

CSK Himachal Pradesh Krishi Vishvavidyalaya
"General Administration Branch"

34614-703

No. QSD.1-31/15/CSKHPKV(GA)/-
Dated Palampur, the

20 JUL 2018

From

Registrar

To

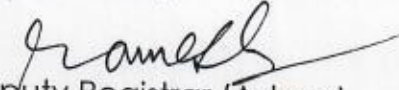
1. All the Statutory Officers, CSKHPKV, Palampur.
2. All the Heads of Deptts./Offices/Units, CSKHPKV,
3. All Associate Directors/Scientists Incharge/Programme Coordinators RRCs/RSSs/KVKs, CSKHPKV.

Subject: Order passed by the Hon'ble Chief Information Commissioner HP, Shimla on 28.04.2018.

Sir/Madam,

I am directed to enclose herewith a copy of order passed by the Hon'ble Chief Information Commissioner, Himachal Pradesh on 28.04.2018 in Appeal No. 0386/2016-17 for information and further necessary action.

Yours faithfully,


Deputy Registrar (Admn.)
Cum-Nodal Officer (RTI),
CSK HPKV, Palampur.

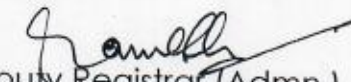
Encls: As above.

Endst. No. Even.

Dated: Even:

Copy to:-

1. Incharge UNS, CSKHPKV, Palampur for uploading in the University website.
2. All the Section Officers/Supdts. (HQ), CSKHPKV, Palampur.
3. PA/PS to Vice-Chancellor/ Registrar, CSKHPKV, Palampur.
4. Guard file.


Deputy Registrar (Admn.)
Cum-Nodal Officer (RTI),
CSK HPKV, Palampur.

STATE INFORMATION COMMISSION,
HIMACHAL PRADESH,
Keonthal Complex, Khalini, SHIMLA-2



Before Shri Narinder Chauhan, State CIC, HP.

Date of Institution: 28-02-2017

Date of Decision: 28-04-2018

Appellant : Shri Ravinder Singh Rana,
Principal Scientist (Agri. Eng.), DEE,
CSKHPKV, Palampur, Dist. Kangra,
HP-176062

Versus

Respondent: The PIO-cum-Section Officer (C).
o/o the comptroller, CSKHPKV, Palampur,
Distt. Kangra, HP-176062,
Represented by Sh. L.C.Karalia

Parties represented by:-

1. Appellant is not present.
2. Respondent represented by Sh. L.C.Karalia.

ORDER

1. The appellant had vide his RTI application desired information regarding disbursement of promotional arrears of professors promoted vide Registrar order No.QSD.5-166/13/CSKHPKV (Estt.)/-38099-228 dated 26.07.2014.

2. Sh. L.C.Karalia, is representing the office of the Comptroller, CSKHPKV, Palampur. The appellant is absent and respondent has informed that vide letter No.QSD/State/RTI/CSKHPKV/Comp/59744-45, dated 21.11.2016, has sent a reply to the appellant which reply

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Abhyud

Assistant Registrar
State Information Commission
H.P. Shimla - 2

Narinder Chauhan

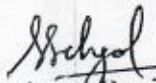
is based on a finding of this Commission in appeal Nos.0380 & 0381/2014-15, circulated by the University vide letter No.QSD.1-31/10-CSKHPKV (GA)/Vol.X/68463-562 dated 19.12.2015. Sh. L.C.Karalia, has informed that the arrears stands released to all the employees and has furnished a copy of the promotion orders of 43 members of the faculty, wherein clause 6 of the promotion orders clearly stipulate as under:-

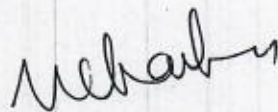
"The promotions are further subject to the condition that the payment of arrears, if any, on account of these promotions will be released only on receipt of required grant from the concerned funding agency."

3. However, in the memo of appeal, it has been stated that the First Appellate Authority, has not passed any orders on his appeal. It is important to reiterate that the University, cannot deny information to employees of the University on the basis of a decision of this Commission in appeal No.0380 & 0381/2014-15, wherein, the remarks, were passed by way of 'obiter dicta', that normally Government employees already enjoy access to information, and should not in the ordinary course seek recourse to RTI. Infact, no such embargo exists under Section 6, of the Right to Information Act, 2005, and therefore, the response of PIO-cum-Section Officer, CSKHPKV Palampur, dated 21.11.2016, stating that "a Government Servant cannot file an RTI application before

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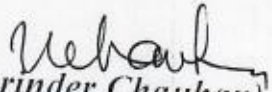

Assistant Registrar
State Information Commission
H.P. Shimla - 2



the public authority, where he himself is employed", is not a correct interpretation of the law or orders of this Commission.

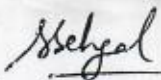
4. The information having been provided, the RTI appeal is being accordingly disposed. The nature of questions asked for, fall more in the realm of 'consequential relief', and not RTI. Copies of this order be sent to the parties. File be consigned to the record room.

Announced.


(Narinder Chauhan)
State Chief Information Commissioner,
Himachal Pradesh.

Place: Shimla
Dated: 28.04.2018.

ATTESTED


Assistant Registrar
State Information Commission
H.P. Shimla - I