



मंगलूर रिफाइनरी एण्ड पेट्रोकेमिकल्स लिमिटेड  
MANGALORE REFINERY AND PETROCHEMICALS LIMITED

(ऑयल एण्ड 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"

**By Registered Post A.D.**

**FIRST APPELLATE AUTHORITY**

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

Decision No.: 001 / 2010

Appeal No.: FAA / 001 / 2010

February 20, 2010

Name of the Appellant : Shri J.Ravindra Naik, M.A.L.L.B  
Advocate  
Off No. 1, II Floor,  
Medifair Complex,  
Karangalpady, Mangalore – 575 003

Name of the Public Authority : Mangalore Refinery and Petrochemicals Ltd.,  
Kuthethoor Post,  
Mangalore – 575 030.

The present appeal dated January 30, 2010 has been preferred by Shri J. Ravindra Naik, hereinafter referred to as the appellant, against the reply /decision bearing reference No. MRPL/ HR/RTI/21/2009-10 dated January 01, 2010 of Shri Chandermani, CPIO, Mangalore Refinery and Petrochemicals Limited, Mangalore – 575 030.

Facts:

Shri J. Ravindra Naik, the applicant, vide application bearing reference No. Nil, dated - August 20, 2009, received by CPIO on November 23, 2009, sought following information. On receipt of the application, the CPIO communicated to the applicant on September 17, 2009 to remit further fee representing the cost of the information. The applicant, accordingly, remitted further fee representing the cost of the information on December 21, 2009. Thereafter, the CPIO provided following information on January 01, 2010.

The extract of original application made by the applicant, reply given by the CPIO and thereafter appeal preferred by the appellant are reproduced hereunder:

Sl. No	Query by the applicant	Reply by the CPIO	Appeal by the appellant
1	2	3	4
1.	Copies of Minutes of all Board Meetings in serial number wise since the takeover of MRPL by ONGC.	The minutes of the Board are held in commercial confidence and therefore non-disclosable under Section 8 (1) (d) and	Regarding board meeting minutes: Please note that all the board meeting minutes do not carry commercial confidence. There will be the decisions made in regard to

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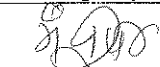
Liasion Bangalore Office : No. 72/4, Cunningham Road, Opp. Cottage Industries Exposition, Bangalore- 52. Ph : 080-22370524 Fax : 080-22370528

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		Section 11 (1) of RTI Act, 2005.	environment, employee welfare, community development, measures taken to reduce corruption, system up gradations etc. I want to know all that matters of board meeting in <b>public interest</b> . Follow section 10 of RTI Act, and give me the Board Meeting copies after removing the details of only such minutes having commercial confidentiality.
2.	Copies of all letters, replies to queries and other communications made with Karnataka State Pollution Board since ONGC takeover.	This question is wholly non-specific as no subject has been disclosed in the question.	Regarding communication with KSPCB after ONGC take over. The question asked is very specific. Yours is an ISO 14000 company and communication between KSPCB and your company is a regular ongoing process. KSPCB given you advises, show cause notices, also seeks reports of your developments and activities on regular basis and you reply for this. As per ISO 14001 and also as per your official requirements, you need to keep these documents with you. Kindly provide the copies of the same. I am ready to pay the additional payment for the same as specified by RTI Act, if it is voluminous.
3.	Copies of all letters/replies/communication made to/with Factories Inspector since ONGC takeover.	This question is also wholly non-specific and voluminous. It will disproportionately divert the resources of Public Authority. Therefore denied under Section 9 and 6(1) (b) of the RTI Act, 2005.	Regarding communication with Factories Inspector. You are the large scale industry and you need to report the accidents, fire incidents, etc. to factories inspector where and when essential. Also you need to submit the replies to the queries made by him. Such communication has to be there in the organization. Please provide the copies of the same. Further Section 9, as mentioned by you deals with copy right issues and cannot be related to the questions asked.
4.	Copies of Permission from Factories Inspector or other necessary government authority to operate the Refinery above licensed capacity.	The information is not held. Therefore denied under Section 2 (j) of the RTI Act, 2005.	Reply suggests that MRPL is operating above rated/licensed capacity without the permission of Government which is impossible to happen. Kindly provide the necessary permission copies from both factory inspector or else the copy of the letters company has given to him about this. Further the information is denied under Section 2 (j) which speaks only about inclusions and not about denial

