

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No 01/2023 (File No.VSSC/RTI/7-3094)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 03.11.2022 (received in this office on 07.11.2022) had sought certain information pertaining to Service Associations in VSSC for the past 15 years in 23 queries from 'a' to 'w'. In order to furnish reply to the RTI application, the queries were sent to the custodian of records. On receipt of the information from custodian of records, CPIO vide letter dated 30.11.2022 informed the appellant that the information sought are available in 28 pages and for disseminating the information he has to pay Rs. 56/- as the cost of information. Subsequently on receipt of the amount, CPIO vide letter dated 09.12.2022 disseminated the information except for query No. b, j and f to the appellant. Query No. b & j was transferred to the CPIO, DOS vide letter dated 30.11.2022 for furnishing information directly to the appellant. Against query No.f it was conveyed to the appellant that the consent from third party is awaited. Later vide letter dated 20.12.2022, CPIO informed to the appellant that information sought against query No.f could not be disseminated in view of the dissent received from third parties. Not satisfied with the replies of CPIO, the Appellant has filed an appeal dated 07.01.2023 before the undersigned.

2. Prayers in the appeal

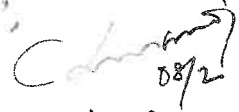
In the appeal, the Appellant has raised allegations against the replies furnished by CPIO as detailed in the statement enclosed as Annexure (9 pages).

3. निर्णय/DECISION

The observations made against the allegations raised by the appellant on the reply furnished by CPIO against his RTI application dated 03.11.2022 is detailed in the Annexure enclosed (9 pages). The decision pertaining to individual queries have also furnished in the Annexure.

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4. This Appeal is disposed of at Thiruvananthapuram on the 8th day of February, 2023 accordingly.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


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(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/

मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील्य प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No. 02/2023 (File No.VSSC/RTI/7-3114)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: **Shri Anil Kumar B**
Sr. Head, PGA/CPIO
VSSC

1. **Background**

RTI application dated 05.12.2022 (received by transfer from ISRO, HQ on 06.12.2022) had sought information pertaining to the details of existing rocket technologies developed by ISRO and their blue print for his research work. CPIO collected relevant information from the custodian of records and disseminated the information vide letter dated 15.12.2022. Since the application was filed online, CPIO disseminated the reply against the RTI application through Online Portal on 16.12.2022. However, the Appellant has filed an appeal dated 16.01.2023 before the undersigned.

2. **Prayers in the appeal**

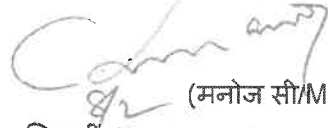
CPIO has not provided the information within stipulated time limit.

3. **निर्णय/ DECISION**

- a. On perusal of the records brought before me, it is observed that CPIO furnished the information against the queries in the RTI application filed by the Appellant within the time limit. In the appeal petition, the Appellant has not raised any allegation against the reply furnished by CPIO, but has stated that the reply was not furnished within the time limit.
- b. The RTI application dated 05.12.2022 filed by the appellant, seeking information was received by CPIO on 06.12.2022 (online) by transfer from ISRO, HQ. Subsequently, CPIO disseminated the information vide letter dated 15.12.2022 and disposed the same through online on 16.12.2022. As per the RTI Act, the information sought for is required to be disseminated within 30 days from the date of receipt of application. It is also emphasized that priority of CPIO is to disseminate the information at the earliest to the appellant and the same is upheld in the instant case. Subsequently a submission was received from the Appellant vide email dated 26.01.2022 stating that the reply against his RTI enquiry was received and requested to close the appeal.

c. Since, the information has been disseminated within the prescribed time limit I do not find any merit in the prayer of the Appellant. In the light of the submission made by the Appellant the appeal stands disposed off as "withdrawn".

4. This Appeal is disposed of at Thiruvananthapuram on the 8th day of Feb, 2023 without further intervention.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.



(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC/IISU

disposed order on 13/12/23

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील्य प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No(s). 03/2023 & 04/2023 (File No.VSSC/RTI/7-3133)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 22.12.2022 (received in this office on 23.12.2022) had sought the following information. The copies of revision authority letters based on which the pension has been revised as per Gazette notification: Resolution dated 16.05.2017 (Enhancement of Index of Rationalization from 2.57 to 2.67 for level 13) in respect of officers retired between 01.01.2016 to 01.07.2017 from VSSC as Scientist/Engineer-SF in Level-13. CPIO collected relevant information from the custodian of records and vide letter dated 09.01.2023, provided a copy of Office Memorandum No.A.12021/11/2016-I dated 12.07.2017 (12 Pages) based on which the pension revision was made. Since the application was filed online, CPIO disseminated the reply through Online Portal on 10.01.2023 and the Annexure through e-mail dated 10.01.2023. Not satisfied with the reply of CPIO, the Appellant has filed two appeals (both dated 17.01.2023) before the undersigned.

2. Prayers in the appeal

CPIO has provided incomplete, misleading or false information. In the appeal petition, he has clarified that "he has also requested to provide copies of pension revision letters issued by VSSC to the officials who retired between 01.01.2016 to 01.07.2017 from VSSC as Scientist/Engineer-SF in Level-13."

3. निर्णय/ DECISION

- a. On perusal of the records brought before me, it is observed that the RTI application dated 22.12.2022 filed by the appellant, seeking information was received by CPIO on 23.12.2022. The information sought was the Copies of revision authority letters based on which Pension has been revised for the Sci/Engr-SF at level-13 for those who had retired from 01.01.2016 to 01.07.2017.

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- b. As the referred OM was the basis of which pension revision has been made, the action of CPIO is in order. But from the appeal, it is understood that the intention of the appellant is to obtain Copies of Pension Revision Orders issued to other employees and the same is considered to be personal information to certain extent.
- c. In this context, I refer herein the decision of Hon'ble Supreme Court of India (*Girish Ramachandra Deshpande vs. Central Information Commission & ors.* SLP© No.27734 of 2012 dated 03.10.2012 in File No. CIC/CAGIN/A/2018/153860-BJ dated 16.04.2020 wherein it was held as the aspects governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any activity or public interest and may cause unwarranted invasion of privacy of that individual. In a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right. In the instant case, the information sought by the appellant pertains to personal information, ie; pension revision letter is issued to each individual which is deemed personal and hence the decision of CPIO to disseminate 'only the Office Memorandum' on the basis of which pension revision has been made is in order.
- d. Notwithstanding the above, I observe that all the information contained in the Pension Revision Orders are not personal and in order to promote transparency, the undersigned hereby direct CPIO to provide the copies of Pension Revision Letters issued by the authority in respect of officers (Scientist/Engineer-SF in Level-13) who retired from VSSC during the period 01.01.2016 to 01.07.2017, after severing all personal information viz. Name, address, bank a/c details, nominees etc. at the earliest. Further, the appellant is hereby informed that no further appeal will be accepted by the FAA against this RTI query.
4. This Appeal is disposed of at Thiruvananthapuram on the 9th day of February, 2023 accordingly.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

1.

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील्य प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No 15/2023 (File No.VSSC/RTI/7-3119)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 11.12.2022 (received in this office on 12.12.2022) had sought certain information pertaining to LTC excess claim recovery from pensioners. As the appellant had earlier filed another RTI application dated 07.03.2022 seeking information related LTC, CPIO rejected the RTI application vide letter dated 09.01.2023 informing the appellant that he had previously filed an RTI application seeking the details related to LTC availed by VSSC employees, recovery of excess claim from retired employees etc. and an appeal against the same RTI application was disposed by FAA vide proceedings dated 09.06.2022. It is also informed to the applicant that he has not availed the opportunity for inspection of documents for remaining information but has filed RTI applications on the same subject for very similar information on different occasions connected to the reply provided against his previous RTI query, and hence the sought information could not be provided. Not satisfied with the reply of CPIO, the Appellant has filed the present appeal dated 21.01.2023 before the First Appellate Authority.

2. Prayers in the appeal

CPIO denied the sought information.

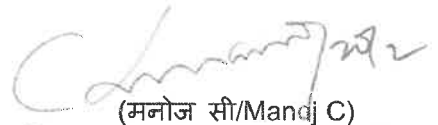
3. निर्णय/DECISION

- a. On perusal of the records brought before me, it is observed that the Appellant had sought 11 queries about the LTC availed by the officials of VSSC vide an earlier application dated 07.03.2022 filed by him. As the sought information was scattered in different files and not available in a compiled format, CPIO vide letter dated 25.03.2022 informed the appellant to visit and inspect the relevant records available in VSSC. Not satisfied with the reply of CPIO, the appellant had filed an appeal before the FAA, VSSC vide appeal petition dated 19.04.2022. The appeal was disposed vide proceedings dated 09.06.2022 and disseminated the available information against query Nos.1 & 8 to the appellant. The Appellant was also advised to avail the

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the opportunity provided by CPIO for inspecting the relevant records in the first place. It is also observed that instead of availing the opportunity provided for inspection of records for obtaining information related to LTC, the appellant is seeking pieces of information, related to the same subject based on the information disseminated by the Public Authority by filing another application dated 11.12.2022.

