श्री. सुश्री. नुपुर बाबा, दिल्ली से प्राप्त आपील के संबंध में।

श्री. नुपुर बाबा, दिल्ली से प्राप्त मूल आपील दिनांक 14.01.2013 को इस पत्र के साथ उपलब्ध कार्यवाही हेतु भेजा जा रहा है।

आपसे अनुरोध है कि उक्त आपील/पत्र का निर्दिष्ट दिनांक 14.02.2013 से पूर्व दिनांक जाए और प्रतिलिपि सूचनार्थ पी.आई. सौल को भी भेजो जाए।

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

श्री. एस.बी. औरोल, ऊप सचिव/अधिकारी, खान मंत्रालय, ताई दिल्ली।
पी.आई. सौल यू.ओ. क्रमांक 2012/00451-पी.आई. दिनांक 14.01.2013।
FROM
NUPUR BAWA
4B SKYLARK APARTMENT
SFS FLATS GHAZIPUR
DELHI 110096

TO
THE CHIEF PUBLIC INFORMATION OFFICER,
MINISTRY OF MINES
SHASTRI BHAVAN
NEW DELHI 110001

Dated
14.01.2013

Sub INFORMATION UNDER RTI ACT 2005

Dear Madam,

Please refer to Your letter No. 31/5/2011-M11 dated 7-1-2013, received by me on 11th Jan 2013.

Reply to my RTI application referred therein has not been signed by Public Information Officer. Please confirm whether the signatory of the letter is designated as public information officer.

Notwithstanding above the following observations are made:

1. Against point D and F. You have stated that I should approach GSI Kolkata and ministry of health for requisite information. In this connection I would like to draw your kind attention to section 6(3) of RTI act which clearly state that it is the duty of the public authority to which the application is made to transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.

2. The relevant extracts of RTI act is appended below:

Section 6 in The Right To Information Act, 2005

6. Request for obtaining information.
   (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-
(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her: Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,-

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub- section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

3. I further state that I am not satisfied with your other reply too, for which I shall approach the appellate authority.

I accordingly request you to take action as per section 6(3) of RTI Act.

YOURS TRULY

NUPUR BAWA

Dated 14.01.2013
Order on Appeal under Section 19 of the RTI Act, 2005

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ORDER

Ms. Nupur Bawa, 4B Skylark Apartment, SFS Flats Ghazipur, Delhi-110096 (hereinafter referred to as the Appellant) has filed the above mentioned appeal, aggrieved by the above referred Order dated 7-1-2013 of the CPIO.

2. On going through the case record, it is observed that the Appellant had sought information vide her application dated 7-12-2012 regarding medical examination based on the Geologists' Examination, 2010.

3. It is confirmed that Smt. Sunita Magoo, Section Officer has been designated as Central Public Information Officer.

4. Against point 'D' and 'F' of your RTI application dated 7.12.2012, the information is as follows:-

(d) Two candidates namely Ms. Sreeja and Shri Anjanjyoti Deka of the Geologists' Examination, 2009 has been offered appointment subject to (i) final outcome of SLP No.18220/2012 filed by the Union of India Vs. Smt. Sreeja K before the Hon'ble Supreme Court of India and the said SLP is pending before the Supreme Court (ii) final outcome of the writ petition No.4981/2012 filed by Union of India Vs. Anjanjyoti Deka before Hon'ble High Court, Guwahati Bench. The order of the Hon'ble High Court Bench in the aforesaid W.P. has been challenged before the Supreme Court and the SLP is under process.

(f) Yes, the RML hospital vide their letter dated 9.2.2011 and Safdarjung Hospital vide their letters dated 20.6.2011 ad 29.8.2011 had sought the clarification for the Geologists' Examination, 2009 on the medical fitness for those candidates who had undergone lasik surgery. Vide this Ministry letter No.4/3/2010-M.II dated 16.1.2012 clarifications were forwarded to RML/Safdarjung hospital. A copy of letter is forwarded herewith.

Further the matter was consulted with Directorate General of Health Services, "Ministry of Health & Family Welfare. The opinion of DGHS was forwarded to the Dr. RML hospital and Safdarjung Hospital vide this Ministry letter dated 7.8.2012 for the medical examination. A copy of the letter dated 7.8.2012 containing the opinion of DGHS is forwarded herewith.

Safdarjung hospital has conducted the medical examination and informed vide their letter dated 5.11.2012 that "as per existing guideline of medical standard of Geologist, any candidate who has got corrective Surgery done for myopic such as lasik are declared unfit".

RML hospital refused for their medical examination till the guidelines notified in the Gazette of India with regard to Lasik Surgery will be issued.

5. The CPIO in its order dated 7.1.2013 has already provided information available with her. I thus do not find any substance in the appeal filed against the CPIO's letter dated 7.1.2013.

6. With above Order, the Appeal stands disposed of.

(Smt. Doval)
Appellate Authority &
Deputy Secretary
Shastri Bhawan, New Delhi.

Ms. Nupur Bawa, 4B Skylark Apartment, SFS Flats Ghazipur, Delhi-110096.

To: The Medical Superintendent,
Central Standing Medical Board,
Safdarjung Hospital,
New Delhi.

The Superintendent,
Central Standing Medical Board,
Dr. RML Hospital,
New Delhi.

Subject: Geologists Examination, 2009 – Medical Examination.