			aspects. It appears as if the CPIO has not understood the sections properly.
5.	Copies of Permission letter from Technology Suppliers of Individual Plants/Operating Units to operate the plant above 100% capacity and their guarantee/certificate that it is safe to operate such units above 100% levels.	The information is not held. Therefore it cannot be disclosed and denied under Section 2 (j) of RTI Act, 2005.	Technology suppliers design the plants for rated capacity only and any changes in this require their approval for modifications. Any errors in modifications by which you operate the plant above rated capacity may cause explosions, accidents, etc, damaging the life of people of surrounding areas. Also it is cheating to over produce without paying/informing the licensors which may disrepute our country in international levels. Please note down the public and national interest involved and provide the information. Also denial clause mentioned is 2 (j) of Act which is not relevant.
6.	Copies of manpower study made by any standard consultancy/manpower study agency narrating the need of extra manpower in the refinery that caused all recruitments since ONGC takeover.	This information is held in fiduciary relationship and cannot be disclosed as it has been supplied by a third party and has been treated as confidential. Therefore denied under Section 8 (1) (e) and 11 (1) of RTI Act, 2005.	It is a fact that ASCI Hyderabad has done a manpower study of MRPL and given a report of recommendations. MRPL has paid for that. Since there is no pact/agreement between ASCI and MRPL that the contents of this report should not be shared by MRPL to others, it cannot become a confidential document. The report is not obtained by fiduciary relationship by the company as per 8 (1) (e). The issue of Manpower Study by ASCI Hyderabad or any other agency, and the report based on that involves lot of public interest related to unemployment problems of our country and the land-losers employment issue of MRPL. (Displaced people for projects, etc.) Further, Section 11(1) speaks about the procedure of providing the information when a third party is involved and not about denial of information. You may follow the said procedure to get the necessary information as mentioned in Section 11(1). Pls provide the information.
7.	Copies of all Justification papers/approval notes submitted by HR department to the	Information sought is enclosed at Annexure-"A".	(This information since has been provided.)

	Board/Managing Director for each and every Recruitment that has taken place after the takeover by ONGC.		
8.	All Approval note copies/supporting documents duly signed by the Competent Authorities to do recruitment/selection for/on behalf of OMPL at MRPL's cost or the copies of agreements between OMPL & MRPL in this regard.	These are confidential notes, which are held in fiduciary relationship. Therefore, denied under Section 8 (1) (e) and 11 (1) of the RTI Act, 2005.	There can be nothing related to 'fiduciary relationship' as such that justifies the application of clause 8(1) (e) for doing recruitments for some other company. The land loser graduate engineers for OMPL project were still waiting for their entitled job and MRPL has done recruitment on their behalf. Further, all the recruitment procedures for these OMPL Engineers were carried out by giving an imagination, that they will be recruited for MRPL only. Since lot of corruption changes, partiality and denial employment to land losers are the matters included in this issue, it is matter of public interest. Further, Section 11(1) speaks about the procedure of providing the information when a third party is involved and not about denial of information. You may follow the said procedure to get the necessary information as mentioned in Section 11(1). Please provide the information.
9.	All documents/approval notes that authorized MRPL HR Department to train few of the OMPL employees in MRPL in July 2009 onwards.	These are confidential notes, which are held in fiduciary relationship. Therefore, denied under Section 8 (1) (e) and 11 (1) of the RTI Act, 2005.	There can be nothing related to 'fiduciary relationship' as such that justifies the application of clause 8(1) (e) for training employees of some other company. The land loser graduate engineers for OMPL project were still waiting for their entitled job and MRPL has done recruitment on their behalf. Further, all the recruitment procedures for these OMPL Engineers were carried out by giving an imagination, that they will be recruited for MRPL only. Since lot of corruption changes, partially and denial of employment to land losers are the matters included in this issue, it is a matter of public interest. Further, Section 11(1) speaks about the procedure of providing the information when a third party is

