



In the Pakistan Information Commission, Islamabad
Appeal No 1861-04/22

Naeem Sadiq

(Appellant)

Vs.

Pakistan Post

(Respondent)

ORDER

Date: May 30, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated April 16, 2022, to the Commission, stating that he submitted an information request to the Director General, Pakistan Post on April 12, 2022 under the Right of Access to Information Act 2017 but was not satisfied with the response of the public body.
2. The information sought by the Appellant is as follows:
 1. How much total number of private security guards are deployed by your organization in Head Office, Zonal Offices and 13000 Post Offices of Pakistan Post, across the entire country.
 2. What is the current monthly salary actually paid to each of these guards. Kindly do not refer to your contracts with the security companies, but state the actual salary received by the guards.
 3. Kindly mention if these guards perform 8 hour or 12 hour duty each day.
 4. Do the private security guards receive a weekly holiday or not.
 5. Of the total number of guards, how many are registered with EOBI and how many are not. Please provide EOBI registration numbers of those registered with EOBI.
 6. Of the total number of guards, how many are registered with Social Security. Please provide Social Security registration numbers of those registered with Social Security.
 7. "Tour response answers question no. 1 and 3 ONLY.
 8. You have failed to provide correct answers to question no 2. 4. 5. And 6. You have in each case opted for the standard excuse that these are not your employees but that of the Private Security Company. You did this despite our clear statement that you, the POST OFFICE being the principal employer are fully responsible for ensuring that all laws of minimum wage. EOBI and Social Security are fully implemented even when you employ security guards through third party / private security company.
 9. This is to therefore inform you that **YOU ARE IN GROSS VIOLATION OF MINIMUM WAGE, EOBI AND SOCIAL SECURITY LAWS" YOU ARE CRIMINALLY EXPLOITING THE GUARDS AND DEPRIVING THEM OF THEIR BASIC RIGHTS BY SUBLETTING THE TASK TO A CRUEL AND LAWLESS 3RD PARTY SECURITY COMPANY AND CLOSING YOUR EYES**
 10. Such blatant lawlessness is not expected from an esteemed national organization. Your actions are **ILLEGAL** and amount to **SLAVERY, CRUELTY AND INHUMANITY.**

11. Kindly cancel or amend all private security company contracts. And ensure that all security guards are given a minimum wage. Of 20.000 (for 8 hour duty) or Rs.40.000 for 12 hour duty, and they are registered with EOBI and Social Security.
12. Kindly conform that your subcontracted guards actually have begun receiving the amount mentioned above and also confirm the EOBI and Social Security number of each guard by 30 April 2022. We shall pursue this case to the highest level in Pakistan till it is fully resolved”.

B Proceedings

3 The commission held hearing on May 19, 2022 vide letter dated April 22, 2022.

4 The Respondent submitted following response:

Para No.	Contents of Petition (s)	Reply / Comments on behalf of PPOD																								
1	We are a group of citizen working on issue of better wages and better working conditions of private security guards for past several years. Our numerous surveys and interviews of private security guards of hundreds of National Saving branches and thousands of Post Offices reveal pathetic human rights violation.	Denied. There is no any violation of human rights on part of Pakistan Post related to private security guards deployed by the private security companies in the PPOD. The private security guards deployed in Pakistan Post for security purpose are neither regular employees of PPOD nor they are on payroll of Pakistan Post. The services of private security guards are hired by Pakistan Post from Private Security Companies on contract basis through competitive bidding / tendering process under Public Procurement Rules, 2004.																								
2	Pakistan Post (Head Office: G-8/4, Islamabad) operates 13000 post offices spread all across Pakistan. Thus they employ thousands of private security guards at their Head Office, GPOS and post offices. Sadly they cruelly exploit these private security guards and deprive them of their human rights by paying them illegal salary of 14 to 15,000 Rs. Per month, no EOBI and no leave, while making them work for 12 hours a day. Kindly appreciate that as per Federal minimum wage they must receive at least Rs.40,000 per month (Rs.20,000 for first 8 hours duty and Rs.20,000 for extra 4 hours overtime). They must also receive 4 weekly holidays that they are currently deprived of.	Not correct. As per information / data compiled from all field formations of Pakistan Post (PPOD), at present services of only (743) private security personals as detailed below have been hired by the Pakistan Post through formal contracts with private. Security companies under PPR, 2004. Detail is as under. <table border="1" data-bbox="836 1403 1477 2228"> <thead> <tr> <th>Sr No.</th> <th>Name of Circle / Office</th> <th>No. of Security Personals hired</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Dte General PPOD Islamabad</td> <td>19</td> </tr> <tr> <td>2</td> <td>Federal Capital & GB Circle, Islamabad</td> <td>66</td> </tr> <tr> <td>3</td> <td>Northern Punjab Circle Rawalpindi</td> <td>157</td> </tr> <tr> <td>4</td> <td>Southern Punjab Circle Multan</td> <td>70</td> </tr> <tr> <td>5</td> <td>Baluchistan Circle Quetta</td> <td>32</td> </tr> <tr> <td>6</td> <td>Metropolitan Circle Karachi</td> <td>57</td> </tr> <tr> <td>7</td> <td>Northern Sindh Circle Hyderabad</td> <td>33</td> </tr> </tbody> </table>	Sr No.	Name of Circle / Office	No. of Security Personals hired	1	Dte General PPOD Islamabad	19	2	Federal Capital & GB Circle, Islamabad	66	3	Northern Punjab Circle Rawalpindi	157	4	Southern Punjab Circle Multan	70	5	Baluchistan Circle Quetta	32	6	Metropolitan Circle Karachi	57	7	Northern Sindh Circle Hyderabad	33
Sr No.	Name of Circle / Office	No. of Security Personals hired																								
1	Dte General PPOD Islamabad	19																								
2	Federal Capital & GB Circle, Islamabad	66																								
3	Northern Punjab Circle Rawalpindi	157																								
4	Southern Punjab Circle Multan	70																								
5	Baluchistan Circle Quetta	32																								
6	Metropolitan Circle Karachi	57																								
7	Northern Sindh Circle Hyderabad	33																								