Sir,

I am directed to refer to RML hospital letter dated 9.2.2011 and Safdarjung Hospital letters dated 20.6.2011 and 29.8.2011 on the above mentioned subject. Hospitals have sought the clarification on the medical fitness for those candidates who had undergone Lasik surgery.

2. The matter has been examined in consultation with Safdarjung Hospital, The Chairman, Central Standing Medical Board, Consultant & HOD Surgery has opined that “the Gazette of India has given guideline regarding Myopia and Hypermetropia for Geologist, which only allows Myopia note more than 4.0 D (including cylinder) and Hypermetropia > 4.0 D (including cylinder). There is no clarification regarding Lasik.

Therefore, the Ministry of Health & Family Welfare in consultation with UPSC should formulate new guideline/amend the existing one clarifying the stand on Lasik, to enable the Medical Board to take decision in the changing scenario of Lasik era”.

3. The matter has been further examined with GSI and they have opined that field work is essential in current nature of duties performed by the Geologists especially in first 15 years of service. The letter in this regard received from DG, GSI is also enclosed.

4. It is pertinent to mention here that the following candidates who have undergone Lasik Surgery have already been declared unfit on account of Lasik Surgery by the RML hospital (2nd Medical Board):

   1. Shri Ambikesh
   2. Smt. Sreeja K
   3. Shri Anajanjyoti Deka

4. It is important to point out that the Hon’ble CAT, Lucknow vide order dated 15.11.2011 in O.A. No. 435/2011 filed by Shri Mayak Khare for appointment to the post of Geologist (Jr.) in GSI has directed to dispose of his representation dated 23.8.2011 within a month from 15.11.2011 and therefore, it is requested that opinion on medical fitness of the candidates may be sent to the Ministry immediately.

Yours faithfully,

Deputy Secretary to the Govt. of India

Encl:- As above.
GOVERNMENT OF INDIA
Geological Survey of India
27, J.L. Nehru Road
Kolkata-700016

No. 107/HRD/360CG/2012/20

Dated: 05.01.2012

From
Director General
Geological Survey of India
27, J.L. Nehru Road
Kolkata-700016

To
The Secretary to the Govt. of India,
Ministry of Mines,
Shastri Bhawan,
New Delhi.

(Kind Attn. Shri Gaurav Kumar, Deputy Secretary, MoM, New Delhi)

Sir,

Kindly refer to your letter no 4/3/2010-M.II dated 26.12.2011 on the above subject. It is submitted that a Geologist has to carry out the Geological work in the field and laboratory including specialized and detailed investigations, collection and interpretation of data, preparation of reports and scientific papers.

Currently, as per the recommendations of the HPC and also as defined in the transfer Policy of GSI that is in vogue, a newly recruited Geologist joins directly at GSI Training Institute for induction level training under Orientation Course which imparts rigorous field work in different geological provinces including high altitude Himalaya and also in laboratory studies. After successful completion of induction level training, the geologist is deployed/posted to State Units in Regions for Baseline Geodata collection (mapping assignment) under Mission-I for the first 4 (four) field seasons with each field season comprising of six months of field work. The field work chiefly involves observation of rocks with or without hand lens, collections of insitu rock, sediment and soil samples, geological, geophysical and geochemical mapping; collection of water samples; and also working in high altitude and difficult terrains. On completion of initial 4 (four) years of field work, officers of a Rank will be assessed for suitability for transfer/posting to specialized Missions-II to IV (i.e. in Operational Directorates in State Unit) based on option and assessment. Once posted to specialized Divisions/Missions, the officer continues to work in field till his/her promotion to Supervisory post.

Thus, it is submitted that the field work is essential in current nature of duties performed by the Geologist especially in the first fifteen years of service.

Yours faithfully,

(A. Sundaramoorthy)
Director General (Acting)
To

The Medical Superintendent,
Central Standing Medical Board,
Safdarjung Hospital,
New Delhi.

The Superintendent,
Central Standing Medical Board,
Dr. RML Hospital,
New Delhi.

Subject:-Geologists Examination- Medical Examination of the candidates who are
Declared medically unfit on account of High Myopia and undergone Lasik surgery for
appointment to the post of Geologist/Hydrogeologist.

Sir,

I am directed to refer to Safdarjung Hospital D.O. letter No.6-2/09-Med.Board
dated 8.12.2011 (copy enclosed) on the above mentioned subject.

2. The matter has been examined in consultation with the Directorate General of
Health Services, M/o Health & Family Welfare which has opined vide their O.M.No.11892-
94/2012-MH-I dated 7.8.2012 (copy enclosed) under:

"In these circumstances such candidates should be examined by a Medical Board
consisting of three specialists for Retinal evaluation. If on examination progressive
degeneration changes involving the Macular area are not found they should be declared fit
for the post of Geologist, Jr. Hydrogeologists and Asstt. Hydrogeologist. Regarding
formulating new guidelines in the matter, they have already been submitted to the
Ministry of Health & Family Welfare by a committee of experts for consideration and
onward submission to the DoPT."

3. Accordingly, It is requested to constitute the said board for the re-examination of
the candidates at the earliest. The date and time for the medical examination of nearly 26
candidates may be intimated to this Ministry to enable this Ministry to dispose of the
Court Cases and Contem Plations filed by the candidates of the medical unfit candidates
for appointment based on the Geologists' Examination. List of the candidates is forwarded
herewith.

Yours faithfully,

(Gaurav Kumar)
Deputy Secretary to the Govt. of India

Encl:-As above.