- b. The appellant is advised to refer to the decision dated 25.06.2014 by Hon'ble CIC in which it is viewed that when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or advised by his lawyer, or for any other reason. He should ask all possible aspects of information about subject matter, in the first ever available opportunity itself. Even if he does not, it is presumed by law that he asked for that and was refused after due trial. Therefore, the decision of CPIO to reject his RTI application of 11.12.2022 is in order.
 - c. It is observed that in the appeal petition, the appellant has mentioned that he is gathering the sought information for the purpose of redressing the grievance of some retired employees. However, I observe that the stated purpose would be better served if the appellant makes use of the offer for inspection of records, which would be permissible even now, as part of disposal of this appeal.
4. This Appeal is disposed of at Thiruvananthapuram on the 20th day of February, 2023 accordingly.
 5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Mandj C)
प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No.06/2023 (File No.VSSC/RTI/7-3135)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. **Background**

Application dated 11.12.2022 (received in this office on 28.12.2022) had sought certain information related to the status of PO, return of BG/FD etc. pertaining to 10 number of purchase orders issued by VSSC, under RTI Act, 2005. The application was forwarded to the custodian of records and after collecting relevant information from the custodian of records, CPIO furnished part reply vide letter dated 24.01.2023 within the prescribed time limit to the Appellant as full information was not received from the custodian of records. Not satisfied with the reply of CPIO, the Appellant has filed the present appeal dated 09.02.2023 before the First Appellate Authority.

2. **Prayers in the appeal**

1. No response against query No.B received within the time limit.
2. Status of short closure is incomplete and incorrect.
3. No response against query No. D received within the time limit.
4. Against query No.E information provided was incomplete and misleading. It is not clear from the information provided why the FDR is not returned even after one year.

3. **निर्णय/DECISION**

- a. On perusal of the records brought before me, it is observed that the Appellant had sought information concerning the POs, return of BG/FD etc. pertaining to the following 10 number of purchase orders issued by VSSC, under RTI Act, 2005:

1. 3515 2018 E1 1520 0101 dated 29.11.2018
2. 3515 2019 00 3666 0101 dated 22.10.2019
3. 3515 2018 E1 1525 0101 dated 12.12.2018
4. 3515 2018 00 5391 0101 dated 09.01.2019
5. 3515 2018 00 5937 0101 dated 11.02.2019
6. 3515 2018 00 5920 0101 dated 06.02.2019

7. 3515 2018 00 5571 0101 dated 25.01.2019
8. 3514 2018 00 5599 0101 dated 29.01.2019
9. 3515 2019 00 4813 0101 dated 07.01.2020
10. 1200 2017 E1 096 0103 dated 24.09.2018

- b. CPIO furnished part reply vide letter dated 24.01.2023 against RTI application 11.12.2022 informing the Appellant that information against query No.B & D will be disseminated to him as soon as the same is received from the custodian of records. But before disseminating the remaining information received from the custodian of records the Appellant filed the present appeal before the undersigned. Therefore the allegation raised by the Appellant that no response against query No. B & D received within the time limit is not true to the facts.
 - c. In the appeal petition the Appellant has contended that status of short closure furnished by CPIO are incomplete and incorrect as the information against purchase orders referred in SI Nos. 1 and 3 are not sought by the Appellant and the purchase order numbers 3514 2018 00 5410 0101 dated 21.01.2019 and 3514 2020 00 1639 0101 dated 01.01.2021 are omitted by CPIO. On perusal of his RTI application dated 27.12.2022 it is noticed that the appellant has sought information related to the PO numbers referred in SI No. 1 and 3 and not included the PO Nos 3514 2018 00 5410 0101 dated 21.01.2019 and 3514 2020 00 1639 0101 dated 01.01.2021 in the list furnished in his RTI application. Therefore the allegation raised by the appellant is unfounded. CPIO has not denied any information sought by the Appellant.
 - d. Another part in the appeal is that against query No.E information provided was incomplete and misleading. It is not clear from the information provided, why the FDR is not returned even after one year. The query No. E in the RTI application was that "Give the time schedule for the return of FDR/BG to the vendor". The reply furnished by CPIO against this query was that "Fixed Deposit Receipts submitted against each purchase order can be discharged only on the completion of all the purchase order obligations. Therefore, the Public Authority could not give a cut- off date for return of FDRs." The appellant may note that the reason for not returning FD/BG is not asked against the query No. E. Therefore, the reply furnished by CPIO against Appellant's query No. E is satisfactory. The reason for not returning FD/BG is furnished in the information provided herewith against query No. D and the same is shown in Annexure-I. Neither an interrogation as in the appeal would be answered.
 - e. It is observed that the contentions of Appellant in his appeal petition has no ground and CPIO disseminated the readily available information to the Appellant within the prescribed time limit of 30 days and also informed to the appellant that remaining information will be provided as soon as it is received by CPIO. The delay in furnishing remaining information was due to the additional time taken for gathering information from different custodian of records and it is also observed that there is no intentional delay occurred from the part of CPIO. Therefore, the action of CPIO is in order. The remaining information received from the custodian of records against query No. B & D is disseminated herewith in enclosed Annexure-I (2 pages).
4. This Appeal is disposed of at Thiruvananthapuram on the 23rd day of March, 2023 accordingly.

5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.



(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील्य प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No(s). 07/2023 (File No.VSSC/RTI/7-3134)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 24.12.2022 had sought a bunch of information related to the accreditation of Work Centres, shortlisting of vendors, credentials of vendors with respect to the Tender No. VSSC/Purchase Unit II (AVN)/VS 2021 00 436501 dated 14.12.2021 under RTI Act, 2005. CPIO collected relevant information from various custodians of records and vide letter dated 20.01.2023 disseminated the information to the appellant through online on 23.01.2023. Not contented with the reply of CPIO, the Appellant has filed an appeal dated 11.02.2023 before the undersigned.

2. Prayers in the appeal

CPIO has provided incomplete, misleading or false information. In the appeal petition, the appellant has raised objections against the information provided to Query Nos.1,4,6,7,8,9 &10 in his RTI application.

3. निर्णय/ DECISION

a. On perusal of the records brought before me, it is observed that the RTI application dated 24.12.2022 filed by the appellant, seeking information was received by CPIO on 26.12.2022. CPIO furnished the reply against his RTI application vide letter dated 20.01.2023. In the appeal petition, the Appellant raised objections against the reply for Query Nos.1, 4, 6, 7, 8, 9 &10.

b. Through query No.1 the appellant had sought "the number of Work Centres accredited by VSSC for Test & Evaluation of Avionic packages, list of vendors accredited and the packages accredited to each of them". Vide Annexure-1 of the reply, CPIO had furnished the details sought by the Appellant. But, the appellant has alleged in the appeal that CPIO has provided the list of vendors accredited for

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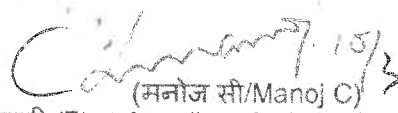
testing, which was not the information sought by him. Also he has requested to provide the copies of accreditation certificates issued by VSSC for Test & Evaluation, which were not provided by CPIO. On perusal of the reply furnished against query No.1 it is noted that, in reply (Annexure-I) it is seen in the foot note that *the vendors mentioned at Sl. Nos.1,2,3,5,6,7,8,9,11,12 & 13 are accredited for Test & Evaluation of avionics packages and the vendors in Sl. Nos. 4,10,14 to 27 are accredited for production level Testing of avionics packages*. Further, the appellant may note that the copies of accreditation certificates had not been requested through query No.1 of his application. Therefore, I hold that the reply furnished by CPIO against query No.1 is comprehensive.

- c. It is observed that in query No.4 of the RTI application, the appellant claimed that in the Pre-bid meeting dated 10.01.2019 held at PRO Conference Hall, Chairman had given assurance that the packages accredited against the existing Work Centres will not be identified under GOCO Mode. CPIO stated in the reply that *no such assurance was given*. In the second part of the query, the Appellant sought, *"whether there are any packages accredited against a Work Centre loaded under GOCO mode, list of such packages and the reason thereof"*. The reply furnished by CPIO was that *"Packages which are identified for GAGANYAAN mission are tested in in-house facility & GOCO facility. This is to comply with the QA requirements of GAGANYAAN Mission"*. Further, CPIO informed to the Appellant that, the list of packages are voluminous and the appellant may visit VSSC and inspect the relevant records available in VSSC on a mutually convenient date. However, the appellant has not availed this opportunity. In the appeal petition, the Appellant has alleged that CPIO has provided incorrect, incomplete and misleading information pertaining to query No.4 of the RTI application. Also, he has requested to provide the copy of the minutes of the said pre-bid meeting dated 10.04.2019 which the appellant had not asked in his RTI application. In this context, the undersigned refer to CIC decision No.CIC/LS/A/2013/001477-SS dated 28.01.2014 that an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Appellant has also alleged that CPIO denied the sought information citing the reason that sought information is voluminous. He has also stated that as per Sec 4(a) of RTI Act, 2005, the information has to be given in digital form and the physical verification of data is against the spirit of RTI act and its amendments. In this context I refer to Section 4(j) which states that Right to information includes the inspection of documents and records. Therefore, the decision of CPIO to provide the opportunity for inspection of documents is not against the spirit of transparency. At the same time, CPIO shall verify whether any information sought by the appellant is available in electronic form and if so the same shall be provided to the Appellant.
- d. Against query No.6 of the RTI application, the appellant sought the information *"whether all the vendors shortlisted by VSSC are meeting the requirements of the vendor pre-requisites as per Para 6 of Terms and Conditions annexed to the enquiry, if not the reason for short listing."* CPIO furnished the reply that *"all vendors are meeting the prerequisites. The short listed vendors have experience either in test and evaluation or production level testing of avionics packages. For short listing the vendors against the referred tender enquiry, both the experiences were considered to be sufficient."* The contention raised by the appellant against this reply is that CPIO provided misleading information and stated that CPIO is bound to provide the proof of documents collected from vendors which is vital for short listing the vendors. The appellant is asking additional information/documents in the Appeal stage which was

not asked by him in the RTI application. As CPIO has provided information pertaining to his query, the objection raised by the appellant has no ground and his request of seeking proof of documents could not be allowed as the information seeker cannot expand the scope of his RTI enquiry at appeal stage.

