

पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अभिनियम 2005 के अंतर्गत अपीलिय अधिकारी
Appellate Authority under the RTI Act, 2005
केन्द्रीय कार्यालय, 'सौदामिनी', प्लॉट नं.2, सैक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007

Ref: C/CP/AA/RTI Act, 2005

Date: 3rd August, 2015

Smt. Ramabharti Sharma
C/o Sh. P K Sharma, Engineer (CS)
Power Grid Corporation of India Limited
400kV Kishenpur Substation, Via Dansal, Jammu

Appeal letter dated: 2nd July, 2015

Public Authority: Power Grid Corporation of India Ltd., Corporate Centre, Gurgaon.

Respondents: 1. General Manager (CP)&CPIO, Corporate Centre, POWERGRID, Gurgaon.
2. Dy. CVO, Corporate Centre, POWERGRID, Gurgaon.

ORDER

Grounds of Appeal

The Appellate Authority, Corporate Centre, POWERGRID has received an appeal dated 2nd July, 2015 from Smt. Ramabharti Sharma under RTI Act, 2005. Earlier, an application dated 25th May, 2015 was filed by the applicant with the CPIO, Corporate Centre, POWERGRID, Gurgaon, under RTI Act, 2005 to obtain following information related to charge sheet issued to Shri P. K. Sharma (Husband of the applicant), Emp. No. 50890, Storekeeper, Jammu in the year 2012:

- (1) Why recovery was not made prorata basis as per Stores Management Systems Manual, Vol-I, Clause 2.8 from all the concerned officials for the shortages which was reportedly written off with a meagre amount of Rs.25,039?
- (2) Is it not essential to lodge FIR, if a departmental enquiry is initiated in a theft case resulting in shortage of materials ?
- (3) After enactment of Right to information Act, 2005, can the company destroy the vigilance files for closed cases without intimation/consent of concerned penalized officials ?
- (4) Is it a fact that always the penalty is reduced if an appeal is made to the Appellate authority ?

Information sought has been provided to the applicant by CPIO, Corporate Centre vide letter dated 5th May, 2015. The applicant has now filed an appeal before the Appellate Authority, Corporate Centre stating that reply to the point No. 3 only has been replied, whereas the information sought at point Nos. 1, 2 & 4 has not been provided.

On receipt of the appeal, comments/opinion of the CPIO, Corporate Centre and Dy. CVO were sought and relevant papers perused. CPIO, Corporate Centre stated that on receipt of the RTI request, the desired information was sought from concerned department and based on the inputs provided by concerned department, information sought was provided to the applicant vide letter dated 26th June, 2015.

Dy. CVO stated that information sought by the applicant was in the nature of query and are not covered under the definition of "Information" as per the RTI Act, 2015. As per the Act, the information available in material form can only be supplied. Seeking query, interpretation, clarification and opinion, etc. are not covered under the Act. Accordingly, as per the provisions of Clause 2(f) of the RTI Act, 2015 information has not been provided.

Dy. CVO further stated that the reasons for initiation of minor penalty proceedings against Shri P. K Sharma were intimated through Memorandum No N2JM/VIG/ STS/ 2002/ 1252-56 dated May 3, 2002. Also a detailed speaking order while imposing the penalty by the Disciplinary Authority vide order No. N2JM/VIG/STS/2002/1362-67 dated September 20, 2002 and by the Appellate Authority upon considering his appeal on decision of the Disciplinary Authority vide order No. CC: VIG:2:2001:2/294 dated December 12, 2002 were issued. Copy of order(s) passed by the Disciplinary Authority as well as of Appellate Authority has already been provided to the applicant in response to her another RTI application dated April 06, 2015. Accordingly, there is no further information available for furnishing to the applicant.

Decision: On going through the records and explanation given by CPIO, Corporate Centre and Dy. CVO, it appears that the applicant is seeking queries, explanation from the public Authority, which do not qualify as queries for information. CPIO is not supposed to answer questions of the information seeker when these are in the nature of seeking an opinion, views or interpretation of Laws /Rules etc. Mandate of the appellate authority is to ensure that a citizen has access to information as it exists. The RTI Act provides that the requestee may seek any information that is available with the Public Authority. The provisions of the RTI Act do not entail public authority for giving any explanation in any matter.

In view of the above and clarification given by CPIO and Dy. CVO, I am of the opinion that CPIO has already replied to the applicant as per the provision of the RTI Act, 2005. As such, no further action is required from the Appellate Authority.

The appeal is accordingly disposed off.

Yours sincerely,


Appellate Authority 03/08/15

To: Smt. Ramabharti Sharma
C/o Shri P. K. Sharma, Engineer (TL/CS/Store)
Power Grid Coproration of India Limited
400kV Kishenpur Substation, Via Dansal, Jammu

Copy to: 1. General Manager (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon
2. Dy. CVO, Corporate Centre, POWERGRID, Gurgaon