  
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			involved and not about denial of information. You may follow the said procedure to get the necessary information as mentioned in Section 11(1). Please provide the information.
10	Board Meeting minutes/approval copies regarding all recruitments since 01/01/2003.	Copies of approval relating to the Recruitments made from 01/01/2003 are available at Annexure- "A".	
11	Copies of Organogram (list of positions in each grade as approved by management/Board) of MRPL as on: 1/1/1993, 1/1/1994, 1/1/1995 1/1/1996, 1/1/1997, 1/1/1998 1/1/1999, 1/1/2000, 1/1/2001 1/1/2002, 1/1/2003, 1/1/2004 1/1/2005, 1/1/2006, 1/1/2007 1/1/2008, 1/1/2009, 15/8/2009	These are confidential notes, which are held in fiduciary relationship. Therefore, denied under Section 8 (1) (e) and 11 (1) of the RTI Act, 2005.	Question cannot be related to 'fiduciary relationship' as such that justifies the application of clause 8(1)(e) in this case. All the recruitments in PSUs are carried out as per the vacancies existing / shown in organogram. This organogram is related to the unemployment problem in the society and lot of public interest is involved in that. Further, Section 11(1) speaks about the procedure of providing the information when a third party is involved and not about denial of information. Who is the third party here? None. Please provide the information. You may remove out the confidential parts as per Section 10 and provide the rest of the information.
12	Board Approval copies of any changes in Organogram since 1/1/2003.	These are confidential notes, which are held in fiduciary relationship. Therefore, denied under Section 8 (1) (e) and 11 (1) of the RTI Act, 2005.	Section 8(1)(e) cannot be applied here since there is no element of 'fiduciary relationship' in this. Section 11(1) cannot be applied because there is no third party involved. These notes are not confidential notes because it does not include commercial confidentiality of any kind. This issue is of public interest since it deals with employment opportunities to unemployed citizens of our country.
13	All copies of Proposals sent to Board/Managing Director on all issues /matters signed by Managing Director.	This information is wholly non-specific and tantamounts to be voluminous. Therefore it is denied under Section 7 of the RTI Act, 2005.	There must be a system where all the documents signed by the Managing Director are scanned and kept for record which is the common proactive is all PSUs. Please put such scanned papers in a CD and give me. Question of heavy volume won't arise. Question is specific and it asks for all proposals, signed and sent to Board of approval by MD.

14	Copies of letters whether MRPL is informed all Insurance Companies that is operating above 100% levels. Whether the potential risks cause due to operating the plant above licensed capacity has been covered or not. If covered what is the additional insurance premium payment MRPL is making in all aspects for operation of the plant.	This information is non-existent. Therefore it cannot be provided.	
15	Year wise details of recruitment in MRPL and the number of employees recruited from Karnataka state (to which state they belong during the time of their recruitment) in management and non-management category separately.	The information is provided in the requisite format at Annexure- "C".	
16	Year wise details of recruitment in MRPL and the number of employees recruited from each state of India other than Karnataka (to which state they belong during the time of their recruitment) in management and non-management category separately. (to which state they belong during the time of their recruitment) in management and non-management category separately.	The information is provided in the requisite format at Annexure- "D".	


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17	<p>a) Average 'Cost to Company' (CTC) per 'management grade employee', by considering all welfare/benefits/direct &amp; indirect contributions as on the day of ONGC takeover.</p> <p>b) Average 'Cost to Company' (CTC) per 'management grade employee', by considering all welfare/benefits/direct &amp; indirect contributions as on 18/08/2009.</p> <p>c) Average 'Cost to Company' (CTC) per 'non management grade employee', by considering all welfare/benefits/direct &amp; indirect contributions as on the day of ONGC takeover.</p> <p>d) Average 'Cost to Company' (CTC) per 'non management grade employee', by considering all welfare/benefits/direct &amp; indirect contributions as on 18/08/2009.</p>	The information is provided in the requisite format at Annexure- "H".	
18	Copy of the approval note from Board/Managing Director for advertising all the vacancies in news papers after ONGC takeover. The cost incurred against each recruitment drive.	The information is provided in the requisite format Annexure- "A" & Annexure "B".	

