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**Government of Pakistan**  
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**In the Pakistan Information Commission, Islamabad**

**Appeal No 1357-09/21**

**Hussain Jahangir**

**(Appellant)**

Vs.

**Federal Investigation Agency and NTDCL**

**(Respondent)**

**ORDER**

**Date:** April 18, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated September 09, 2021, to the Commission, stating that he submitted an information request to the Managing Director, National Transmission and Dispatch Company (NTDCL), on August 30, 2021 under the Right of Access to Information Act 2017 but did not receive any response from the public body.

2. The information sought by the Appellant is as follows:

*“Subject: Information under section 11 of the Right of Access to information Act, 2017 and the rules made thereunder with respect to FIA inquiry sent to NTDCL by FIA for department inquiry vide no. 1128-29 Dated 05-03-2019*

*Will the MD NTDCL be pleased to state as to what action was taken on the subject cited inquiry sent by Federal Investigation Agency, Lahore to you for departmental inquiry. The bold and underlined portion above is a question being asked by the undersigned under the rights granted to me by Article 19A of the Constitution of Islamic republic of Pakistan, 1973 as amended read with the provisions of THE RIGHT OF ACCESS TO INFORMATION ACT, 2017 AND THE RULES MADE THEREUNDER. It is requested that an urgent reply as per timelines given in The Punjab Transparency and Right to Information Act, 2013 may kindly be given”*

## B. Proceedings

3. The record on the file shows that the Respondent, NTDC submitted its response on December 21, 2021 and its relevant portions are as under:

“It is submitted that Mr. Hussain Jehangir i.e., the complainant has referred to an untitled inquiry sent by FIA to NTDC, a copy of which was not available with the complaint. To probe the matter, the complainant was contacted via phone to understand the nature of his complaint and obtain a copy of the FIA letter mentioned by him. Mr. Hussain Jehangir informed that his grievance is regarding his candidature during the recruitment of 2014-Batch Junior Engineers, however, refused to provide a copy of said FIA correspondence. For the record, Mr. Hussain Jehangir applied for the post of Junior Engineer in 2014 and secured 59 marks in the written test conducted by NTS. After adding his education points, he obtained an aggregate score of 53.20 (40 % of NTS Score i-e 40% of 59 = 23.60 plus Education Points out of 40-29.60) by assigning 40% weightage each to his NTS score and education marks as per NTDC recruitment policy at the time however could not be called for the interview being placed low in the initial merit list. For reference, the last candidate who called for an interview in the Punjab Open quota secured a score of 54.42 (40% of NTS Score He 40% of 59= 23.60 plus Education Point out of 40-30.82).

The recruitment process was carried out transparently and prima facie there appears no reason for a probe by FIA in the matter. However, if provided with the questioned FIA letter, the company shall act and respond accordingly as per rules”.

4. The Respondent, FIA submitted its response on March 05, 2022 and its relevant portions are as under:

The subject enquiry was registered in this circle against officers/ official of WAPDA NIDCL as result of complaint lodged by Hussain Jahangir s/o Irfan Jahangir r/o Gulberg Lahore. According to complaint, alleged persons illegally / fraudulently by violating for merit list recruited their favorite their favorite persons upon the past of Junior Engineer and ignore to deserving candidates.

The matter was thoroughly probed. Thereafter, the competent authority has accorded permission to refer the subject enquiry to your good office for further probe.

Therefore the subject enquiry along-with relevant record is sent to your good office with the request to probe the matter under intimation to this office. (necessary documents are attached)”.

5. The Appellant submitted his rejoinder on April 10, 2022 and its relevant portions are as under:

“It is respectfully submitted that both the respondents have taken considerable time without providing the information asked for and are now trying to shift burden on each

other which has resulted in abnormal delay in provision of information asked for under Section 11 of the Right of access to Information Act, 2017. The complainant is, therefore, compelled to request that coercive procedure may kindly be adopted against both the respondents as per the aforesaid statute so that they may feel obliged to provide the information asked for”.

**C. Discussion and Commission’s View on Relevant Issues**

6. The Appellant sought information from the Respondent, NTDC about steps taken on the enquiry sent by Federal Investigation Agency.
7. The FIA, in its communication with NTDC stated “to probe the matter”.
8. Federal public bodies are legally bound to share with the citizens of Pakistan all ‘finalised enquiries. As such, the Respondent, NTDC is bound to share with the Appellant steps taken to conduct enquiry on the communication of FIA stating ‘to probe the matter’ and if the enquiry report has been finalised, share its certified copy with the Appellant.

**D. Order**

9. The Appeal is allowed. The Respondent, NTDC is directed to provide the requested information in para 2 of this Order, based on records available with the Respondent, at the earliest but not later than 7 working days of the receipt of this Order.
10. Copies of this Order be sent to the Respondents and the Appellant for information and necessary action.

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: April 18, 2022

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