- e. In query No. 7, the appellant sought the copy of accreditation certificate of shortlisted vendors for GOCO mode of operation. CPIO vide reply dated 20.01.2023 informed the Appellant that the accreditation certificates issued to the firms are third party information and hence it is exempted from disclosure as per Sec 8(1)(d) of the RTI Act, 2005. However, the names of shortlisted vendors were furnished by CPIO against the said query. In the appeal petition, the appellant has alleged that the document requested is the property of VSSC as it is being issued by VSSC and hence the respondent is bound to provide the copy under Section 2(i) of the RTI Act, 2005. Also, he has stated that if the requested information cannot be divulged, the respondent should follow the procedure given in RTI Act, 2005 and the proof must be provided. In this context I refer to the CIC decision dated 25.07.2022 in the case of Asif Khan Vs Agricultural and Processes Food Products Export Development Authority, upholding the decision of CPIO for rejecting the accreditation certificates issued stating that it is commercial third party information. However, the accreditation certificates being third party information, the appellant has right to have access the same with the consent of third parties. Therefore, CPIO is directed to seek concurrence of third parties and dispose off accordingly.
- f. In query No.8 the appellant sought certain credentials pertaining to the vendor who was awarded the contract of GOCO facility for Test and Evaluation in VSSC such as accreditation certificate, proof of experience and proof of existence of experienced manpower etc. As the accreditation issued to firms, their manpower details and experience are third party information and which is exempted from disclosure of information under Sec 8(1) (d) of the RTI Act, CPIO has informed the same to appellant vide reply dated 20.01.2023. The appellant raised the allegation that CPIO denied the sought documents. Since the sought information is the commercial information of a third party which is exempted from disclosure, the reply of CPIO is in order and the allegation raised by the appellant is invalid.
- g. In the query No.9 the appellant had sought the copy of log details of packages from the beginning of the contract till 31st Dec 2022 in a given format. The appellant challenged the reply furnished by CPIO. It is observed that the sought information appears sensitive in nature, and exempt from disclosure under Sec 8(1)(a) of RTI Act, 2005. The same was informed to the Appellant against query No.9 by CPIO. In this case no Public interest is also involved. Hence, I consider the reply furnished by CPIO is in order.
- h. Finally, against query No.10, the appellant had sought the details of work done through GOCO mode and payment made on monthly basis till December 31, 2022 in a given format. According to CPIO the sought information is not available in a compiled format as requested by the appellant and hence the available details as a summary of the work executed on a monthly basis with package type, quantity, number of units and cost was provided as Annexure-2. The Appellant in his appeal petition raised the allegation that the information provided by CPIO against query No. 9 & 10 is contradictory and the information is not provided in the requested format. It is noted that the CPIO disseminated the information in the format which is available. The Public Authority is not mandated to provide the information in the form as requested by the appellant if it is not available in the asked format.

4. This Appeal is disposed of with the aforesaid findings and directions at Thiruvananthapuram on the 10th day of March, 2023.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)
प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

→ 2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No 08/2023 (File No.VSSC/RTI/7-3147 & 3150)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. **Background**

AP 86
8013
vide two application(s) dated 'Nil' (received in this office on 23.01.2023 & 24.01.2023 respectively) had sought information regarding non-payment of salary for the months of November & December 2022. CPIO vide letter dated 01.02.2023, disseminated the information as obtained from the custodian of records to the appellant. On receipt of the reply, the Appellant has filed an appeal dated 06.03.2023 before the undersigned.

2. **Prayers in the appeal**

The Appellant is not satisfied with the reply provided to her against query numbers 1 & 3 and raised certain grievances about not issuing Appellant's salary for the months of November & December 2022.

3. **निर्णय/DECISION**

- (i) On perusal of the records brought before me, it is observed that CPIO had furnished information against all the 3 queries raised in the RTI application. The Appellant has however alleged that CPIO has provided wrong information against query No.1 & 3 of the RTI application. Further, the Appellant raised certain grievances related to not issuing her salary during the months of November & December 2022.

AP 86
8013
Through query No.1, the appellant has sought the reasons for not issuing her salary for November & December 2022. CPIO has furnished the information vide letter dated 01.02.2023, that the appellant Smt. Latha was transferred and relieved of her duties from CPMG/CMSE, Vattiyoorkavu to ATSP/VSSC vide relieving order dated 04.11.2022. But she has not reported to duty in ATSP/VSSC so far and when no work is done, the incumbent is not eligible to get the wages from public exchequer. However, the Appellant has challenged

the reply given by CPIO claiming that she was coming to office during the period and was assigned with the duties also. On examining relevant documents including the copies of documents submitted by the Appellant, it is observed that the CPIO had furnished the reply based on the information available with and therefore I do not find any arbitrariness in the reply furnished by CPIO. A claim otherwise to given reply is to be examined by the competent authority but not in Appeal.

- (iii) At para 3 of the RTI application, Appellant has requested to provide the letter issued to her for withholding her salary. CPIO replied that no letter was required to be issued to an employee for withholding the salary when he/she does not turn up for performing assigned duty. From the reply, it is clear that no such letter was issued by the Authority and CPIO could not furnish a copy of the document which does not exist. Therefore, I do not find any merit in the allegation raised by the appellant.
 - (iv) It is also observed that, the appellant is using RTI Act as a platform for redressing grievances, which is beyond the purview of Appeal under RTI Act. Vide CIC decision(s) dated 17.02.2012 & 06.09.2012 in File No. CIC/SS/A/2011/001615 and CIC/DS/A/2012/000906, the Hon'ble Commission had held that *RTI Act is not the proper law for redressal of grievances/disputes. For redressal of her grievances and for solving the issues, the appellant may approach the appropriate forum.*
4. CPIO has provided all the information available to the appellant against the queries of the RTI application.
 5. This Appeal is disposed of at Thiruvananthapuram on the ^{29th} day of March, 2023 accordingly.
 6. A second appeal, if desired against this decision, may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलिय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

→ 2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No. 09/2023 (File No.VSSC/RTI/7-3251)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. **Background**

four applications dated 11.06.2023 (received on 12.06.2023) had sought information pertaining to the the Advt No. VSSC-324 dated 29.04.2023 for the post of Technician-B (Mechanic Motor Vehicle/Mechanic Diesel), Post Code -1495. CPIO collected relevant information from the custodian of records and disseminated the information vide letter dated 26.06.2023. The Appellant has again filed 2 RTI application dated 14.07.2023, seeking the same information he had sought against query No.1 of his RTI applications dated 11.06.2023. CPIO vide letter dated 20.07.2023 furnished reply to the appellant. However, the appellant has filed an appeal dated 14.07.2023 against his RTI application dated 11.06.2023 before the undersigned.

2. **Prayers in the appeal**

The Appellant has sought clarification on the information provided by CPIO that the reply furnished by CPIO against his query regarding number of online application received is overall discipline wise or the number is specific to the post code 1495.

3. **निर्णय/ DECISION**

On perusal of the records brought before me, it is observed that the appellant had sought the following information regarding the Advt No. VSSC-324 dated 29.04.2023 for the post of Technician-B (Mechanic Motor Vehicle/Mechanic Diesel), Post Code -1495:

1. Number of online application received.
2. Date of examination for the above said post.

CPIO furnished the information against the queries in the 4 RTI applications dated 11.06.2023 filed by the Appellant on 27.06.2023 itself, within the prescribed time limit. It is also observed that CPIO has again provided information against query No. 1 against the 2 RTI applications dated 14.07.2023 filed by the appellant specifying the Post Code.