19	The copies of Board Approval/Management Approval letters that enlisted the names of colleges from where campus selection to be made for GETs. The justification mentioned in such letters in selecting such colleges.	Copies enclosed at Annexure- "E".	
20	The reasons/grounds on which the good Engineering Colleges of Karnataka were not selected for campus interview in recent GET recruitment drive. Is there any Board approved policy/government circular/court judgement that objects the company to do direct recruitment from Engineering Colleges of Karnataka State other than National Institutes and RECs.	These are confidential notes, which are held in fiduciary relationship. Therefore, denied under Section 8 (1) (e) and 11 (1) of the RTI Act, 2005.	
21	On what grounds, one particular engineering college from Vellore was selected for campus recruitment which is not a REC/NIT?	There were 7 NITs and 7 Deemed Universities picked up for campus recruitment. VIT belongs to Deemed University. Approvals have been attached at Annexure- "E".	
22	What is the justification for selecting 10 numbers of GETs from Jadavpur NIT alone Whether MRPL management has taken a special approval from DPE for recruiting more than the specified	8 GET's and not 10 were picked up from Jadavpur. Jadavpur is also not a NIT but a Deemed University. The justification is based on assessment by Selection Committee during Interviews. There are no DPE guidelines on number of candidates to	



	number of candidates from one particular college? If Yes, give the permission copy.	be picked up from any college.	
23	Give the percentage of marks obtained by each newly recruited GET in following pattern: 1) Name 2) Course/Discipline 3) College 4) Domicile/Address 5) Percentage/grade in each semester from 1st to 8th Sem. Information on subject papers that were not cleared by these new recruits in any of these semesters and carried over to next semester and wee cleared later.	Information is disclosed at Annexure- "F".	
24	Copies of manpower studies made by any external agency/consultancy for the purpose of job quantification/identification of vacancies in different departments etc for which MRPL has paid money/fees. Kindly provide the copy of the reports of such studies.	This information is held in fiduciary relationship and it is confidential. Therefore denied under Section 8(1) (d) & (e) and Section 11(1) of the RTI Act, 2005.	(Application of the RTI section is wrongly made. Please provide the information.)
25	What is the number of chemical, mechanical, electrical, instrumentation, civil Engineers/Sr. Engineers/Deputy Managers recruited in each department on and after 1/1/2003 and what were the number of eligible non management	This information is disclosed at Annexure- "G".	


  
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<p>employees due to promotion in each stream of that qualification on the day of such recruitment. (Ex: If 3 chemical engineers were taken on 5/6/2005, how many internal TS1 level employees were due to M8 promotion on that day and waiting for promotion).</p>		
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Dissatisfied with the reply furnished by the CPIO, the appellant preferred the present appeal. The appellant in his appeal, inter alia, stated that the CPIO failed to give information sought by him. The appellant, therefore, requested that information sought by him be furnished to him. Views / Comments in respect of the appeal were called for from the CPIO.

DECISIONS: (Para wise)

1. The applicant had requested copies of minutes of all Board Meetings since the takeover of MRPL by ONGC. Whereas the CPIO had denied disclosing /providing copies of all minutes because those minutes were held in commercial confidence and were not disclosed under Section 8 (1) and Section 11 (1) of the RTI Act. In the appeal, the appellant vide his query No.1 has asked copies of only those minutes of the Board Meetings which were not treated as confidential. Since the appellant has now specified copies of the non confidential minutes. The company has convened 51 Board Meetings so far from the date of takeover from the erstwhile management on March 03, 2003. Thus, it is voluminous information. However, while honouring the request of the appellant, the CPIO is directed to provide copies of the minutes of the Board Meeting containing subjects of public interest such as Corporate Announcements, all Press Releases /Communiqués, Public Notices, Notices to Share Holders, Information with regard to issuance of new shares in lieu of lost shares, irrespective of page numbers, within 15 days from the issue of this order, free of charge.
2. The appellant has not specified any particular letter. Moreover, the information sought is very huge and voluminous which would disproportionately divert the resources of this Public Authority. Therefore, the decision of the CPIO is upheld. However, copy of any specified letter, if required, be provided on a specific request. The appellant may carry out inspection of the records and specify and identify the letter, required by him.
3. The appellant has sought copies of all letters / replies / communications made to / with the Deputy Director of Factories since ONGC take over. This information is also non - specific and would disproportionately divert the resources of this Public Authority. However, if the appellant desires to have copy of any specific letter, he may carry out inspection, free of charge of the disclosable record and identify the letter. Copy of which be provided to him after the inspection.


