

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1704-01/21

Arfan Ali

(Appellant)

Vs.

National Bank of Pakistan

(Respondent)

Order

Date: September 23, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated January 21, 2022, to the Commission, stating that he Submitted an information request to the National Bank of Pakistan dated December 15, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
 1. *“That the applicant is a citizen of Pakistan and the father of the petitioner has been served the National bank and died during his service in 1996.*
 2. *That at the time of death the applicant was a minor so he could not apply for job on son’s quota of National Bank of Pakistan.*
 3. *That the applicant wants to get attested copy of policy / notification from 1996 to 2006 under which job is given to the deceased employees’ sons of National Bank of Pakistan so the applicant is filing this application.*
 4. *That the applicant has right to get attested copy of policy / notification and the bank being a public sector organization legally bound to provide the same, hence this application.*

It is, therefore, most respectfully prayed that please issue attested copy of policy / notification under which job is give to the deceased employees’ sons of National Bank of Pakistan from 1996 to 2006.”

B. Proceedings

3. Through a notice dated Jan 28, 2022 sent to the President, National Bank of Pakistan called upon the Respondent to submit reasons for not providing the requested information.
4. The appeal was fixed for hearing on April 12, 2022 and both parties were informed through notices sent on February 22, 2022. Hearing Summon dated February 22, 2022 sent to President, National Bank of Pakistan states, *“failure to attend the hearing will result in ex*

Partee decision and the responsible will be dealt within accordance with the relevant provisions of the Act”.

5. The appeal was again fixed for hearing on May 17, 2022 and June 28, 2022. Mr. Muhammad Riaz, Senior Vice President, National Bank of Pakistan attended the hearing and requested time for the provision of the information. Hearing was adjourned for July 19, 2022.
6. Mr. Muhammad Riaz, Senior Vice President, National Bank of Pakistan again appeared before the Commission in the hearing held on July 19, 2022 and requested one more week for the submission of the response/information. Which was allowed and hearing was adjourned for August 02, 2022.
6. The respondent on August 02, 2022 submitted its response which is as under:
 1. *“Para No. 01 is a matter of record.*
 2. *Para np.02 is correct toe the extent of death of the father of the appellant and his minority however it may be added that the appellant neither applied for job within the time frame nor expeditiously enough rather remained indolent upon this issue so much so that he is applying for even information in this regard in the year 2022 i.e., after the lapse of almost 36 years of the demise of his father. It is a settled law that “Vigilantibus, non dormientibus, jura subvenient,” which means “Equity aids the vigilant and not the indolent”. So, if one sleeps on his rights, his right will slip away from him.*
 3. *That the application for the relevant information without disclosure of the purpose is contumacious under the objections supra. As far as the applicable policy/notification whereby the job were extended to the legal heirs of the deceased employees who passed away during the performance of their duties is the policy of 2004 which was circulated vide HRM&AG:Deceased Employee/2004/13999 dated 01.12.2004 to 2006. The same is attached herewith.*
 4. *The Para No.04 is incorrect hence vehemently denied. As in consonance with the para supra, the information sought by the Appellant is exempted from disclosure as envisaged under section 16of the RTIA Act 2017. From the contents of the instant appeal, the appellant has no concern whatsoever with the detailed information sought and the bank is providing the said policy only for the perusal of his Honourable forum.”*
7. Response submitted by the public body was shared with the appellant on August 02, 2022.
8. The appellant on August 10, 2022 submitted rejoinder to the response of the public body which is as under;

“Needs no reply.

 1. *That in para No.2 the respondent has admitted about the job of the appellant’s father. It is pertinent to mention here that when the father of the appellant died then the appellant is minor, so he couldn’t apply for the job and the appellant applied for job in 2014 and 2016 but job is not provided to the appellant and malafidely now the National Bank of Pakistan is not issuing the policy and a notification under which other persons who have got job under the same situation but the appellant is deprived. It is worthy to mention here that limitation to get a public record is not applicable in any manner whatsoever, so the plea of National Bank of Pakistan is highly condemnable.*

2. *That National Bank of Pakistan is fully aware from the purpose to get this public record / policy / notification, so National Bank of Pakistan is making lame excuses just to deprive the appellant from public record and to get job, so National Bank of Pakistan is creating hurdles in this regard and this action of National Bank of Pakistan is not justifiable in any manner whatsoever.*
3. *That the information which the appellant is seeking by National Bank of Pakistan not exempted from disclosure and no one can get benefit from this information instead of legal heirs of deceased employees, so the plea taken by National Bank of Pakistan is not justifiable by the provisions of information act and it is also necessary to mention here that the appellant has concerned with this public record / policy / notification and the appellant is struggling to get this public record from long time.*

It is, therefore, most respectfully prayed that the written reply filed by the respondent / National Bank of Pakistan may kindly be ignored and dismissed and the appeal of the appellant may very kindly be accepted and National Bank of Pakistan may very kindly be directed to provide a public record / policy / notification to the appellant as early as possible in the interest of justice, equity and fair play.”

9. Rejoinder submitted by the appellant was shared with the public body on August 18, 2022 with the directions to respond to the queries of the appellant within 10 working days.
10. The respondent on September 06, 2022 submitted its response to the rejoinder filed by the appellant, which is as under:
 1. *“ Para No. 1 needs no reply.*
 2. *Para No. 2 is correct to the extent that the respondent bank admitted that the father of the appellant worked with the respondent. However, the rest of the para is incorrect as stated hence vehemently denied. The respondent has clearly stated in the reply to the previous application of the appellant as well that “The Appellant neither applied for job within the timeframe nor expeditiously enough rather remained indolent upon this issue so much so that he is applying for even information in this regard in the year 2022 i.e., after lapse of almost 36 years of the demise of his father. It is a settled law that “Vigilantibus, non dormientibus, jura subvenient.” i.e., “Equity aids the vigilant and not the indolent”. So, if one sleeps on his rights, his rights will slip away from him”. Furthermore, it is not a question of limitation in any way. The limitation in any way. The appellant has kept his claim entirely ambiguous.*
 3. *Para No. 3 is incorrect as stated hence vehemently denied. The respondent is not creating any hurdle in the way of obtaining job by the Appellant. Though the respondent bank is right within the limits and bounds set by the law in addressing the questions raised by the appellant and is in no way trying to harm the interest of the appellant.*
 4. *Para No.4 is incorrect as stated hence vehemently denied. Firstly, the appellant’s claim in the instant appeal itself is entirely ambiguous and unclear. Secondly, the respondent has already provided a copy of the relevant policy document of 2004 to the Appellant, as required by the Appellant hence filing of the instant reply to the reply filed by the respondent is a nullity and of no futility for any of the parties.”*

C. Discussion and Commission’s View on Relevant Issues

11. This commission has to decide,
 - Has the public body provided complete and relevant information to the appellant?

12. This commission holds that record on the file shows that in the instant appeal the public body has addressed all the questions asked by the appellant in his original information request.
13. This commission is of the view that if the appellant required any other document/information he should file a new information request by specifically mentioning the record information/documents.

D. Order

14. The appeal is dismissed with no further directions to the public body.
15. Copies of this order be sent to the President, National Bank of Pakistan and the Appellant for information.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:
September 23, 2022

This order consists of 3 (three) pages, each page has been read and signed.