

Central Information Commission, New Delhi
File No.CIC/SM/A/2011/002510
Right to Information Act-2005-Under Section (19)

Date of hearing : **31 August 2012**

Date of decision : **31 August 2012**

Name of the Appellant : **Shri Naresh Kumar,
House No. 290/4B, Hari Nagar,
Near Nai Annaj Mandi,
Gurgaon, Haryana – 122 001.**

Name of the Public Authority : **CPIO, Department of Personnel &
Training, 2nd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.**

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri K Suresh Kumar, CPIO was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

2. The Appellant did not turn up for the hearing in spite of notice. The Respondent was present in our chamber. We heard his submissions.

3. The Appellant had raised a number of queries regarding the pay scales of the post of chief/head clerk in establishments outside the government ministries in the wake of the 6th Pay Commission recommendations. The CPIO of the Department of expenditure, Ministry of Finance, had transferred the RTI application to the CPIO of the DoPT. That CPIO wrote to the Appellant with the observation that they had no information about officials who were not members of the CSS. However, he had offered some clarification based on the Department of Expenditure OM dated 16 November 2009. Later, the Appellate Authority had disposed of the appeal by endorsing the stand taken by the

CPIO. We also noted that the CPIO in the Department of Expenditure too had responded to the Appellant with the observation that his queries did not amount to information within the meaning of section 2(f) of the Right to Information (RTI) Act and were clarificatory in nature.

4. We have carefully gone through the contents of the RTI application. The Appellant has sought no existing material information; he wants the CPIO/Department to interpret the existing circulars and guidelines on the subject and to offer interpretation/explanation, totally beyond the scope of the Right to Information (RTI) Act. Besides, as the Respondent pointed out during the hearing, the Appellant has also not specified about any particular establishment about which he had wanted this information since the chief/head clerk was not a post found in government ministries. Without such details, it would not be possible to relate the subject of the pay scale of chief/head clerk to any particular set of government circulars or guidelines.

5. The Government of India have issued detailed circulars and guidelines on the applicability of the recommendations of the 6th Pay Commission to various classes of Central Government employees. It is for the individual Ministries and Departments and other Organisations under the Central Government to apply those in individual cases. Wherever there is any doubt or difficulty in understanding the implications of the circulars/guidelines, it is for the respective Ministry/Department/Organisation to take up the issue with the DoPT in file. Routinely, such references are dealt with in the Department of Personnel and Training and appropriate advice is rendered. In the present case also, the Appellant can take up the matter with his own organisation which, in turn, can take up the matter through its administrative ministry with the DoPT for obtaining appropriate advice in the matter. As far as the RTI application goes, we tend to agree with the CPIO that no information could be given since none

exists.

6. The appeal is disposed off accordingly.
7. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar