

**CENTRAL INFORMATION COMMISSION**

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**Appeal No. CIC/DS/A/2010/000298**

Appellant : Shri R K Talwar, New Delhi

Public Authority : D/o Posts, New Delhi(through Shri R.K.Gupta, SE(Civil)HQ/CPIO);  
& Shri N.K. Tyagi, Chief Engineer(Civil)Appellate Authority)

Date of Hearing : 26/05/2010

Date of Decision : 26/05/2010

**Facts:-**

The appellant Shri R.K. Talwar, vide his RTI request, **enclosed as per Annexure-I**, dated 14/09/2009, sought information from CPIO, Department of Posts through 23 points largely pertaining to the non-traceability of his ACRs. Due to this, his son Shri Amit Talwar, Architectural Assistant Grade I, could not be considered for promotion by the Screening Committee which met on 26/03/2008.

2. The CPIO, vide his order of 09/10/2009 asked the appellant to deposit the prescribed fee of Rs.42/- for copies of documents sought by him. He, however, informed that documents sought under Sl.Nos.6,7,20&21 were not available in the office of the Senior Architect(P).

3. In respect of para 23, the CPIO clarified that ACRs of officials working under the office of Senior Architect(P) were written in duplicate and original copies were forwarded to DOT from time to time.

4. Not being satisfied by the order of the CPIO, the appellant preferred first appeal dated 04/11/2009 to the first Appellate Authority.

5. The first Appellate Authority vide order dated 01/12/2009 provided additional clarifications in respect of information sought through paras 2(b)&(c), 20, 21&22.

6. Being aggrieved and not be satisfied, the appellant has come before the Commission.

7. The matter was heard today. The appellant and respondents were present as above. Both parties presented arguments before the Commission. The appellant provided copy of Department of Personnel & Training OM No.22011/5/86-Estt.(D) dated 10/04/1989 – para 6.2.1 which clearly provides for action to be taken in case CR for a particular year(s) is not available – para (c) of the said OM.

8. The appellant also drew the attention of the Commission to Annexure VI and Annexure X of his appeal wherein he has enclosed relevant paras of the P&T Manual which prescribe custody and handling of confidential reports which procedure was evidently not followed in this case thereby leading to loss/un-traceability of Shri Amit Talwar's CRs and for which reason he was not considered for promotion in the fore-mentioned DPC thereby denying him promotion opportunity along with his peers.

9. The respondents could not offer any explanation as to why these procedures had not been followed. They neither could provide copy of dispatch and movement register vide which the duplicate CRs of Shri Amit Talwar had been forwarded to DOT.

### DECISION

10. After hearing the arguments presented by both sides and after perusing the facts on records, it is evident that the Department has not adhered to the prescribed procedure in respect of maintenance and movement of ACRs. The Commission drew the attention of the respondents to the 27<sup>th</sup> Report for the year 1976-77 by the UPSC wherein it is observed *“It is the considered view of the Commission that the question of systematic recording and maintenance of character rolls should receive the urgent and careful attention of the Government, so that Government servants are not denied their legitimate promotions on account of administrative lapses. It will be appreciated that the character rolls form the basis of selection for promotion and would, therefore, have a significant effect on career management. It is also necessary to take steps to ensure the utmost objectivity in the writing of character rolls, so that uniform standards could be applied in assessing the officers and selecting them for promotion. The Commission suggests that in order to attend to these matters and to ensure that no Departmental Promotion Committee meeting is delayed due to the absence and incompleteness of character rolls, a Special Cell should be set up in each Ministry/Department entrusted with the task of maintaining up-to-date seniority lists and character rolls of all officers.”*

11. Department of Posts may like to re-visit the procedure currently followed by them in this matter keeping in view the guidelines issued by the Government and the UPSC from time to time and take action accordingly.

12. In keeping with the spirit of the RTI Act, the Appellate Authority has offered to write to BSNL regarding non-availability of the missing CRs and urge them to take action as per the above mentioned Department of Personnel & Training OM of 10/04/1989.

13. The CPIO is directed to provide an **affidavit** to the Commission in respect of the missing information sought vide points 20, 21 & 22 of the RTI application, **within 04 weeks of receipt of this order.**

14. **A copy of the same may be provided to the appellant.**

15. It would be in fitness of things to note that it is unfortunate to see a young executive of Department of Posts/BSNL running from pillar to post in his quest to complete an administrative requirement to ensure his career progression whereas the responsibility of the same lies squarely with the public authority to ensure fair and efficient career management for their employees. There has been considerable apathy in handling this case by the public authority for which the appellant has had to pay dearly in terms of losing time and opportunity for timely promotion.

16. Accordingly, the matter is closed at the Commission's end.

(Smt. Deepak Sandhu)  
Information Commissioner (DS)

Authenticated true copy:

(Tarun Kumar)  
Joint Secretary & Addl. Registrar

**Copy to:-**

1. Shri R K Talwar,  
D-74, Pushpanjali Enclave,  
Pitampura,  
Delhi-110034.
2. The Central Public Information Officer,  
Under RTI Act, 2005,  
M/o Communication & IT,  
Department of Posts,  
Dak Bhawan, New Delhi-110116
3. The First Appellate Authority,  
Under RTI Act, 2005,  
M/o Communication & IT,  
Department of Posts,  
Dak Bhawan, New Delhi-110116
4. The Secretary,  
Department of Posts  
Sanchar Bhawan, Ashoka Road  
New Delhi.
5. Shri Kuldeep Goyal,  
Chairman and Managing Director,  
BSNL  
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Janpath, New Delhi-110001.

