

CENTRAL INFORMATION COMMISSION

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F.No.CIC/AT/A/2008/01458  
Dated, the 22<sup>nd</sup> April, 2009.

Appellant : Shri Shyam Sunder Khandelwal

Respondents : Coal India Limited

This second-appeal came up for hearing through on 06.04.2009 through videoconferencing. Appellant and respondents were present at the NIC videoconferencing facilities at Jharsuguda and Kolkata respectively. One of appellant's authorized representatives was also present at the hearing at the Commission's New Delhi office, from where the Commission's hearing was conducted.

2. It is seen that all information pertaining to appellant's RTI-application dated 07.07.2008 has been furnished to him except information regarding "*each candidate*", as described by the appellant, regarding "*whether successful or failure, about their marks obtained given in interview, ACR and length of service*" [sic].

3. It is seen from the communication of the CPIO dated 04.09.2008 that he has disclosed all the requested information including ACR gradings in respect of candidates who were successful in the evaluation carried out as part of the promotion exercise by the public authority. Now the appellant wants information in respect of all candidates and not just the successful candidates.

4. It is noted that in regard to disclosure of ACR grades or the numerical value of those grades in respect of candidates other than the petitioner himself, the third-party aspect of the information should have been addressed. The decisions of the CIC regarding disclosure of ACR grades relate to the petitioner's own grades and not of others. A view will need to be taken sooner than later about the disclosure of ACR grades of third-parties to an RTI-petitioner.

5. In this case, however, respondents have voluntarily disclosed ACR-related information along with a host of other information pertaining to the promotion exercise of officers of Mining discipline from M1 to M2 rank for the years 2007-08 and 2008-09. All that needs to be decided is whether this list should also include those who are

unsuccessful in the promotion exercise. I see no reason why the latter information should be withheld when the former information has already been disclosed.

6. Accordingly, it is suggested to the respondents that they may disclose the balance information as well to the appellant covering candidates who came up for evaluation but were unsuccessful in the promotional exercise. This may be done within three weeks of the receipt of this order.

7. Appellant submitted to the Commission during the hearing that he has been unduly harassed by the officers of the public authority in the matter of disclosure of information he had requested through his RTI-application dated 07.07.2008.

8. Commission would expect that CPIOs discharge their duty as transmitters of information to the applicants with the full awareness that they were also required to be the petitioners' facilitators — their friends and guides. Section 7 of the RTI Act casts this obligation / duty on CPIOs. It is, therefore, important that wherever it becomes necessary to return a petition to the applicant due to certain deficiencies, CPIO should attempt to have that deficiency suitably corrected rather than use it as reason for denying or withholding information. A constructive and facilitative approach to the request for disclosure of information goes a long way in building trust between the petitioners and the public authority. CPIOs, therefore, shoulder an important responsibility and it is expected that they rise up to it.

9. Appeal disposed of with the above directions.

10. Copy of this direction be sent to the parties.

( A.N. TIWARI )  
INFORMATION COMMISSIONER