



Central Information Commission

Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2011/001326

Dated: 30.11.2011

Name of Appellant : Shri Sarpal Singh
Name of Respondent : National Commission for Cement &
Building Materials, Ballabgarh
Date of Hearing : 23.11.2011

ORDER

Shri Sarpal Singh, the appellant has filed this appeal dated 29.7.2011 before the Commission against the National Commission for Cement & Building Materials (NCB), Ballabgarh for not providing information to his RTI-request dated 24.5.2011. The matter came up for hearing on 23.11.2011. The appellant was present in person, whereas the respondents were represented by Shri R.K. Goswami, APIO and Advocate Himani Bhatnagar.

2. The appellant filed an RTI-request dated 24.5.2011 seeking information on four queries – "(1) Certified copies of original Annual Performance Appraisal Reports for himself for the period 1996 to December, 2007 and Shri M. Vasudeva, Joint Director for the period 1987 to December 2007; (2) When wrong Information is furnished by APIO and endorsed by the AA whom to contact in NCB for action; (3) Whether the following decisions of Supreme Court are applicable to NCB if not or NCB do not follow the rules which are statutory in nature, then give reasons, (3.1) Supreme Court Judgement AIR 1999 SC1841, 1999(82) FLR143, JT 1999 (3) SC53, Bhagirathi Jena Vs. Board of Directors, O.S.F.C. & Others on 31.3.1999 – payment of all dues after retirement, refer Para 7,9 and 10, (3.2) SC Judgement 1990 SCALE(2) 175, D.V. Kapoor Vs. UOI & Others (1990) RD-SC 224 (7August 1990) – for payment of Gratuity; and (4) In view of above

whether still NCB rules do not consider the above judgments ”. The APIO vide letter No. RTI/2011 dated 13.6.2011 informed the appellant on Point No. 1 – the issue is being dealt separately vide his appeal dated 23.5.2011, on Point No. 2 - all information furnished to him earlier by NCB is correct and on Point No. 3, 3.1, 3.2 and 4 – all these issues are subjudice and exempted u/s 8(1)(h) of the RTI Act.

3. Aggrieved by the reply of the CPIO, the appellant preferred first-appeal dated 23.6.2011 before FAA. The FAA, vide order No. RTI/2011 dated 21.7.2011 informed the appellant on Point No. 1 – The certified copies of APAR cannot be provided for the reason as mentioned in recent reply dated 20.6.2011, on Point No.2 – In case he is not satisfied with reply, he may go for appeal to CIC, on Point 3 & 4 – NCB honours all Supreme Court judgements and implement the relevant judgements.

4. During the hearing the respondent submitted that the appellant’s own APAR was not provided, since he has retired from the job as per clause No. 12, page 12 of Swamy’s Hand Book-2008 which states “Confidential report or a copy of confidential report should not be given to the Government servants who have quitted the Government Service or after his/her retirement”.

5. Having heard the parties and perused the relevant documents, the PIO is hereby directed to provide copies of appellant’s own Annual Performance Appraisal Reports as sought by him on Point No. 1, and provide specific reply relating to his retirement dues and payment of gratuity as sought by him on Point No. 3, **within two weeks** of the receipt of this order. The reply of respondent on Point No. 2 is upheld. Point No. 4 is not ‘information’ as defined u/s 2(f) of the RTI Act.

The matter is accordingly disposed of with the above directions.

(Sushma Singh)
Information Commissioner

Authenticated true copy:

(K.K. Sharma)

OSD & Deputy Registrar

Address of the parties:

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Faridabad-121009 (Haryana)

The PIO,
National Council for Cement & Building Materials,
34 Km Stone, Delhi-Mathura Road (NH-2),
Ballabgarh-121004 (Haryana)

The First Appellate Authority,
National Council for Cement & Building Materials,
34 Km Stone, Delhi-Mathura Road (NH-2),
Ballabgarh-121004 (Haryana)