भारत सरकार
खान मंत्रालय

विषय – सूचना का अधिकार अनुचितत्व, 2005 के तहत डॉ. प्रशांत झाडे, नागपुर से प्रास अपील के संबंध में।

डॉ. प्रशांत झाडे, नागपुर से प्रास मूल अपील दिनांक 04.01.2013 को इस पत्र के साथ उचित कार्यवाही हेतु भेजा जा रहा है।

आपसे अनुरोध है कि उक्त अपील/पत्र का निस्तारण दिनांक 07.02.2013 से पूर्व किया जाए और प्रतिलिपी सूचनार्थ पी.आई. सैल को भी भेजी जाए।

(राजेश शाह/Rajesh Shah)
ए.सी.पी.आई.ओ./ACPIO

संकलन: FTS No. 449

श्री. जी.एस. जयनी. विदेशी/अधिकारी. खान मंत्रालय. नई दिल्ली.
पी.आई. सैल यू.ओ. क्रमांक 2012/00450-पी.आई. दिनांक 09.01.2013.

९.१.१३
To,
The Appellate Authority,
Union Ministry of Mines,
3rd Floor, A Wing,
Shastri Bhavan,
Dr. Rajendra Prasad Marg,
New Delhi – 110001

Subject: Submission of First Appeal
Reference 1) Letter number NIMH/RTI-2005/2012-13/1390 dated December 26, 2012,
(Copy enclosed)

Respected Sir/Madam,

This is in reference to the above; I most humbly wish to inform that I am not satisfied with the reply given by the Central Public Information Officer (CPIO), NIMH as the information given by the PIO, NIMH is incomplete. Therefore I am submitting my First Appeal. The details are as follows:

1. I had requested vide point number 3 to kindly provide the copy of compliant letter issued by Dr. P.K. Sishodiya, Director, NIMH addressed to Director, CSIR-NEERI, complaining about Dr. Harshvardhan Singh, Scientist and Dr. Krishnamurthy, Scientist, both are from CSIR-NEERI invited by Dr. P.K. Sishodiya, as an expert committee member for assessment of employees in past Contract Review and Merit Assessment Committee held in NIMH in the month of October 2010 and November 2011 wherein I was also assessed by the said committee in the Month of October 2010 and November 2011. Here, I wish to mention that the CPIO, NIMH has replied that the information can not be provided as the same is covered under Section 8(1) (e) of RTI Act. Here I wish to add that concerned section of 8(1)(e) is not applicable to me as fiduciary relationship is not applicable to me as fiduciary is a trustee and the information sought is directly related to me because I was assessed by the said committee of Dr. Harshvardhan Singh and Dr. Krishnamurthy, both are from CSIR-NEERI. Further, the compliant letter written Dr. P.K. Sishodiya has quoted about me by alleging the two scientist of CSIR-NEERI. When discussion/letter was
pertaining to me then the said information should be made available to me. Dr. P.K. Sishodiya (Voluntary retired officer of DGMS, presently drawing full pay and allowances + pension) has written a compliant letter using the Government of India office letterhead to Director, NEERI quoting my reference/name and in turn not intimating me that is considered as the direct violation of the principles of natural justice.

2. I had requested vide point number 4 to kindly provide the copy of Reply letter issued by Director, CSIR-NEERI addressed to Director, NIMH, pertaining to the subject of complaint letter about Dr. Harshvardhan Singh, Scientist and Dr. Krishnamurthy, Scientists, CSIR-NEERI invited by Dr. P. K. Sishodiya, as an expert committee member for assessment of employees in past Contract Review and Merit Assessment Committee held in NIMH in the month of October 2010 and November 2011. Here I wish to add that concerned section of 8(1)(e) is not applicable to me as fiduciary relationship is not applicable to me as fiduciary is a trustee and the information sought is directly related to me because I was assessed by the said committee of Dr. Harshvardhan Singh and Dr. Krishnamurthy, both are from CSIR-NEERI. Further, the compliant letter written Dr. P.K. Sishodiya has quoted about me by alleging the two scientist of CSIR-NEERI. When discussion/letter was pertaining to me then the said information should be made available to me. It is my right to know what is being written about me directly/indirectly. Hence I should know the reply filed by the Director, NEERI to have the transparency in Government mechanism as this is objective of the RTI Act. Thus, non supplying the requested information can be treated as not following the principles of natural justice.

