

MAHARASHTRA POLLUTION CONTROL BOARD

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

Appeal Memo No. 3 / 2010

Shri. G.V. Rajput,
At Kobapur, Post- Kankori
Tal. Gangapur,
Dist- Aurangabad
Pin - 431 109

..... Appellant

V/s

Public Information Officer,
Maharashtra Pollution Control Board,
Sion

..... Respondent

DATE OF HEARING : 03rd March, 2010

ORDER

Shri. G.V. Rajput, has preferred an appeal under section 19 (1) of the Right to Information Act, 2005 dtd. 9.02.2010, before the Appellate Authority of the Maharashtra Pollution Control Board. The appeal is mainly filed on the grounds that the information asked by the appellant in his application dtd. 29.12.2009, which is received by the Board on 4.1.2010, is not given by the Public Information Officer.

Before passing any order in the above Appeal, the Appellate Authority has given an opportunity of personal hearing to the Appellant alongwith the Public Information Officer and the Establishment Branch which is the party, to furnish the information as sought by the Applicant on 3.3.2010 at 2.30 p.m.

During the course of personal hearing, the Appellant asks to make available a list of candidates selected by the Board for the post of Field Officer out of Project Affected persons.

- Sr. Administrative Officer assured to make available such a list to the Applicant.
- 1) Information regarding selection of some newly appointed Field Officers from Project Affected Category :-

- i) Sr. Administrative Officer, MPCB, has requested to give further time to make available required information to the Appellant. But the Appellant pointed out that he had made his application for obtaining information under Right to Information Act, 2005 on 29.12.2009 received by the Board on 4.1.2010 and thereby more than two months period has already expired. Therefore the matter has been delayed beyond reasonable period of time. He has therefore stated that under the Right to Information Act, 2005 as such no further time should be extended, whereby his Right to Information may not be affected.

However, taking into consideration similar appeal was being heard earlier in the matter of Shri. Swapnil Nikam, one of the Applicant who has sought information under the provisions of the RTI Act, 2005 regarding appointment of the Field Officer, who has been also project affected person to whom in the morning certain information was already made available by the Establishment Branch.

The Appellate Authority, instructed Administration Branch to make available copy of such information given to Shri. Nikam to the present appellant, so that some of the information will be made available to him. Sr. Administrative Officer agreed to make available the information given to Shri. Swapnil Nikam, to that of Applicant and the Appellant agreed to acknowledge. However, requested to make available other information asked by him in his application dtd. 29.12.2009

- ii) With reference to point no. ii) of the Appeal, the Appellant has pointed out that there is Seniority list of the Project Affected candidates at every Dist. Collectorate Office and the list should have been called by the all Government Offices and State Government Undertakings before selecting any candidate from the category of Project Affected persons.

The, Sr. Administrative Officer informed that the Board has already called such a list, Though after taking into consideration the candidates working on contractual basis with the Board, they have been selected. Thereafter, Sr. Administrative Officer told to the Appellate Authority that, he is not sure as to whether a Seniority list of Project Affected candidates from every District Collectorate Office was called or not? After scrutinizing the record during the course of personal hearing, he told that, no such letter was issued by the Establishment Branch to the District Collector Office calling Seniority list of the Project Affected candidates.

Sr. Administrative Officer thereafter brought to the notice of the Appellant, one of the letter received by him from the District Collectorate Office at Jalgaon with reference to the advertisement publish by the Maharashtra Pollution Control Board for the vacancies of field officers in the daily newspaper "Loksatta" dtd. 22.1.2009, wherein two names of Project Affected candidates were recommended from the O.B.C. by the District Collectorate Office, Jalgaon. Sr. Administrative Officer agreed to make available the copy of said letter to the Appellant which has been acknowledged by the Applicant.

The Appellant has further requested that most of the information applied by him is available with the Establishment Branch and therefore, after going through the said requisition pointwise, Appellate Authority may consider grant of 15 days time to the Establishment Branch for furnishing the information to the Appellant..

Thereafter going through the letter of Collectorate, Jalgaon, the Appellant specifically pointed out that when the advertisement in Daily "Loksatta" dtd. 22.1.2009 did not mentioned anything about the project affected vacancies on what basis the list of Collectorate, Jalgaon was considered by the Board.

