

**BEFORE THE APPELLATE AUTHORITY CONSTITUTED BY THE BOARD
UNDER THE PROVISIONS OF THE RIGHT TO INFORMATION ACT, 2005.**

Appeal No. 10/2010

HEARING HELD ON 19/5/2010

Shri. Swapnil Bhaskarrao Nikam,
73, Pranav, Mahajan Colony,
CIDCO, N-2, Aurangabad
(Maharashtra)- 431 006

... Appellant

V/s

Public Information Officer,
Maharashtra Pollution Control Board,
Sion, Mumbai-400 022.

... Respondent

Order

The Appellant enclosed an application dtd. 16.3.2010 alongwith the Appeal, against which he has preferred the present appeal, mainly on the ground that though the Establishment Branch after receipt of the said letter on 26.3.2010 made available information in respect of the said application vide letter dtd. 26.4.2010, the said information has not been submitted in time and also inadequate as under :-

Point No.1 :-

The Appellant stated that, though in respect of the first point the Establishment Branch has communicated that, the Board has not called the Seniroity list of the Project Affected Candidates, from the District Collector, the information about why such information was not called was not given to the Appellant till date, when as per G.R. dtd. 18.7.2008, which was taken from the Establishment Branch itself, it was obligatory to call such a list from the District Collector Officer as per clause 2nd in the Government Circular.

The Sr. Administrative Officer, specifically pointed out that as per letter dtd. 24.7.2009 from the Deputy Secretary, Env't. Department, G.o.M. addressed to the Member Secretary, MPCB, in respect of the Application of Shri. S.R. Patil, for the post of the Field Officer, who was fulfilling the educational qualification from the Project Affected Category, may be appointed as a Field Officer. Similarly, it was specifically mentioned that in

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future while filling up the Project Affected posts of Field Officer having 5% quota, the candidature from the Junior Research Fellow can be considered by giving them preference. Sr. Administrative Officer stated that a copy of the said letter duly certified is already made available to the Appellant. Sr. Administrative Officer further clarified that the posts which are filled up from the Project Affected Quota, were working as a Jr. Research Fellow with the Board, they have been appointed as Project Affected candidates, as per the letter issued by the Deputy Secretary, Env't. Dept, G.o.M. dtd. 24.7.2009.

Point No.2 :-

The Appellant stated that, though the Establishment Branch communicated that the Appointment of six (6) project affected candidates have been made as per G.R. Dtd. 18.7.2008, the procedure which was followed by the Board was not given as per the information called by the Appellant, in his original application.

Sr. Administrative Officer told that, in view of the specific letter dtd. 24.7.2009, from the Deputy Secretary, Env't. Dept, G.o.M., the Board has made appointment of the Project Affected persons from the Jr. Research Fellow, who were working with the Board and appointment of Shri. Shashikant Patil done as per approval of the Environment Department

Point No.3 :-

The Appellant pointed out that though the Establishment Branch by its letter dtd. 26.4.2010 communicated that the provision in the G.R. dtd. 18.7.2008 in respect of calling the list of the Project Affected candidates from the District Collector Office with their Seniority was not called and the appointments are made as stated in point no. 2 from the Jr. R.F., who were working on contractual basis with the Board and were from Project Affected Category, the Appellant stated that the reason was not given with detailed information about not following G.R.

The Establishment Branch made it clear that this is the only information available with the Board.

Point No.4 :-

The Appellant further pointed out that the information in respect of the Seniority of the Project Affected Candidates called from the District Collector Office is not made available to him.

The Establishment Branch stated that, copies of letters written to the concerned District Collector Office, from the District, from which the above five Project Affected Jr. R.F. have been appointed as the Field Officer. The information has not called from the District from which Shri. Shashikant Patil, the Project Affected was appointed because, for his appointment, Environment Department has given approval by letter dtd. 24.7.2009.

The Appellant pointed out that it is necessary that the Seniority list of the project affected candidates also should be called from the District, from which Shri. Shashikant Patil residing at Jalgaon. Similarly, the Seniority list of the Project Affected candidates from all the Districts should have been called prior to the appointment of the five Jr. Research Fellows appointed as a Field Officer and also prior to the appointment of Shri. Shashikant Patil. The copies of the letters written to various District Collectors in respect of making of appointment by the Board of six field officers from the Project Affected Category, for information of the District Collector office and to confirm Seniority of those candidates, has been made available to the appellant during the course of hearing of the appeal. Therefore, it has been seen that, no such information in respect of the Seniority of the Project Affected persons from various District Collector offices have been so far called by the Establishment Branch.

Point No.5 :-

The Appellant stated that, the Sr. Administrative Officer of the Board communicated vide letter dtd. 26.4.2010 that by letter dtd. 17.9.2010, which is wrongly mentioned in the Establishment Branch letter, which should be 17.9.2009 Shri. Khadkikar had requested that his candidature may be considered for Project Affected post of Field Officer as he has applied for the certificate about the project affected candidature and accordingly, his certificate was received on 6.10.2009 from the District Collector Office. The appellant wanted to know how Board comes to know that Shri. Gajanan Khadkikar is project affected person and how the said certificate obtained on 6.10.2009 on the date of appointment itself and submitted to the Board, when the Seniority number of Project Affected person was also not received by Shri. Gajanan Khadkikar, at the time of appointment.

Point No. 6:-

The Establishment Branch given information about point No.6 that, the educational qualification of Shri. Ravindra Kshirsagar has been certified by the University. The Appellant objected to the information on the ground that the said course was two and half years degree course and no information is made available about the certification made by the University. **The Establishment Branch is instructed to make available such information.**

Point No.7. :-

Regarding point No.7, the Appellant objected to the information given in respect of Shri. Punkaj Bawane to the effect that Shri. Bawane, given the certificate about the Project Affected prior to his appointment, but the detailed information as required by the appellant in respect of his appointment was not made available.

Point No.8 :-

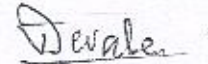
The appellant objected to the inadequate information given in respect of Shri. Shashilant Patil, as to how he had made application to the District Collector Office and Environment Department to the post of Field Officer, when the advertisement of the Field Officer post does not mentioned anything about the Project Affected person and no letter was sent by the Board about such appointment. It was also asked as to whether on the basis of Government approval and his application to the Mantralaya, he was appointed. The detailed procedure was not made available about his appointment.

The appellant further insisted to take appropriate action against the concerned officer, who is not making available information, inspite of number applications and appeals and also to impose fine. The Sr. Administrative Officer, hereby informed to look personally into the points, for which inadequate information is alleged to be given to the Appellant and his other applications and to make available the said information immediately.

Accordingly, the appeal is disposed off on 19th of May, 2010

Place : Mumbai

Date : 19.5.2010



(D.T. Devale)
Appellate Authority
under RTI, Act, 2005