

Mangalore Refinery & Petrochemicals Ltd  
Kuthethoor P.O, Via Katipalla, Mangalore 575030

**FIRST APPELLATE AUTHORITY**

B Sandeep Naik  
AA & DGM(HR/ER)  
HR Dept, MRPL, Mangalore, 575030

**UNDER SECTION 19 (1) OF THE RIGHT TO INFORMATION ACT, 2005**

**Decision No. 05 /2013-14**  
**Appeal No. 05/2013-14**

Name and address of the Appellant : Shri M Pushparaj  
F-86, MRPL Township  
Bala Post, Mangalore 575030

Names of CPIO and Public Authority : CPIO  
MRPL, Mangalore

The present appeal dated 02.07.2013, received by AA on 04.07.2013 has been preferred by Shri M Pushparaj, hereinafter referred to as the Appellant, against the order bearing reference No MRPL./HR/RTI/261/2013-14 dated 07.06.2013 of Shri P A Jose, CPIO, MRPL Mangalore.

**Facts:**

1. Shri M Pushparaj, the applicant, *vide* application dated 07.05.2013 received by CPIO on 09.05.2013, sought 6 queries, seeking certain information on certain deduction of salary of the employees promoted to management cadre (E1) from non management cadre, under the RTI Act,2005 from the CPIO, Shri.P A Jose, HR Dept, MRPL, Mangalore.
2. The CPIO, *vide* his letter bearing reference No. MRPL./HR/RTI/261/2013-14 dated 07.06.2013 replied to the applicant, on all the 6 queries
3. Dissatisfied with the reply given by the CPIO, the Appellant has preferred the present appeal dated 02.07.2013.
4. The Appellant, in his appeal dated 02.07.2013, has stated, *inter alia*, the following grounds for preferring the present appeal :

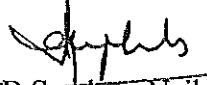
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- a. Question # 2 : I have asked for the name and designation of the authority who has given permission for the recovery of the overtime amount ? But the question has not answered, please provide the answer for the question, not the logic. Since in the PSU nothing has called automatic recovery.
  - b. Question # 3 : CPIO answer is like a ignorance manner, but my question is straight enough. Delay in the releasing the promotion is the fault of competent authority ( management ) or promoted employees ? Please give me correct answer, who has caused the delay in the promotion order as promotion order is not issued in April 2008 ?
  - c. Question # 5 :
    - i. Please provide the rule/regulation of Govt.of India in which it is mentioned that the already paid overtime amount will be recovered / deducted in case of providing back dated promotion to the employees from non-management to management grade ?
    - ii. Please give the correct answer, mention specifically the name & designation of the person ordered the recovery / deduction of overtime amount of promoted employees.
5. The views/comments on the appeal were called for from the CPIO.

**Decision:**

1. The Appellant in his appeal dated 02.07.2013 has stated that CPIO has not furnished the information sought under Question # 2, 3 & 5 of his application dated 07.05.2013. Based on the review of the relevant documents, the decision/direction of the undersigned is as follows :
  - a. Question # 2 : CPIO is hereby directed to furnish the copy of the extract of company rule, which states that Overtime is admissible for only Non Management cadre, within 10 days of receipt of this order. It is further clarified that deductions are based on the application of this rule and other than this clarification, information as sought is not held by this Public Authority.
  - b. Question # 3 : Decision / reply given by CPIO is upheld, as subject query seeks an opinion such as "whether", which is an information as per the definition of information under section 2/f of the RTIA2005.
  - c. Question # 5 :
    - i. As already ordered under decision for Question # 2, CPIO has been ordered to furnish the copy of the extract of company rule, which states that Overtime is admissible for only Non Management cadre, within 10 days of receipt of this order.
    - ii. Though this is an additional query, keeping up the spirit of RTIA, it is clarified that deductions are based on the application of the company rule. Other than this clarification, information as sought is not held by this Public Authority.

2. The Appeal is disposed of accordingly.
3. A copy of this order be forwarded to the Appellant and the CPIO.

  
B-Sandeep Naik, 11/8/13  
AA & DGM(HR/ER)  
MRPL, Mangalore

Place : Mangalore  
Dated : 01.08.2013

o/c

Copy endorsed :

- 1, Shri M Pushparaj, F86, MRPL Township, Bala Post, Mangalore 575030
2. CPIO, MRPL, Mangalore