Therefore, it is requested to kindly furnish the requested information at the earliest.

Yours Sincerely,

[Signature]

Dr. Prashant D. Zade
Kothiwan lane, Kelibaug Road,
Badkas Chowk, Mahal, Nagpur – 440032
Ref: NIMH/RTI-2005/2012-13/390

26th Dec, 2012

To
Dr. Prashant Zade
Kothiwan Lane, Kelibaug Road
Badkas Chowk, Mahal
Nagpur - 440 032

Sub: Information sought by Dr. Prashant Zade under RTI Act, 2005

Dear Sir,

With reference to your application dt. 28.11.2012 which was received at this institute on 18.12.2012 annexed herewith please find information for your retention.

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>O. No. 1</td>
<td>An authenticated detailed calculations of gratuity &amp; leave encashment is annexed.</td>
</tr>
<tr>
<td>Q. No. 2</td>
<td>Tax deducted on gratuity &amp; leave encashment is nil.</td>
</tr>
<tr>
<td>Q. No. 3</td>
<td>The information can not be provided as the same is covered u/s 8(1)(e) of RTI Act 2005.</td>
</tr>
<tr>
<td>Q. No. 4</td>
<td>The information can not be provided as the same is covered u/s 8(1)(e) of RTI Act 2005.</td>
</tr>
</tbody>
</table>

This is for your information.

Yours faithfully,

Raj Kumar
Central Public Information Officer
Administrative Officer

Copy to:
1. Sri. Rajesh Shah, Section Officer, PI Cell, Ministry of Mines, Shashtri Bhavan, New Delhi- 110 001 - for information

JNARDDC Campus, Opp. Wadi Police Station, Amravati Road, Wadi, Nagpur - 440 023.
Tel. # (07104) 224288, Telefax : # (07104) 224121, 224494, 224495
Government of India  
Ministry of Mines  

****

F. No. 16/ (13)/2012 –Met.IV  

New Delhi, the dated 14.1.2013

To

Dr. Prashant D. Zade,  
Kothiwan Lane, Kelibaug Road,  
Badkas Chowk, Mahal,  
Nagpur-440032

Subject: - Submission of first appeal.

Sir,

I am directed to refer your first appeal dated 4.1.2013 against CPIO, National Institute of Miners’ Health (NIMH) reply vide letter No. NIMH/RTI-2005/2012-13/1390 dated 26.12.2012 and to say that your RTI application dated 28.11.2012 has been transferred to CPIO, NIMH under Section 6(3) of RTI Act 2005 vide letter dated 14.12.2012. Hence no appeal lies before this Ministry. You may prefer first appeal before Dr. P.K. Sishodiya, Appellate Authority Director, NIMH, JNARDDC Campus, Opp-wadi Police Station, Amarwati Road, Wadi, Nagpur-440023.

Encl. As above.

Yours faithfully,

(Chandramani Sharma)  
Director

Copy to:

1. Dr. P.K. Sishodiya, First Appellate Authority / Director, National Institute of Miners’ Health, JNARDDC Campus, Opp. Wadi Police Station, Amarwati Road, Wadi, Nagpur-440023, along with copy of first appeal dated 4.1.2013.

2. Shri Raj Kumar, CPIO, NIMH with a request that provision of appeal should in vainably be mentioned while disposing the RTI application/appeal etc.

P.I. Cell w.r.t. letter no. MINES/R/2012/000450-P.I. Cell, dated 9.1.2013