of Chief manager to DGM

6. The year wise contents of all Annual Appraisal Reports or ranking of annual appraisal reports or the marks of Annual Appraisal Report (whichever is applicable) presented to Corporate Promotion Committees or considered by CPC and the marks/ ranking given by CPC for consideration of Promotion to all the Chief Managers considered for promotion to the post of DGM since the date 01-04-1999 till 31-12-2004.



7. 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 all Chief Managers considered for promotion to the post of DGM after 01-04-1996 till 31-12-2004.

8. The proceedings of all Corporate Promotion Committees for the consideration of promotion from Chief Manager to DGM since the date 01-04-1999 till 31-12-2004 .The list of candidates considered verses the promotion orders issued for Chief Manager to DGM promotion during this period.

Promotions of DGM manager to AGM

9. The year wise contents of all Annual Appraisal Reports or ranking of annual appraisal reports or the marks of Annual Appraisal Report (whichever is applicable) presented to Corporate Promotion Committees or considered by CPC and the marks/ ranking given by CPC for consideration of Promotion to all the DGM considered for promotion to the post of AGM since the date 01-04-1999 till today.

10. 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 all DGM considered for promotion to the post of AGM after 01-04-1999 till today.

11. The proceedings of all Corporate Promotion Committees for the consideration of promotion from DGM to AGM since the date 01-04-1999 till today .The list of candidates considered verses the promotion orders issued for DGM to AGM promotion during this above period.

Promotions of AGM to GM

12. The year wise contents of all Annual Appraisal Reports or ranking of annual appraisal reports or the marks of Annual Appraisal Report (whichever is applicable) presented to Corporate Promotion Committees or considered by CPC and the marks/ ranking given by CPC for consideration of Promotion to all the AGM considered for promotion to the post of GM since the date 01-04-2000 till today.

13. 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 all AGM considered for promotion to the post of GM after 01-04-2000 till today.

14. The proceedings of all Corporate Promotion Committees for the consideration of promotion from AGM to GM since the date 01-04-2000 till today .The list of candidates considered verses the promotion orders issued for AGM to GM promotion during this above period.

Promotions of GM to ED

15. The year wise contents of all Annual Appraisal Reports or ranking of annual appraisal reports or the marks of Annual Appraisal Report (whichever is applicable) presented to Corporate Promotion Committees or considered by CPC and the marks/ ranking given by CPC for consideration of Promotion to all the GM considered for promotion to the post of ED since the date 01-04-2001 till today.



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 all GM considered for promotion to the post of ED after 01-04-2001 till today.


17. The proceedings of all Corporate Promotion Committees for the consideration of promotion from GM to ED since the date 01-04-2001 till today .The list of candidates considered verses the promotion orders issued for GM to ED promotion during this above period.

The as informed earlier in your letter no CP/RTI/2013/143 of 27th December 2013.that information can not be provided as per section 8ij of RTI act is not valid in view of the reason explained above and the facts brought out in my letter to appellate authority(copy enclose) this may kindly be kept in mind while replying This may be taken as my application for furnishing the information under RTI act and kindly provide the information within the time frame of the act.

Kindly arrange to send all the above information with scanned copy of original documents in CD. I am submitting the necessary fees of Rs. 60/- (Rupees 10 for application fee and Rs. 50/- towards the cost of CD) vide DD No. 545160 of Rs. 60/- dated 15/10/14 of SBBJ, Df Bank in favour of Central Public Information Officer payable at Gurgaon Kindly also send the information to my above email id if it's possible to load the content through mail.

Thanking You

Your sincerely


Prem Shanker Nagar

SBBJ DCC Banipark
Jai Pawar

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

To,

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

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.

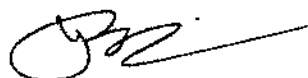
Dear Sir,

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. The details for the same are given below.

1 I have requested for the promotion policy of POWERGRID for promotions for the posts from DGM to AGM ,AGM to GM ,GM to ED. Basically I intend to know the complete policy that how the employee of above cadre are considered for promotion in next higher cadre and what are the written policy followed for promoting the employee in the above cadre but the information is given only for the eligibility period. Kindly confirm that no other policy guidelines, documents etc. except the information sent to me is available for promotion in the above cadre and no guide lines to CPCs are available for consideration of promotion.
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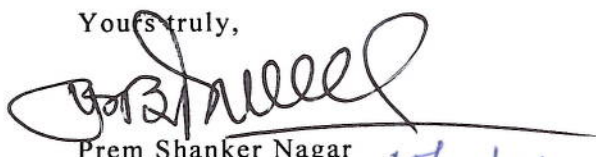
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Kindly arrange to send the information as sought by me in my previous application and also issue the show cause notice to the information officer that why penalty should not be imposed upon him under section 20(1) of the RTI act for prima facie denying 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

15/10/19