

Government of Puducherry
Directorate of Economics and Statistics
Puducherry

No.6451/FAA/DES/2009 1140

Dt: 4.5.2009

Proceedings of First Appellate Authority:

Smt. Chitra, 7, Thambu Naicker Street, Puducherry submitted an application under Right to Information to the Public Information Officer, Directorate of Economics and Statistics regarding information under RTI for Eight questions on 11.2.2009.

2. The PIO provided information and reply on 09.3.2009. The information was sought regarding the service particulars of the Statistical staff of the Directorate of Economics and Statistics.

3. Not being satisfied the applicant had filed first appeal before the First Appellate Authority, the Director, Directorate of Economics and Statistics, Puducherry on 17.3.2009.

4. The First Appellate Authority had called both the PIO and the applicant for hearing before him on the 16th April, 2009. The applicant complained that she was not satisfied with the replies of the PIO. The PIO on the complaint has presented that applicant sought for information for eight questions, out of the eight questions, Question No.1 and Question No.8 were straight questions as information available with the PIO for which information available, necessary particulars were provided.

5. The PIO informed that the rest of the 6 questions were in particular concerned about a case pending before the Hon'ble High Court of Judicature, Chennai. The applicant, herself, had filed a case before Hon'ble Central Administrative Tribunal, Chennai against the verdict of which the Government of Puducherry had filed a Writ appeal before the Hon'ble High Court of Judicature, Chennai. The case is pending at present before the Court.

6. The First Appellate Authority reviewed each question and the Information / reply provided by the Public Information Officer.

7. Regarding the second question on vacancy position, which is an available information the First Appellate Authority directed the PIO, to provide information on the vacancies of Statistical officers for which the said Departmental Promotion Committee was held. The First Appellate Authority considering the PIO's pre-occupation with General Election has directed that the particulars to be provided to the applicant on or before 25th May, 2009.

8. The Applicant sought for reasons and interpretation of rules in question number 3. The PIO informed the FAA that the question on seeking reasons and Interpretations of Service rules do not come under the definition of Information under section 2(f) of the RTI Act. The FAA upheld the reply of the PIO.

DDC (Pw)
Web Editor
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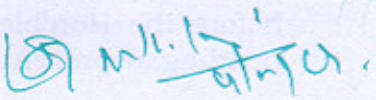
9. On fourth and sixth questions, seeking copies of the note sheets of the proposal sent to Government for the DPC under Trial Court, Minutes of Departmental Promotion Committee under Trial Court and the copy of Stay of the Central Administrative Tribunal's judgement, the PIO informed that the applicant can get the copies under due process of Law from the Trial Court to defend her case. The PIO also cited the Judgement of Chief Information Commission on Appeal No.01/IC(A), 2006 dated 16.02.2006 where Chief Information Commission said that since the matter is sub-judice (in trial before a Court of Law), there is a due process of Law under which the applicant may obtain documents to defend himself in his case before the trial court.

10. Regarding question No.5, the applicant sought for reasons for not providing her promotion. The PIO submitted that seeking of reasons does not come under the purview of definition of Information under Section 2(f) of the RTI Act, 2005. The First Appellate Authority upheld the decision of the PIO.

11. Regarding question No.7, the First Appellate Authority directed the PIO to provide particulars on the number of Counters filed to post the Writ filed by the Directorate to the applicant on or before 25th May, 2009.

12. The First Appellate Authority wish to inform that in the case of the Appellant is not satisfied with the decisions, she has legal right under section 19(3) of the Right to Information Act to file second appeal before the Central Information Commission, Club Building, Old JNU Campus, New Delhi-110 006.

13. The appeal is accordingly disposed of.


(S. VAITTIANADANE)

FIRST APPELLATE AUTHORITY

Copy Forwarded to:

1. Tmt.Chitra - Appellant under RTI., 7 Thambu naicker St, Pondicherry-600 501.
2. Chief Information Commissioner, CIC , New Delhi.
3. The Additional Secretary, Chief Information Commission, New Delhi.
- ✓ 4. The Web Master, Directorate of Economics and Statistics, Puducherry - with a request to place it on the web site www.statistics.puducherry.gov.in