4. Since, the CPIO has already disseminated the sought information to the appellant, no intervention is found necessary under the Appeal. This Appeal is disposed of at Thiruvananthapuram on the 23rd day of August, 2023 without further intervention.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलिय प्राधिकारी /First Appellate Authority/

मुख्य नियंत्रक/Chief Controller

To

→ 2. CPIO, VSSC/ISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम/THIRUVANANTHAPURAM

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील्य प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No.10/2023 (File No.VSSC/RTI/7-3279)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 05.07.2023 (received in this office on 07.07.2023) had sought information related to the reason for not providing age relaxation for reserved categories such as OBC, SC/ST? against Adv No. VSSC-327 dated 01.07.2023. CPIO vide letter dated 01.08.2023 informed the appellant that Group 'A' Scientific & Technical posts in ISRO/DOS are exempted from the provisions of orders relating to reservation for SC/ST/OBC etc. Not satisfied with the reply of CPIO, the Appellant has filed an appeal dated 04.08.2023 before the undersigned.

2. Prayers in the appeal

In the appeal, the Appellant has alleged that CPIO has not provided details which the appellant sought for in her RTI application and has mentioned the ground for appeal as CPIO provided incomplete, misleading or false information. Therefore, the appellant has requested to provide a clarified reply on the reason for confute of age relaxation as per Government of India Guidelines. Further, the appellant has also requested to provide the available DOS/ISRO guidelines which indicate the reason for not allowing age relaxation in applying ISRO.

3. DECISION

- a) On perusal of the records brought before me, it is observed that the Appellant has sought as to why there was no age relaxation provided for reserved categories such as OBC, SC/ST against the Advertisement No.VSSC-327 dated 01.07.2023. CPIO vide letter dated 01.08.2023 has informed the appellant that Group 'A' Scientific & Technical posts in ISRO/DOS are exempted from the provisions of orders relating to reservation for SC/ST/OBC etc;.
- b) It is observed that the appellant sought the reason for no age relaxation for OBC, SC/ST to apply against the Advt. No.327 dated 01.07.2023 and CPIO has disseminated the information against the query. Further, the appellant in her appeal petition stated that the query in her RTI application was "why age relaxation is not provided for applying and not about category wise reservation of posts"; but CPIO provided information pertaining

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to category wise reservation. While examining the reply furnished by CPIO, it is found that CPIO has clearly mentioned that Group 'A' Scientific & Technical posts in ISRO/DOS are exempted from the provisions of orders relating to reservation for SC/ST/OBC etc.

- c) Since the referred advertisement was meant for recruitment for Group 'A' post, the reply provided by CPIO is accurate and does not need any further clarification. Hence, the reply furnished by CPIO is in order.
 - d) However, the authority presumes that the appellant is a career aspirant and therefore, the appellant is advised to refer the DoPT OM No.36011/1/98/Estt.(Res.) dated 01.07.1998 about age relaxation for SC/ST/OBC candidates, as it applies only when the vacancy is specifically reserved for these categories.
 - e) Further, the appellant has raised a new query (query No.2) at the appeal stage. Attention of the appellant is hereby drawn to the decision of Hon'ble CIC in File No.CIC/LS/A/2013/001477-SS dated 28.01.2014, that an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Hence the request for seeking relevant guidelines available with DOS/ISRO related to age relaxation may not be granted.
4. This Appeal is disposed of at Thiruvananthapuram on the 24th day of August, 2023 accordingly.
 5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम-695022/THIRUVANANTHAPURAM-695022

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील प्रधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No.11/2023 (File No.VSSC/RTI/7-3305)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. **Background**

vide application dated 15.07.2023 had sought certain information pertaining Advt. No.327 dated 01.07.2023 in four queries under RTI Act, 2005. On receipt of the information received from the Custodian of records, CPIO vide letter dated 02.08.2023 furnished reply to the Appellant that the query Nos. 1 & 2 pertains to the reason behind the decision of the Public Authority, which is not coming under the definition of information under section 2(f) of RTI Act, 2005 and the information sought against query Nos. 3 & 4, is not held by this Public Authority. Not satisfied with the reply of CPIO, the Appellant has filed the present appeal dated 08.08.2023 before the undersigned.

2. **Prayers in the appeal**

CPIO denied the sought information and the appellant has appealed to provide:

- The basis of selection of qualification norms for the post code 1517 in the Advt. No.VSSC-327 dated 01.07.2023.
- Reason for rejecting the country wide approved courses conducted by government.
- Why department is not having any information where ME/MTech in Industrial Safety Engineering courses are conducted
- Why department has no information with regard to recognition of ME/MTech. in Industrial Safety Engineering courses
- Why CPIO has not forwarded the query No. 3 & 4 to other Public Authority.

3. **DECISION**

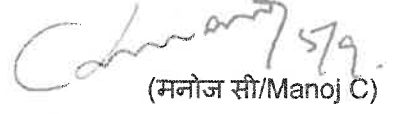
- On perusal of the records brought before me, it is observed that the Appellant had sought 04 queries with reference to the Advt. No.327 dated 01.07.2023 specifying the Post Code No.1517. As the information sought against query Nos. 1 & 2 is not coming under the definition of information under section 2(f) of RTI Act, 2005, CPIO informed the Appellant that the same cannot be disseminated by the Public authority. Similarly, the information against query No. 3 & 4 sought by the applicant is not held by this Public Authority and the same has been informed to the

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appellant. It is also observed that when a candidate applies for the post, the Centre will ensure that he/she possesses ME/M.Tech. from a recognized University/Institute. Therefore, the action of CPIO in disposing the RTI application filed by the appellant is true to facts.

- b. It is also noted that through the prayers i & ii in the appeal petition, the appellant is seeking the reason behind the decision of the Public Authority for selecting the qualification norms for the post code 1517 in the Advt. No.VSSC-327 dated 01.07.2023. Here, the attention of the appellant is invited to the decision of High Court of Bombay at Goa in WP419 of 2007 (in the case of Dr. Celsa Pinto V Goa State Information Commission) that *"the definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The Public Authorities cannot expect to communicate to the citizen reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about the information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."* Therefore, the reply furnished by CPIO against the query 1 & 2 that the information sought is not coming under the definition of information under section 2(f) of RTI Act, 2005 holds good.
 - c. Through the prayer Nos. iii & iv of the appeal petition, the appellant has sought the reason of not having information available with the Public Authority as to where such qualification ME/MTech. Courses in Industrial Safety Engineering are conducted throughout the country and why such information indicating the recognition of all the ME/MTech. Courses is not available with the Department. The appellant may note that CPIO, while disposing the RTI application has informed the Appellant that information sought is not held by this Public Authority. In this context the attention of the Appellant is drawn towards the judgement of Hon'ble Supreme Court (CBSE vs. Aditya Bandopadhyay & Ors) referred by Hon'ble CIC in File No. CIC/DOP&T/A/2018/170564 dated 05.01.2021 that RTI Act provides access to those information that is available and existing with the Public Authority.
 - d. The appellant through prayer No. v in her appeal petition is asking the reason as to why CPIO has not forwarded the query No. 3 & 4 to other Public Authorities. In this regard the Appellant may note that there may be large number of universities conducting ME/M.Tech Courses in Industrial Safety. In the absence specific data with regard to the Universities/Institutes conducting the above Courses, the information sought by the applicant is exhaustive in nature. Therefore, the applicant was given a reply that *"the information sought by the applicant is not held with this Public Authority"*. Also, as said the Public Authority has no information as to which other Public Authorities the sought information is available with. Hence, the application was not transferred to other Public Authorities. This I find is in order.
4. Therefore, the reply provided by CPIO against the RTI application holds good and this Appeal is disposed of at Thiruvananthapuram on the ...5th day of September, 2023 without further intervention.

5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/

मुख्य नियंत्रक/Chief Controller

To

1

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2. CPIO, VSSC

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम/THIRUVANANTHAPURAM

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No. **12/2023** (File No. VSSC/RTI/7-3314)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 20.07.2023 (received in this office on 21.07.2023) sought information related to OA No.148/2023 filed before Hon'ble Central Administrative Tribunal, Ernakulam in 03 queries. While filing the RTI application, the appellant stated that the said RTI has reference to OA No.368/2017 filed by All India DOS Group- B & C (Non-Gazetted) Employees' Welfare Association before CAT, Ahmedabad on the subject of declaring verification or re-verification of membership of all Non-Gazetted Group-B&C of DOS under clause Rule-5C of CCS (RSA) Rule-1993 and hence raised the following queries:

- i. Certified copies of reply filed or to be filed by VSSC on behalf of all 5 respondents in OA No.148/2023 of Hon'ble Central Administrative Tribunal, Ernakulam
- ii. Certified copies of Annexures attached in reply filed or to be filed by VSSC on behalf of all 5 respondents in OA No.148/2023 of Hon'ble Central Administrative Tribunal, Ernakulam
- iii. Certified copies of details of employees including non-gazetted Group-B provided by VSSC in connection with OA No.148/2023 of Hon'ble Central Administrative Tribunal, Ernakulam

On receipt of the replies from the custodian of records, CPIO vide letter dated 31.07.2023 informed the appellant that VSSC has not filed any reply Statement before the Hon'ble CAT, Ernakulam Bench against OA No.148/2023 as on 25.07.2023 and hence disposed the RTI application by furnishing the available status against the queries of the referred OA. Not satisfied with the reply of CPIO, the Appellant filed an appeal dated 17.08.2023 before the undersigned.


