

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1137-06-2021

Hidayat Ullah Khan

Versus

National Accountability Bureau

Hearing Date: 11.8.2021

Fawad Malik: Information Commissioner

APPEAL

1. The brief facts of the appeal are that Mr. Hidayat Ullah Khan, appellant filed a complaint dated 17.5.2017 before the National Accountability Bureau, Peshawar complaining therein unauthorized and illegal irrigation on the right bank of Chashma Right Bank Canal in Dera Ismail Khan, Khyber Pakhtunkhwa, in connivance and corroboration of the WAPDA staff and irrigation department in lieu of gratification causing huge financial loss to the Provincial exchequer in loss of the abiana. In connection with the complaint the appellant attended the office of investigation officer on 31.5.2017.
2. The appellant through request dated 19.12.2020 under the Right of Access to Information Act, 2017 addressed to the designated officer, NAB, Peshawar has asked for the provision of law, rules, regulations or any departmental instructions under which the investigation has been referred to the DC of the district.
3. Feeling aggrieved of non-provision of the information, appeal before the Pakistan Information Commission.

PROCEEDINGS

4. The notice of the Commission was responded by the designated officer, NAB, vide letter dated 10.8.2021, which reads as under:

“In this context, it is to inform you that the complaint of Mr. Hidayat Ullah Khan Gandapur was received at NAB KP region bureau, which was referred to DC D.I Khan for further action at their end as the matter pertains to water theft which does not come under the domain of NAB as per NAO-1999.”

5. Earlier the Deputy Director (Coord.) vide letter dated July 2018 responded to the appellant on his complaint as under:

“Your complaint has been examined. The nature of the allegations and quantum of amount involved and expediency of the matter do not warrant further action under the provision of the National Accountability Ordinance, 1999 and it has been referred to Deputy Commissioner D.I Khan.”

COMMISSION’S VIEW

6. The NAB authorities have acknowledged the complaint filed by the appellant at KP region bureau, pointing out theft of water at the Chashma Right Bank Canal in the area of district Dera Ismail Khan. It is apprised by the answering respondent to the Commission that the allegation and quantum of amount involved does not warrant action under the provisions of the National Accountability Ordinance, 1999. The matter thus has been referred to the Deputy Commissioner, Dera Ismail Khan for further action at his end.

7. If the appellant want further information in the matter he may approach the district administration under the provincial law on the subject.

ORDER

8. The appeal is disposed of as it does not call for any further action by the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 23.8.2021

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