- iii) Appellant was of the view that when there was no such advertisement, on what basis such a list from District Collector, Jalgaon was received and taken into consideration. Sr. Administrative Officer told that one of the candidate's name from the said list was referred from the Environment Department, Government of Maharashtra & therefore, was considered.

- The Appellant asks copy of the letter received from Environment Department, Govt. of Maharashtra, which Establishment Branch has agreed to supply to the Appellant.

- iv) Regarding point no. IV of the appeal, Sr. Administrative Officer told that the Project Affected candidates can be filled up upto Category of III & IV posts.
- v) Regarding point no. V of the Appeal, Establishment Branch agreed to make available copies of minutes of the selection Committee which has selected six candidates as Field Officers alongwith the copies of Office Orders, by which they have been appointed and their certificates, immediately. However, it has been made clear that the registration number in respect of seniority of the said candidates who are Project Affected, is not available with the Board and that is not considered at the time of appointment of the Project Affected candidates to the post of Field Officer.

II) Documentary information regarding newly recruited field officers by nomination in MPCB :-

- i) A copy of the advertisement given by the Board alongwith a number of posts filled up by the Board by increasing the number of Field Officer posts due to newly sanctioned posts by the State Government with the sanction letter and the Circular by which more posts can be filled up without re-advertisement, was agreed to be made available to the Appellant by Sr. Administrative Officer.
- ii) For the post of field officer from open category the age limit stated by Sr. Administrative Officer is 35 years, for reservation category 40 years and for special reserve category including project affected the age limit is 45 years as per Government Rules.
- iii) The Sr. Administrative Officer told that for the post of field officer the candidate possessing Engineering or Post Graduate Degree in Environmental Science or its equivalent from a recognized University / Institution is eligible for appointment.

The Appellant asks how B-TEC qualification was considered to the Degree Engineering or Post Graduation in Environment Science. It was told that on the basis of Certificate issued by the University regarding

equivalence of the Engineering degree, the Board has considered such candidature.

- The Appellant wanted a copy of such certificate which pertains to equivalent qualification and list of candidates selected by the Board out of such candidates which is agreed to be made available by the Sr. Administrative Officer.

- iv) Sr. Administrative Officer informed that in the Recruitment Rules for the Field Officer, there is no mentioned in respect of taking written test that's why the Board has not taken written test. Establishment Branch has agreed to make available copy of Recruitment Rules.
- v) Regarding, calling information from Employment Exchange with Seniority List, Establishment Branch told that no such list was called for the post of Field Officer, which is subject matter of the RTI application.

Similarly, under the Compulsory Notification of Vecancies Act, 1959, no advertisement given on the website, but advertisements, are given in leading newspaper namely, Loksatta & Indian Express throughout Maharashtra in all editions.
- vi) Regarding putting the advertisement on the website of the Government of Maharashtra the Sr. Administrative Officer, Establishment Branch told that the same was not done
- vii) The list of candidates called for the interview and the selected candidates is being made available by the Establishment Branch.
- viii) The Establishment Branch agreed to make available the names of the Recruitment Committee members and their designations as well as minutes of the meeting.
- ix) The Establishment Branch agreed to make available the marks given to the candidates interviewed for the post of field officer.
- x) No fees charged to the candidates interviewed for the post of field officers as an application fees or otherwise, as stated by the Establishment Branch.
- xi) The Establishment Branch told that the various categories of the field officers have been filled up as per the Roaster maintained by the Board and MCSR Rules.
- xii) Regarding the approval of Finance Department Sr. Administrative Officer told that this pertains to the Environment Department, Govt. of Maharashtra.

The Appellate Authority directed to the Establishment Branch to make available the copies of the documents which are agreed to supply to the Appellant at the time of hearing alongwith copy of the order on the date of hearing. The remaining documents may be supply to the Appellant within 15 days period from the date of issue of this order pertains to the

marks given by the Selection Committee to the candidates who have appeared for the interview to the post of Field Officer.

The Appeal is therefore disposed off.

Dated this 6th day of March, 2010


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