2. Prayers in the appeal

The Appellant alleged that CPIO has not provided information/details which he sought for. The appellant has also stated that the reply furnished by CPIO that "no reply has been filed by VSSC on behalf of 5 respondents against the referred OA No.148/2023 before the Hon'ble CAT, Ernakulam" is not in order. Hence, the appellant requested to provide the sought information in larger interest of employees of ISRO/DOS.

3. DECISION

- a) On perusal of the records brought before me, it is observed that the Appellant has sought 03 queries against OA No. 148/2023 *filed/to be filed by VSSC before the Hon'ble CAT, Ernakulam*. Since no reply statement has been filed by VSSC, CPIO furnished the same against query No.1. As per the answer to query No.1, there is no relevance to query No.2 and hence CPIO replied it as 'Not applicable' in view of reply against query No.1. Further, the appellant may note that a Public Authority cannot disseminate or furnish any information which is sought under the head 'to be filed' as the same is an assumption and which may not be available in records.
- b) Against query No.3, CPIO has furnished the reply that VSSC has not provided any details of employees in connection with OA No.148/2023. In this context, attention of the appellant is invited to the fact that as per RTI Act, 2005 only the information available with the Public Authority can be disseminated to the appellant. Therefore, the allegation raised by the appellant is void and the reply furnished by CPIO is in order.
- c) Further, the appellant has stated in his appeal petition that "*Department of Space (DOS) has already given vetting for the reply against the referred OA which is yet to be filed by VSSC and hence sought the information in larger interest of the employees of ISRO*". In this position, it is to be apprehended that Hon'ble CIC has held that "CPIO can supply only that information which is available in the official records & which is permissible to be disclosed under the provisions of RTI Act (File No. CIC/LS/A/2010/001187, decision dated 18.08.2010). As VSSC has not filed the reply statement against the referred OA before the Hon'ble Tribunal, the reply furnished by CPIO is true.
- d) It is also observed that the appellant, _____ is neither an applicant nor a respondent in the above referred OA filed before the Hon'ble Tribunal. Moreover, the appellant may note that, if a person who is a litigant in a particular case is seeking certified copies or any other documents from a Public Authority which is pending before a Court or Tribunal, he may get the same from the respective Court/ Tribunal itself by abiding the rule laid down by the respective authorities. Similarly, if a third party requests for the certified copies or related documents of such a case, he may request the same from the respective Court/Tribunal through the rules prevailing there. Since the reply against the referred OA has not been filed by VSSC, the reply furnished by CPIO is in order.
- e) In spite of the above, the attention of the appellant is drawn to the provisions of RTI Act, 2005 (Sec-22) that, RTI Act is a general law made by the parliament with the avowed object of dissemination of information and ensuring transparency in the functioning of the Public Authorities and in view of non-obstante clause of Sec-22 of the Act, in case of any conflict regarding "access to information from public authorities", the provisions of RTI Act will prevail over any other law. Here, CPIO provided the available information against the queries of referred OA of the OA which is true to facts. Further, there is no inconsistency between the authorities in obtaining information and hence the appellant being a third party, may request for the certified copies or related documents of the case, from the respective Court/Tribunal through the rules laid down there. *

4. This Appeal is disposed of at Thiruvananthapuram on the 12th day of September, 2023 accordingly.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम/THIRUVANANTHAPURAM

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No.13/2023 (File No.VSSC/RTI/7-3296)

अपीलकर्ता का नाम/

Name of Appellant

प्रतिवादी का नाम/

Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application dated 13.07.2023 sought certain information related to 02 advertisements issued by VSSC, in 07 queries as below:

ie; against A) Advt. No.VSSC-327 dated 01.07.2023

B) Advt. No. VSSC-313 dated 14.12.2019

CPIO vide letter dated 04.08.2023 furnished the information available with and subsequently transferred the queries (in which VSSC is not the custodian of records) under Section 6(3) of the RTI Act to CPIO,DOS for further dissemination of information, directly to the appellant. Not satisfied with the reply of CPIO, the Appellant filed an appeal dated 25.08.2023 before the undersigned.

2. Prayers in the appeal

The Appellant alleged that CPIO has refused access to the information which he sought through the RTI application. The contentions raised by the appellant are as follows:

i) Query was related to the reason for confute of age relaxation against OBC,SC/STcategories for the Scientists posts in VSSC and not about the reservation against OBC,SC/ST categories. The reply/reason provided by CPIO against the query is not clear.

ii) Posts are notified for VSSC and therefore, *non- furnishing the reason/reply by CPIO is not clear.* Hence requested to provide the documents/communication issued by DOS directing VSSC for not giving the details under RTI.

iii) Provide the details showing *the clarifications related to age relaxation is not coming under the purview of definition of information under RTI. Since the question was directly related to public documents and nothing related to any form of interrogation/queries.*

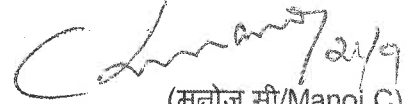
3. DECISION

- a. On perusal of the records brought before me, it is observed that the appellant sought 7 queries against two different advertisements for the recruitment of Scientist/Engineers (Group-A) posts issued by VSSC during the years 2023 & 2019. Among which 02 queries numbered A (1)& B(1), related to the reason for confute of age relaxation against OBC,SC/STcategories for the Scientists posts in VSSC. Similarly queries numbered A(3) & B(2) sought about the criteria for the upper age limit for certain Post Codes against the two advertisements referred in the RTI application.

Contd....2/-

- b. Here, the appellant may note that he had 'sought the reason' through query Nos.A1/B1 from the Public Authority, which will not come under the purview of of information as per section 2(f) of RTI Act, 2005. However, CPIO has furnished a reply to the appellant that Group 'A' Scientific & Technical posts in ISRO/DOS are exempted from the provisions of orders relating to reservation for SC/ST/OBC etc and hence the reply furnished by CPIO is upheld and therefore the contention of the appellant is found invalid. Further, against query Nos. A(3) & B(2) CPIO furnished that the age limit for various posts notified has been fixed in accordance with the prevailing orders issued by DOS/ISRO HQ and thus the sought information is not held by this Public Authority. Subsequently, the queries have been transferred to CPIO, DOS for dissemination of information directly to the appellant which is in line with the provisions of RTI Act, 2005.
 - c. From the appeal petition, it is presumed that the appellant is not convinced of the reply furnished by CPIO and hence the allegation. Here, the attention of the appellant is invited to DoPT OM dated 01.07.1998 clarifying his query related to age relaxation against OBC,SC/ST categories. The OM stipulates that when a relaxed standard is applied in selecting SC/ST/OBC candidates, for example in the age limit, experience, qualification, permitted number of chances in written examination etc; these candidates are counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies. In other words, the age relaxation for SC/ST/OBC candidates applies only when the vacancy is specifically reserved for these categories and hereby clarifies the reply provided by CPIO.
 - d. From the 2nd & 3rd contentions raised in the appeal it is seen that the appellant is not satisfied with the reply furnished against queries A(2), C&D. Here, the appellant may note that being an ISRO Centre, VSSC carries out the recruitment activities as per the instruction/directions issued by DOS/ISRO HQ at respective times. The exemption letter (query no. A(2) & (D) sought by the appellant is not held by this Public Authority which pertains to age relaxation of OBC, SC/ST categories and which inturn is clarified via DoPT OM dated 01.07.1998 (at Para. 3c above) and hence it is seen not relevant to supplement or clarify the same again. Further, the Minutes of the committee meeting (MOM) on selecting different upper age limits for various posts referred in the 2 advertisements is not held by the Public Authority concerned but the CPIO furnished the fact that the upper age limit against different advertisements for various posts notified has been fixed in accordance with the prevailing orders issued by DOS/ISRO HQ and also transferred the query to CPIO, DOS for disseminating information directly to the appellant.
4. In this context, attention of the appellant is invited to the decision of Hon'ble CIC (File No. CIC/LS/A/2010/001187 decision dated 18.08.2010) that "*CPIO can supply only that information which is available in the official records & which is permissible to be disclosed under the provisions of RTI Act*". Here, the information which is available with the Public Authority has already been furnished to the appellant and the information which is not held by VSSC has been transferred to CPIO, DOS for dissemination of information under Sec-6(3) of the RTI Act, 2005 and accordingly disposed the RTI application.

5. Moreover, as per the provisions of RTI Act, 2005 once an RTI application is received, CPIO should disseminate the available information or the information which is held by the Public Authority or the information which is available in official records to the applicant within the stipulated time and if, certain information is not available with the Public Authority, the same has to be transferred to other CPIO under Section 6(3) of the RTI Act, 2005 who is the custodian of the sought information. Here, CPIO, VSSC has provided the information which is available with the Public Authority, even when the appellant sought certain reasons, which are not coming under the purview of definition of information under the Act. Further, the other queries including the minutes of the committee meeting (MOM) in which VSSC is not the custodian of records have been transferred to CPIO, DOS. Nevertheless, CPIO has not rejected any information or never stated not related to public documents. Therefore, I hold that sought information under RTI Act has been given by the Public Authority and hence the contentions made by the appellant are found to be invalid.
6. This Appeal is disposed of at Thiruvananthapuram on the 21st day of September, 2023 accordingly.
7. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.


(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

→ 2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम/THIRUVANANTHAPURAM

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलीय प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No.14/2023 (File No.VSSC/RTI/7-3353)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent : Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. **Background**

vide application dated 23.08.2023 sought certain information related to 'the details of officers serving in Accounts & Administration department of VSSC/ISRO for more than 5yrs'. Since, the sought information is not readily available with the Public Authority, CPIO furnished an interim response vide letter dated 21.09.2023 informing the appellant that the sought information is awaited from the custodian of records and the same will be disseminated soon after the receipt of the information. In order to follow the prescribed time limit under the provisions of RTI Act, 2005, CPIO has furnished the interim reply and sent the same through the e-mail thereby updating the status of the RTI application. Subsequently, on receipt of information from the custodian of records, CPIO vide letter dated 03.10.2023 disseminated the available information and disposed the RTI application through the web portal on 04.10.2023. However, the Appellant filed an appeal dated 16.10.2023 before the undersigned.

2. **Prayers in the appeal**

CPIO has not responded within stipulated time limit & not provided details/furnished incomplete information.

3. **Decision**

- a. On perusal of the records brought before me, it is observed that the appellant has sought the following information:
 - details of officers serving in Accounts & Administration department of VSSC/ISRO for more than 5yrs. (1st part of the query)
 - If any officer is serving in the Accounts & Administration department of VSSC/ISRO for more than 5 yrs provide reason (2nd part of the query)
- b. As per RTI Act, information sought by a citizen has to be furnished by the CPIO within 30 days of receipt of the application. It is to reiterate the Hon'ble CIC decision No.CIC/AT/A/2006/00031 dated 10.07.2006 that, if the time limit could not be adhered to by CPIO, then applicant should be taken in to confidence and periodical progress be apprised to him. It may have been lot better if the CPIO had kept the complainant periodically informed about the stages of the processing of his case and taken him into confidence about the possibility of some delay.

- c. In the instant case, CPIO has to furnish the sought information by 22.09.2023 (application received on 24.08.2023). Since the sought information is not readily available with the Public Authority, CPIO has furnished an interim reply to the appellant on 21.09.2023 which is in line with the above referred CIC decision. It is evident that CPIO has responded within the stipulated time limit, thereby updating the status of the RTI application. Therefore, I do not find any merit in the allegation raised by the appellant.
- d. Further, on receipt of information from the custodian of records, CPIO disseminated the available information to the appellant vide letter dated 03.10.2023 and disposed the RTI application through the Web Portal on 04.10.2023 (11 days in addition to the stipulated time limit). It is also observed from the appellant's statement that, he was expecting the sought information through e-mail and was not aware about the dissemination of information through the web portal. Later the appellant himself confirmed the receipt of interim/final reply vide his e-mail dated 17.10.2023. Therefore, it is directed that the appellant may refer the Guidelines for the use of RTI ONLINE PORTAL which is available in the portal itself for information after filing RTI application/appeal.
- e. Again, the appellant (through his e-mail communication connected with his first appeal) has alleged that the information furnished by CPIO is incomplete. Here, the appellant may note that he has sought the "details of officers" as mentioned at Para.3(a) through his RTI application. Against 1st part of the query, CPIO has furnished that there are 26 officers serving in Accounts & Administration in VSSC for more than 5yrs. Instead of denying information against the 2nd part of the query (as it is a reason behind the decision taken by the Public Authority, which will not come under the purview of definition of information under RTI Act, 2005), CPIO has furnished the reply such that the employees who hold sensitive posts only require periodical rotation. Moreover, the appellant may note that he has sought the details of Officers in which the term "details" mentioned by the appellant is not explicit or can be said that the query raised by the appellant is not specific or not even mentioned a particular period and hence CPIO could not presume "the details" he sought. Therefore, the reply furnished by CPIO is exact to the query and the allegation of the appellant that CPIO has furnished incomplete information is invalid.
- f. In this context, the attention of the appellant is also invited to *Hon'ble CIC decision No. 278/1C/(A)/2006 dated 18/09/2006*. In this decision, it is held that *a CPIO of any public Authority is not expected to create and generate afresh information because it has been sought by an appellant. The appellant is, therefore, advised to specify the required information, which may be provided, if it exists, in the form in which it is sought by him. In addition, if an applicant is seeking information and not specifying the period for which the information is sought, the Public Authority may reject the application citing the aforesaid reason. However, in the instant case, in order to promote transparency, CPIO has provided the available information; thereby upheld the Act in place.*
- g. However, on perusal of the first appeal and connected e-mail communication, it is observed that the appellant has not clarified the term "details" even through the appeal petition and again sought the number of years in which the aforesaid 26 officers are serving in Accounts & Administration areas of VSSC. To uphold transparency and in the true letter & spirit of RTI Act, it is decided to supplement a list of the aforesaid officers indicating the details such as name, designation and number of years in which the officers are serving in Accounts/Administration areas of VSSC as **Annexure (1 Page)**.

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4. This Appeal is disposed of at Thiruvananthapuram on the 31st day of November, 2023 without further intervention.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.

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(मनोज सी/Manoj C)

प्रथम अपीलिय प्राधिकारी /First Appellate Authority/

मुख्य नियंत्रक/Chief Controller

To

1.

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम/THIRUVANANTHAPURAM

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपील्य प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005

Appeal No. 15/2023 & 16/2023 (File No. VSSC/RTI/7-3431/3433)

अपीलकर्ता का नाम/

Name of Appellant

प्रतिवादी का नाम/

Name of Respondent

: Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

vide application(s) dated 14.11.2023 & 15.11.2023 sought certain information related to his LTC Settlement Sanction Order No: 202365/2550 dated 10.05.2023 under RTI Act, 2005. The appellant raised 04 queries against the RTI No. VSSCI/R/E/23/00235 dated 14.11.2023 & 01 query against RTI No. VSSCI/R/E/23/00237 dated 15.11.2023. CPIO vide letter dated 06.12.2023 furnished the available information to appellant against the 05 queries of the two RTI applications. Not satisfied with the reply of CPIO, the Appellant filed two appeal petitions dated 08.12.2023 against the two RTI applications before the undersigned.

2. Prayers in the appeal

In the appeal(s), the Appellant has alleged that CPIO provided incomplete, misleading or false information. The appellant has also raised the following contentions :

- He has sought the details of action taken towards the anomaly reported through query No.(i) of first RTI application (No. VSSCI/R/E/23/00235), but the answer furnished by CPIO is not to the query
- Sought the rationale & compliance of selecting flight combination with longest travel duration with respect to supplementary rules through his query No.(iv), but CPIO furnished only partial reply against the part 'rationale' which is not satisfactory.
- Similarly, he has sought the details of action taken to resolve the anomaly reported in LTC settlement sanction order 202365/2550 dated 10.05.2023 through query No.(i) of his second RTI application (No. VSSCI/R/E/23/00237). But the reply furnished by CPIO is not satisfactory. The appellant has also insisted that, 'if no action is taken,' reply should be 'No action is taken till now'.

3. (a) On perusal of records brought before me, I observed that against query No. (i) & (ii) of the RTI No. VSSCI/R/E/23/00235 dated 14.11.2023, CPIO has furnished the intact reply that the representation submitted by the appellant about his LTC settlement is under examination. Since, it was the action taken as on the date of disposal of the RTI application, the reply furnished by CPIO holds good.

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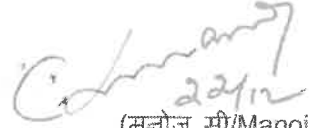
- (b) As per RTI Act, 2005, CPIO has to provide or disseminate only the information which is available as per records or held by the Public Authority under its control. Since, his representation was under consideration, the status (ie; as on 06.12.2023) of his representation has been furnished by CPIO. Hence the allegation raised by the appellant is untrue. Against query No.(iv), CPIO furnished that applicant sought the 'rationale' of the decision of the Public Authority which does not come under the purview of definition of 'information' under Section 2 (f) of the RTI Act, 2005. Here, the allegation of the appellant is that CPIO has provided only part reply against 'rationale' and not furnished anything about the 'compliance' he sought. Since appellant sought the "compliance & rationale" of the decision of the Public Authority, CPIO furnished the reply such that the same will not come under the purview of definition of 'information' under Section 2 (f) of the RTI Act, 2005. Therefore, the allegation of the appellant of providing part information is invalid and the action of CPIO is in order.
- (c) Against query No.(i) of the second RTI No. VSSCI/R/E/23/00237, CPIO furnished the available information pertaining to his representation as per records *that 'the representation submitted by the applicant is under examination'*. As the appellant's representation is under examination for a decision before the authority and no order has been passed, the reply furnished by CPIO holds good and intact. Further, the appellant may note that appellant is directing the authority to provide the reply as 'no action is taken till now' against his query. CPIO is meant to furnish information as per the provisions of RTI Act, 2005 and not there to furnish the reply as expected or insisted by the appellant.
- (d) Further, the appellant may also note that as per Section (6) of the RTI Act, an applicant can get any information which is already in existence and accessible to the Public Authority under law. In the instant case, information sought by the appellant is about the action taken to resolve the anomaly reported in LTC settlement Sanction Order No. 202365/2550 dated 10.05.2023. Since, CPIO has furnished the actual status/ available information against his queries and a decision or orders against his representation is a future course of action, which is not be available in records as on the date of disposal of his RTI application.