  
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4. The CPIO is directed to provide a copy of permit No MYSK 1422 dated September 23, 1995 issued by the deputy Director of Factories, Govt. of Karnataka and also a copy of press release dated February 18, 2010 in this regard, free of charge.
5. It is confirmed that no such information is held by this Public Authority. Therefore, the decision of the CPIO is upheld.
6. This information is held in fiduciary relationship and it is in the nature of commercial confidence which covers strategic deployment of manpower with the view to securing optimum capacity utilization. Disclosure of this information may harm the business interest of the company. Therefore, the decision of the CPIO is upheld.
7. This information has already been provided.
8. The available copy of approval dated December 11, 2008 on letter No.MRPL/GGM/HR/2008 dated December 04, 2008 addressed by MRPL to Shri C.B. Subramanian, Chief Operating Officer, ONGC Mangalore Petrochemicals Limited, Mangalore, be provided within 15 days from the issue of this order, free of charge.
9. It is confirmed to the undersigned that no such note of approval authorizing MRPL, HR Department to train few of OMPL employees in MRPL from July 2009 onwards exists in this office of the Public Authority. Therefore, this information is not held.
10. This information has already been provided.
11. There is no approved organogram (list of positions in each grade as approved by **Board of Directors**) as on January 01, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. However, the approved organogram as on August 27, 2009 is available. The CPIO is directed to provide a copy of the approved organogram as on August 27, 2009 within 15 days from the issue of this order, free of charge.
12. The CPIO is directed to provide a copy of the latest organogram as on August 27, 2009, within 15 days from the issue of this order, free of cost.  
  
The information sought is wholly non specific. The MD on an average signs 100 papers everyday and no scanned copy is retained in the office. It would disproportionately divert the resources of this Public Authority, as the information sought is voluminous. Therefore, the decision of CPIO is upheld. However, copy of any specified letter if required, be provided on a specific request.
13. This information is non existent. It has been reconfirmed to the under signed by Mumbai office of MRPL also. Therefore, the decision of the CPIO is upheld.
14. This information has already been provided and no appeal has been preferred in this regard.
15. This information has already been provided and no appeal has been preferred in this regard.
16. This information has already been provided and no appeal has been preferred in this regard.
17. This information has already been provided and no appeal has been preferred in this regard.

18. This information has already been provided and no appeal has been preferred in this regard.
19. This reply has already been given and no appeal has been preferred in this regard.
20. This information has already been provided and no appeal has been preferred in this regard.
21. This information has already been provided and no appeal has been preferred in this regard.
22. This information has already been provided and no appeal has been preferred in this regard.
23. This information has already been provided and no appeal has been preferred in this regard.
24. This information is held in fiduciary relationship and it is also in the nature of commercial confidence which covers strategic deployment of manpower with the view to securing optimum capacity utilization. Disclosure of this information may harm the business interest of the company. Therefore, the decision of the CPIO is upheld.
25. This information has already been provided and no appeal has been preferred in this regard.

The appeal is disposed of accordingly.

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

  
28/2/2010  
(Manjusha Bhatnagar)  
General Manager (HR) / First Appellate Authority  
Mangalore Refinery and Petrochemicals Limited  
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- ✓ 3. IS Department, MRPL for uploading on RTI Link of MRPL Website.