

Sent by Reg: AD on 15/11/14

346



मंगलूर रिफाइनरी एण्ड पेट्रोकेमिकल्स लिमिटेड  
MANGALORE REFINERY AND PETROCHEMICALS LIMITED

(ऑयल एंड नेचुरल गैस कॉर्पोरेशन लिमिटेड की सहायक कंपनी) (A Subsidiary of Oil and Natural Gas Corporation Ltd)  
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"AN ISO 9001 AND 14001 CERTIFIED COMPANY"

**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: 32/346/2013-14

Appeal No: 32/346/2013-14

Name and address of the Appellant : Shri Peeush Upadhyay  
305/B, Fertilizernagar,  
Vadodara-391750

The present appeal dated 17/12/2013 received by AA on 17/12/2013 has been preferred by Shri Peeush Upadhyay, hereinafter referred to as the Appellant, against the order bearing reference No MRPL/HR/RTI/2013-14 dated 13/11/2013 of Shri Patrick R Minz, CPIO, MRPL Mangalore.

**Facts:**

1. Shri Peeush Upadhyay, the applicant vide his application dated 05/10/2013 received by CPIO on 14/10/2013, sought information on Non payment of pending Medical Claim, under the RTI Act, 2005 from the CPIO, Shri Patrick R Minz, HR Department, MRPL Mangalore.
2. The CPIO, vide his letter bearing reference no MRPL/HR/RTI/2013-14 dated 13/11/2013 replied to the applicant, on all the 10 queries.
3. Dissatisfied with the reply given by the CPIO, the Appellant has preferred the present appeal dated 17/12/2013.
4. The Appellant, in his appeal dated 17/12/2013, has stated, inter alia, the following grounds for preferring the present appeal which has been denied by the CPIO or the CPIO has deliberately given a vague reply so as to deny him the information which was required to be provided by the CPIO:

**Quote-**

- i. In response to my RTI query ( para 2A) that I shall be provided specific reason for denial of each of my reimbursement claims ( each claim/duly filled up Form be dealt separately and reason for denial of the same be provided separately), the CPIO in its reply has vaguely & with deliberate intention to deny me the

*(Handwritten signature)*

information mentioned that, "MRPL had communicated you vide letters dated 9/8/2012 & 5/3/2013, informing the denied status of your medical claim by the Competent Authority." But I have requested for specific reason for denial of each of my reimbursement claims separately. However, the same has not been provided by the CPIO.

- ii. If it has been rejected by the Competent Authority (as mentioned in the reply of CPIO that the internal correspondences dated 12/4/2010, 30/6/2010 & 11/3/2011 were not approved by the Competent Authority), then as per my request for information sought to CPIO (para 2 E & F), I should be provided copy of the file notings & internal approval for such rejection by the Competent Authority. Else I should be conveyed as to whether the Competent Authority has verbally rejected the internal correspondences dated 12/4/210, 30/6/2010 & 11/3/2011.

The letters which have been annexed with the reply of the CPIO simply convey that the Competent Authority has denied approval for the same meaning thereby that the decision already taken by the Competent Authority is being conveyed by General Manager(HR/ER) as a communicator for the decision taken, but in my RTI application I have asked for the file notings & internal approvals whereby the Competent Authority has decided to deny the reimbursement of claims.

- iii. In response to my RTI query that I shall be provided information as to whether the policy as notified vide Circular dated 8/8/2008 was not in accordance with the Board approval dated 25/7/08 ( para 2B), it has been conveyed by CPIO that, "MD & D(F) are authorized to examine and approve the cases of refusal by GMI." Though my specific query was as to whether policy as notified vide Circular dated 8/8/2008 was not in accordance with the Board approval dated 25/7/08. Therefore kindly convey me the same.
- iv. I should be provided file notings/remarks whereby Competent Authority has decided to reimburse the claims for retired employees as per circular dated 8/8/2008.

-Unquote.

**Decision :**

The AA had called for the documents involved in this matter and perused the same.

1. The appellant in his appeal dated 17/12/2013 has stated that CPIO has not given satisfactory reply. Based on the review of relevant documents, the decision / direction of the undersigned is as follows:
  - a) Question (i): An approval note dated 12/4/2010 was put up to the Competent Authority for clearing the pending cases for Medical expenses incurred by the employees from the existing benevolent fund which included your claims. In the said note, Director(Fin) had raised some queries which was addressed and resubmitted vide note dated 30/06/2010. The then MD had forwarded the Approval Note to SM (Int. Audit) for checking the proposal and submission of recommendation on each

*AT*


name enclosed. The SM (Int., Audit) submitted his Opinion on Medical Claims to the Managing Director vide IOM No. IA/Gen/10-11 dated 20/07/2010. As can be seen in the page No.4 of the subject IOM, SM (IA) has not recommended claim of Management employees whose claims are after Nov.2008. On the first page of this IOM, the Then MD has remarked as, Quote- "Please see report of Internal Audit and act accordingly."-Unquote.

Your claims are listed under Sr. No.36 and dates of all claims are after Nov.'2008. Hence specific denial of each of your claim, in a collective manner is seen in the MD's remark on the subject IOM, copy of which is already available with you.

- b) Question (ii) As explained in a) above, denial by Competent Authority is available in the first page of the IOM dated 20/07/2010, copy of which is already available with you.
- c) Question (iii) Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Your specific question as to whether policy as notified vide Circular dated 8/8/2008 was not in accordance with the Board approval dated 25/7/08 connotes inference & relates to interpreting information which is beyond the purview of the RTI Act. Further, this also amounts to culling out information by CPIO from some documents and provide such extracted information which cannot be provided as per RTI Act.
- d) Question (iv) The information sought is new and hence cannot be answered by AA. You may raise fresh RTI Application for this question to the CPIO.

2. The Appeal is disposed of accordingly.

3. A copy of this order be forwarded to the Appellant and the CPIO.

  
14/1/14

B Sandeep Naik  
AA & DGM(HR/ER)

HR Dept, MRPL,Mangalore,575030

Place : Mangalore  
Dated: 14/01/2014

Copy endorsed:

1. Shri Peeush Upadhyay, 305/B, Fertilizernagar, Vadodara
2. CPIO, MRPL, Mangalore.

*o/c*