4. DECISION

- (a) The appellant has sought certain information pertaining to his LTC settlement claim sanction order through 02 RTI applications. The appellant is an employee of VSSC and has availed LTC. Subsequently, sanction order has been issued to him and certain anomalies were occurred. Against the anomalies, the appellant has represented the matter before the concerned authorities vide letter No: QDMS: PR:01:07/06:23 (to Sr. Head PGA, VSSC) dated 07th June 2023 & letter dated 18th August 2023 (to Chief Controller, VSSC) which is referred in the RTI applications. Since no decision has been passed in the representation, CPIO could only furnish the information which is available as per records as on the date of disposal of RTI application. Hence the reply furnished by CPIO against query No.(i) that the representation submitted by the appellant about his LTC settlement is under examination is intact. Here, the attention of the appellant is invited to Hon'ble CIC decision(s) dated 30.01.2017 & 03.03.2017 in File No.CIC/SB/A/2016/001025/CBECE-BJ that "only such information as is available and existing and held by the Public Authority or is under control of the Public Authority can be provided".

- (b) Further, the appellant sought the 'rationale & compliance' of the decision of the Public Authority through his query No.(iv) of the RTI No. VSSCI/R/E/23/00235 dated 14.11.2023. Since, 'rationale' of the decision of the Public Authority does not come under the purview of definition of 'information' under Section 2 (f) of the RTI Act, 2005, CPIO has furnished the same to the appellant. Therefore, the allegation of the appellant of providing part information by CPIO is invalid and the action of CPIO is in order.
- (c) The third contention raised by the appellant is about the reply furnished by CPIO against query No.(i) of the 2nd RTI application). The appellant may note that he has sought the details of action taken to resolve the anomaly reported in his LTC settlement sanction order. As the representation submitted by the appellant is under examination before the authorities concerned and no order has been passed as on the date of disposal of RTI application filed by him, CPIO has furnished the reply that your representation is 'under examination' and which is exact. Here, the attention of the appellant is also invited to Hon'ble CIC decision dated 30.01.2017 & 03.03.2017 (File No.CIC/SB/A/2016/001025/CBECE-BJ), that *"only such information as is available and existing and held by the Public Authority or is under control of the Public Authority can be provided"*. Similarly, in File No. CIC/LS/A/2010/001187, decision dated 18.08.2010, Hon'ble CIC held that *"CPIO can supply only that information which is available in the official records & which is permissible to be disclosed under the provisions of RTI Act. In other words, "if information is not available in official records it cannot be supplied to the appellant"*. Therefore, the reply furnished by CPIO is intact and is in order.
- (d) The appellant may also note that CPIO has to furnish the information which is available in records and not to create information or to furnish the reply as expected by the appellant. Similarly, the appellant, being an employee of VSSC, has represented the anomalies in connection with the said LTC settlement Sanction Order before the authorities concerned. Since the appellant has sought remedies under the relevant service rules as to address the referred grievance/dispute, he should await the decision of the authority or should wait for the order /communication in this regard before filing RTI applications related to this subject matter. It is apparent that the appellant has used RTI Act as a platform for redressing his disputes/grievances connected with his LTC settlement. In this context, the appellant is directed to refer the Hon'ble CIC decision(s) No(s).CIC/SS/A/2011/001615 dated 17.02.2012 (Sri.Vikram Singh Vs. Delhi Police) & CIC/DS/A/2012/000906 dated 06.09.2012 (Sri. Triveni Prasad Bahuguna Vs. LIC of India), that *"RTI Act is not the proper law for redressal of grievances/disputes. For redressal of his disputes or for resolving the issues related to his service, the appellant may avail suitable remedial options which available under the necessary Service rule provisions."*
- (e) However, in the instant case, it is noted the Competent Authority has examined the representation submitted by the appellant and passed orders on regulating the LTC settlement claims vide letter No.VSSC/EST/I/QDMS/25781/6748 dated 12.12.2023. Therefore, I do not find any merit in the appeal(s) filed before me.

5. This Appeal is disposed of at Thiruvananthapuram on the 22nd day of December, 2023 accordingly.
6. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.



(मनोज सी/Manoj C)

प्रथम अपीलिय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
विक्रम साराभाई अंतरिक्ष केंद्र/VIKRAM SARABHAI SPACE CENTRE
तिरुवनन्तपुरम/THIRUVANANTHAPURAM

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलिय प्राधिकारी की कार्यवाही

PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No.01/2024 (File No.VSSC/RTI/7-3478)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. Background

[vide application dated 10.01.2024 sought certain information related to Advt. No.VSSC-323 dated 29.04.2023. CPIO vide letter dated 02.02.2024 disseminated the available information against the queries raised by the appellant through the RTI application. Not satisfied with the reply of CPIO against query No.(s) a & b of the application, the Appellant filed an appeal dated 16.02.2024 (received on 19.02.2024) before the undersigned.

2. Prayers in the appeal

In the appeal, the Appellant alleged that CPIO has not provided details which the appellant sought for in his RTI application against query Nos. (a) & (b). He has also stated that CPIO provided incomplete, misleading or false information and hence filed the first appeal. The appellant is not satisfied with the reply furnished against the following queries (a & b) of the RTI application.

- Reason for selecting Thiruvananthapuram as the sole Centre for conducting exam against the Advt.No.323 dated 29.04.2023.
- Whether the decision of selecting Thiruvananthapuram as examination centre may pose challenges for the applicants from distant locations.

3. DECISION

- On perusal of the records brought before me, it is observed that the Appellant has sought 10 queries which were numbered 1(a),1(b),1(c),1(d), 2(a), (a), (b),(c), 3(a) & 3(b) connected to Advertisement No.VSSC-323 dated 29.04.2023. CPIO vide letter dated 02.02.2024 has furnished all available information to the appellant against his queries. Among the 10 queries of the RTI application, the appellant has raised contentions only against replies for query No. (a) & (b).
- The appellant sought ***the reason for selecting Thiruvananthapuram as sole exam centre & the said decision pose challenges for applicants from distant locations through query Nos. (a) and (b) respectively.*** Since the queries sought by the appellant are in the nature of question or reason for a decision taken by the Public Authority, CPIO has furnished that the sought information could not be disseminated as the same will not come under the purview of definition of 'information' as per Section 2(f) of RTI Act, 2005. Therefore, I affirm the reply furnished by CPIO is intact and needs no further intervention.

- c) Here, the attention of the appellant is invited to the fact that the Selection of an examination centre in connection with a recruitment process is strictly vested with the concerned Public Authority and reason for such a decision will not come under the purview of definition of information under Section 2(f) of the RTI Act, 2005. It is also to add the fact that, if a notification is released by a Public Authority, the details of notified post such as number of vacancies, eligibility criteria, examination centre, syllabus etc, will be made available in the advertisement itself. It is the choice of the applicant to apply against such post after examining all the viable factors and therefore, whether such a decision pose any challenges to applicant from distant locations is not at all a matter to be dealt with by the CPIO and hence a query questioning the decision of a Public Authority need not be furnished by CPIO, as it will not come under the purview of definition of information under Section 2(f) of the RTI Act, 2005. Therefore, I do not find any merit in the allegations raised by the appellant.
- d) Moreover, as per the provisions of RTI Act, 2005 once an RTI application is received, CPIO should disseminate the available information or the information which is held by the Public Authority or the information which is available in official records to the applicant within the stipulated time. Here, CPIO, VSSC has provided the information which is available with the Public Authority within the stipulated time limit and has also furnished the fact that the queries (a) & (b) will not come under the purview of definition of information. Therefore, I do not find any merit in the prayers of the Appeal petition.
4. This Appeal is disposed of at Thiruvananthapuram on the 04th day of March, 2024 accordingly.
5. A second appeal if desired against this decision may be preferred with the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067, within ninety days from the date on which this decision is received.

