



भारतीय लघु उद्योग विकास बैंक
SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA

By Registered AD

Ref. No.L00086221/RTI/A-15/2018

January 18, 2018

**FIRST APPELLATE AUTHORITY UNDER
RIGHT TO INFORMATION ACT (RTI ACT), 2005
Appeal No.15/2017-18**

**APPEAL UNDER SECTION 19(1) OF THE RTI ACT BY SHRI DOLPHY S D'MELLO
AGAINST ORDER NO.2288 DATED DECEMBER 05, 2017 OF
CENTRAL PUBLIC INFORMATION OFFICER (CPIO) OF SIDBI**

Background:

The Appellant, Shri Dolphy S D'Mello, Deputy General Manager, Small Industries Development Bank of India, MSME Development Centre, 6th Floor, Risk Management Vertical, C-11, G Block, BKC, Bandra(East), Mumbai-400051 has preferred the present appeal dated December 22, 2017 (received by office of First Appellate Authority (FAA) on December 22, 2017) against the Order No.2288 dated December 05, 2017 passed by CPIO.

Not satisfied with the said order, the appellant has preferred this appeal, requesting intervention of FAA in providing him information sought by him in his RTI application.

Observations :

I have gone through the contents of his Appeal dated December 22, 2017, as also the order No.2288 dated December 05, 2017 passed by CPIO in the matter. It is observed that vide his above RTI application; the appellant had sought information relating to office note/other documents of the Appellant recorded in January-February 2013 who hold AD charge of two branches [Morbi Branch & Rajkot Branch (including Jamnagar XBO)]; relevant provisions/ reasons of any policy / guidelines for not considering grant of Personal Promotion(PP) to the undersigned in Grade E w.e.f. May 2015 along with copy of such policy guidelines; continued denial of PP benefits to the

Appellant since May 2015 till date; sealed cover policy applicable in force as on April 16, 2016 containing the definition of disciplinary action contemplated or pending under which promotional results of the officers were eligible to be kept in sealed cover; reasons for keeping the Appellant's promotional result of Grade E for panel year 2016-17 in sealed cover clearly indicating the name of the case / circumstances under which disciplinary action was considered to be contemplated and or pending against him in accordance with provisions of the applicable sealed cover policy as on 16.04.2016; guidelines / policy which have been followed by the Selection Committee while deciding to keep the promotional results of the undersigned in sealed cover for the panel year 2016-17; office note / other documents etc. duly recorded by HRV, Lucknow / Mumbai specifically quoting the relevant provisions of the then applicable sealed cover policy [duly approved by the competent authority] which have formed the basis / ground for keeping his promotional result from Grade D to Grade E for panel year 2016-17 in a sealed cover by the Selection Committee and office notes / other documents recorded from time to time in HRV, Lucknow / Mumbai since April 16, 2016 and duly approved by competent authority indicating the action taken by the Bank in justifying continuation of keeping his result in the sealed cover despite a lapse of more than one and half years.

I observe that with respect to Sl. no. (i) of the RTI Application, CPIO has supplied relevant extract of office note dated July 19, 2013 which is only a part of information sought but not the other i.e any documents recorded in January-February 2013. Since, the Appellant had sought the information i.e office note / other documents etc. recorded in January-February 2013 by HRV, Lucknow / Mumbai and there is no mention of availability or non-availability of the above information/ documents in CPIO order, therefore, I found the ground of appeal has merit and direct CPIO provide the information, if available. If not available, the same should also be communicated to Appellant.

With respect to query at Sl. no. (iii), the Appellant has sought office note / other documents duly recorded by HRV, Lucknow / Mumbai specifically quoting the relevant provisions / reasons of any policy / guidelines for not considering grant of PP to the Appellant in Grade E w.e.f. May 2015 along with copy such policy guidelines, I observe that though CPIO has supplied the relevant extract of the office note dated January 14,

2016, the policy guidelines of PP has not been supplied. I found the appeal has its merit and direct the CPIO to provide the policy guidelines of PP, if available. However, if it is not available the same should be communicated to the Appellant.

Regarding query no. (iv), the Appellant has sought office note / other documents recorded at HRV, Lucknow / Mumbai for continued denial of PP benefits to him since May 2015 to till date, I observe that though CPIO has supplied the relevant extract of the office note dated February 22, 2017, nowhere in the said note the date is mentioned as February 22, 2017. I found the appeal has its merit and direct the CPIO to provide the said office note of dated February 22, 2017, if available and if not, the same should also be communicated to the Appellant.

With respect to query no. (vii), I observe that CPIO has rightly informed the Appellant to refer Bank's intranet and Bulletin Board for the said information as the Appellant is one of the internal employee of SIDBI and he has access to these links/site. CPIO is however, requested to provide the requisite information to the Appellant if available and if not, the same should be also communicated.

I observe that with respect to the queries at Sl. no. (viii), (xi) and (xii) of the RTI Application, CPIO rightly denied the information by quoting Section 8(h) of RTI Act, 2005 since disclosure of this information would impede the process of investigation. The ground for appeal by the Appellant cannot be entertained.

With respect to query no. (ix) regarding guidelines /policy which have been followed by the Selection Committee while deciding to keep the promotional results of the undersigned in sealed cover for the panel year 2016-17, CPIO has rightly informed the Appellant to refer Bank's intranet and Bulletin Board for the said information as the Appellant is one of the internal employee of SIDBI and he has access to these links/site. CPIO is however, requested to provide the requisite information to the Appellant if available and if not, the same should be also communicated.

Further, as per the provision of RTI Act, there is no fees require for appeal, therefore, the Indian Post Order(IPO) No. 04G 621981 of Rs.10/- submitted by the Appellant is returned herewith.

Order :

I allow this appeal partly in respect of his Sl. No. (i), (iii), (iv), (vii) and (ix) of RTI application and direct the CPIO to provide the information if available or otherwise within 20 working days from the date of receipt of the order. The appeal is disposed off accordingly.

Copy of this order be sent to the appellant and CPIO.



(यू. एस. लाल / U. S. Lal)

मुख्य महाप्रबंधक (विधि) तथा प्रथम अपीलीय प्राधिकारी

**Chief General Manager (Legal) and
First Appellate Authority**