 6/13/24

(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/
मुख्य नियंत्रक/Chief Controller

To

2. CPIO, VSSC/IISU

भारत सरकार/ Government of India
अंतरिक्ष विभाग / Department of Space
भारतीय अन्तरिक्ष अनुसन्धान संगठन / Indian Space Research Organisation
विक्रम साराभाई अंतरिक्ष केंद्र / VIKRAM SARABHAI SPACE CENTRE
तिरुवनंतपुरम / Thiruvananthapuram – 695022



सूचना का अधिकार अधिनियम, 2005 के अंतर्गत
प्रथम अपीलपीठ प्राधिकारी की कार्यवाही
PROCEEDINGS OF THE FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005
Appeal No. 02/2024 (File No. VSSC/RTI/7-3503)

अपीलकर्ता का नाम/
Name of Appellant

प्रतिवादी का नाम/
Name of Respondent

Shri Anil Kumar B
Sr. Head, PGA/CPIO
VSSC

1. परिचय

विचारावकाश नियमप्रकार नं. 25.01.2024-ലെ അപേക്ഷയിൽ 15.01.2024-ന് ഓൺലൈൻ ടെൻഡർ ചെയ്തിട്ടുള്ള ജാനിറ്റോറിയൽ കരാർ വർക്കുകൾ സംബന്ധിച്ച് ചില വിവരങ്ങൾ 5 ചോദ്യങ്ങളിലായി ആവശ്യപ്പെട്ടിട്ടുണ്ടായിരുന്നു. രേഖകൾ ശേഖരിച്ചശേഷം, CPIO, 19.02.2024 ലെ കത്ത് മുഖേന ലഭ്യമായ വിവരങ്ങൾ അപേക്ഷകന് വിതരണം ചെയ്തു. CPIO-യിൽ നിന്നും തനിക്ക് ലഭ്യമായ മറുപടിയിൽ തൃപ്തനാകാത്ത അപേക്ഷകൻ 26.02.2024 (FAA-യ്ക്ക് ലഭിച്ച തീയതി 28.02.2024) FAA / VSSC-ക്ക് മുൻപാകെ ഒരു അപ്പീൽ ഫയൽ ചെയ്തു.

2. അപ്പീലിൽ ഉന്നയിച്ചിരിക്കുന്ന ആവശ്യങ്ങൾ

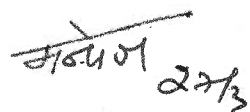
താൻ വിചाराവകാശ നിയമപ്രകാരം നൽകിയ അപേക്ഷയിൽ 3,4,5 ചോദ്യങ്ങൾക്ക് CPIO നൽകിയ മറുപടി തൃപ്തികരമല്ല. അതിനാൽ അപേക്ഷയിലെ പ്രസ്തുത ചോദ്യങ്ങൾക്ക് വിവരങ്ങൾ ലഭ്യമാക്കണം.

3. തീരുമാനം/ഉത്തരവ്

a. എന്റെ മുൻപാകെ ഹാജരാക്കിയ രേഖകൾ പരിശോധിച്ചപ്പോൾ അപേക്ഷകൻ തന്റെ അപേക്ഷയിൽ, 15.01.2024 ന് ഓൺലൈൻ ടെൻഡർ ചെയ്ത ജാനിറ്റോറിയൽ കരാർ വർക്കിനെ സംബന്ധിച്ച് ചില വിവരങ്ങൾ ആരാഞ്ഞതായി നിരീക്ഷിക്കപ്പെടുന്നു. ഈ അപേക്ഷയിൽ ആവശ്യപ്പെട്ടിരുന്ന വിവരങ്ങൾ നിർദ്ദിഷ്ട അധികാരിയിൽ നിന്നും ശേഖരിച്ച ശേഷം CPIO ലഭ്യമായ എല്ലാ വിവരങ്ങളും അപേക്ഷകന് നൽകിയിട്ടുണ്ട്. അപേക്ഷകന്റെ ആദ്യ രണ്ടു ചോദ്യങ്ങളും ഓൺലൈൻ ടെൻഡർ ചെയ്ത ജാനിറ്റോറിയൽ വർക്കുകൾ (15.01.2024) ഏതെല്ലാമെന്നും ആ ടെൻഡറിൽ പങ്കെടുത്ത കമ്പനികൾ ഏതൊക്കെയാണെന്നുമാണ്. CPIO ഇതിനു മറുപടി (അനുബന്ധം - 1 & 2) ലഭ്യമാക്കുകയും അതിൽ അപേക്ഷകന് ഒരു ആക്ഷേപവും ഇല്ലാത്തതുമാണ്.

b. തുടർന്നുള്ള മൂന്നുചോദ്യങ്ങൾ പ്രസ്തുത ടെൻഡറിൽ (ലഭ്യമായ) അംഗീകരിച്ചവ / നിരസിച്ചവ ഏതെല്ലാമെന്നും, അതിൽ കരാറുകൾക്ക് കമ്പനികൾ ക്ലോട്ട് ചെയ്ത യൂണിറ്റ് പ്രൈസ്, ദിവസവേതനം, ജി.എസ്.ടി 18% അടക്കമുള്ള രണ്ട് വർഷ തുക, ഒരു വർഷ തുക കൂടാതെ ഇവയിൽ തിരഞ്ഞെടുക്കപ്പെട്ട കമ്പനികൾ / കരാറുകാർ ആരെല്ലാം എന്നിവയായിരുന്നു. അപേക്ഷാകാലയളവിൽ ഈ ടെൻഡർ സംബന്ധിച്ച നടപടികൾ പൂർത്തിയാക്കാത്തതിനാൽ CPIO-യ്ക്ക് ഈ വിവരം ലഭ്യമാക്കാൻ കഴിയാത്തതും ആ വിവരം അപേക്ഷകനെ 19.02.2024-ന്റെ മറുപടി പ്രകാരം അറിയിച്ചിട്ടുള്ളതുമാണ്. പബ്ലിക് അതോറിറ്റി ഒരു ഓൺലൈൻ ടെൻഡർ ക്ഷണിക്കുകയും പ്രസ്തുത ടെൻഡർ 15.01.2024, 2 മണിക്ക് ഓപ്പൺ ചെയ്തിട്ടുള്ളതുമാകുന്നു. ഒരു ടെൻഡർ പ്രക്രിയ എന്നത് സങ്കീർണ്ണവും വിവിധ ഘട്ടങ്ങളിലൂടെ കടന്നുപോകേണ്ടതും ആണ്. എല്ലാവിധ സൂക്ഷ്മ പരിശോധനകൾക്കും വിധേയമായ ശേഷമേ ഒരു കമ്പനിക്കോ/വെൻഡർക്കോ ഒരു കോൺട്രാക്ട് അവാർഡ് ചെയ്യാൻ സാധിക്കുകയുള്ളൂ. അതുകൊണ്ട് തന്നെ ആ പ്രക്രിയ പൂർണ്ണമാകുന്നതുവരെ പ്രസ്തുത വിവരങ്ങൾ ഒന്നും തന്നെ പബ്ലിക് അതോറിറ്റിക്ക് ലഭ്യമാക്കാൻ കഴിയുന്നതുമല്ല. ഇവിടെ അപേക്ഷകന്റെ വിവരാവകാശനിയമപ്രകാരമുള്ള അപേക്ഷ പരിഗണനയിലിരിക്കുമ്പോൾ ടെൻഡർ പ്രക്രിയ അതിന്റെ വിശകലന സ്ഥിതിയിലായതിനാൽ മറുപടി ലഭ്യമാക്കാൻ കഴിയുമായിരുന്നില്ല. ആയതിനാൽ CPIO ലഭ്യമാക്കിയ മറുപടി തൃപ്തികരമാണ്. മാത്രമല്ല ഓൺലൈൻ ടെൻഡർ നടപടികൾ ഈ പബ്ലിക് അതോറിറ്റിയുടെ സുതാര്യത ഉറപ്പാക്കുകയും ചെയ്യുന്നു.

4. അപേക്ഷകന്റെ അപ്പീൽ പരിഗണിക്കുന്ന വേളയിലും ഈ ടെൻഡർ പ്രക്രിയ പൂർണ്ണമായിട്ടില്ലാത്തതും, അതിനാൽ തന്നെ ഒരു കമ്പനിക്കും കോൺട്രാക്ട് ലഭ്യമാക്കിയിട്ടില്ലാത്തതുമാണ്. അതിനാൽ അപേക്ഷകന്റെ 3.b-യിൽ പരാമർശിച്ചിട്ടുള്ള ചോദ്യങ്ങൾക്ക് (ചോദ്യനമ്പർ 3, 4, 5) വിവരങ്ങൾ ഇപ്പോൾ ലഭ്യമാക്കാൻ കഴിയില്ല. ആയതിനാൽ തുടർനടപടികളില്ലാതെ ഈ അപ്പീൽ ഇന്നേ ദിവസം 27 മാർച്ച്, 2024 ന് തീർപ്പാക്കിയിരിക്കുന്നു.
5. ഈ തീരുമാനത്തിനെതിരായ രണ്ടാമത്തെ അപ്പീൽ ഈ തീരുമാനം ലഭിച്ച തീയതി മുതൽ തൊണ്ണൂറ് ദിവസത്തിനുള്ളിൽ കേന്ദ്ര വിവരാവകാശ കമ്മീഷൻ, ബാബ ഗാങ് നാഥ് മാർഗ്, മൂന്നിൻക, ന്യൂഡൽഹി-110067 എന്ന വിലാസത്തിൽ സമർപ്പിക്കാവുന്നതായിരിക്കും.



(मनोज सी/Manoj C)

प्रथम अपीलीय प्राधिकारी /First Appellate Authority/

मुख्य नियंत्रक/Chief Controller

To

2. CPIO,VSSC/IISU