		8	KP Circle Peshawar	97
		9	Central Punjab Circle Lahore	198
		10	AJK Circle Muzafarabad	10
		11	ECO Staff College Ibd	04
			Grand Total	743
		<p>As stated above in para(1), these private security guards are employees of the concerned security companies established with the approval of regulatory authorities and not by Pakistan Post (PPOD). Moreover, Pakistan Post (PPOD) does not make direct payment of wages/ salaries to these private security guards. Rather, service charges in lump sum are paid to contractor's companies on submission of monthly invoices / claims as per competitive rates offered by these companies in tendering process and agreed through formal agreements executed between Pakistan Post and private security companies. Being pure public sector organization an attached department of the Federal Govt, PPOD is bound to hire the security services through competitive bidding under Public Procurement Rules, 2004.</p>		
3	<p>Likewise the National Savings Organization (Head Office: Central Directorate of Savings. 23-N, Savings House G-8 Markaz, Civic Centre, Islamabad.) employs over 1300 private security guards in its 370 branches spread all across Pakistan. These guards receive a paltry amount of Rs.17,500 (as against Rs.40,000 pm) for the 12 hour duty. They are also not registered to EOBI and not entitled to a weekly holiday.</p>	<p>Relates to National Savings Department.</p>		
4	<p>As Citizens of Pakistan we request you to kindly put an immediate end to these violations and ensure that all security guards at Pakistan Post and at NSO receive either that all security guards at Pakistan Post and at NSO receive either Rs.20,000 for 8 hour duty of Rs.40,000 for 12 hour duty, and that they are registered to EOBI and given 4 weekly holidays. This is not just a human right violation but amount to unlawful torture and misery for thousands of private security guards and their families. Your response on these violations will be greatly appreciated</p>	<p>Not related to Pakistan Post. As these private security guards are employed by the private security companies, therefore payment of wages/salaries to these security guards as per minimum approved rates of wages whatsoever is the responsibility of said private security companies.</p>		

3. It is therefore requested that considering the stated above facts and grounds, the notice issued to Pakistan Post may kindly be filed and private security companies being employer of these private security guards may be summoned to comply the obligations related to private security personals”

C. Discussion and Commission’s View on Relevant Issues

- 5 This commission holds that the response of the Respondent, Pakistan Post As these private security guards are employed by the private security companies, therefore payment of wages/salaries to these security guards as per minimum approved rates of wages whatsoever is the responsibility of said private security companies” does not hold water.
- 6 This commission concurs with the Appellant that “*POST OFFICE being the principal employer are fully responsible for ensuring that all laws of minimum wage. EOBI and Social Security are fully implemented even when you employ security guards through third party / private security company*”.
- 7 This commission is of the view that the requested information about the steps taken by the Respondent to protect legal rights of the contracted *guards* to minimum wages and access to allied facilities is of public importance and hence be made available to the Appellant.
- 8 This commission holds that it is responsibility of the Respondent to keep records of the means of verification to ensure that the contractor is actually providing the minimum wages to private security guards along with the allied facilities. It is tantamount to throwing the employees at the mercy of market forces.
- 9 It is responsibility of the Respondent, Post Office to maintain and disclose records pertaining to the current monthly salary actually paid to each guard, their duty hours, information about weekly holiday, number of guards registered with EOBI along with EOBI registration numbers of those registered with EOBI, information total number of guards registered with Social Security along with Social Security registration numbers of those registered with Social Security.
- 10 The disclosure of the requested information will shed light on how public funds are being spent through the contractor and the extent to which the Respondent has ensured that these public funds are spent in line with the laws of the land.
- 11 In the instant Appeal, Sindh High Court Constitutional Petition No. D-852 of 2019 Dated 10 March 2021 is also relevant. While dealing with the question as to whether the employees of a labour contractor can be considered as the employees of the establishment, where they work through labour contractors, the Honourable Sindh High Court refers to the Honourable Supreme Court judgment (2013 SCMR 1253) by saying, “In the case where an employer retains or assumes control over the means and method by which the work of a Contractor is to be done, it may be said that the relationship of employer and employee exists between him and the employees of the contractor. Further, an employee who is involved in the running of the affairs of the company; under the direct supervision and control of the company; working within the premises of the company, involved directly or indirectly in the manufacturing process, shall be deemed to be employees of the company. The Honourable Sindh High Court judgment further declares, “Keeping in view the rule of parity and equity, all the janitorial staff even if considered to be the employees of the contractor, which is not the correct position, they have been performing duties of permanent nature ought to have been on regular strength of respondent-cantonment boards.”.

D. Order

- 12 Appeal is allowed. Director General, Pakistan Post is directed to provide the Appellant information requested in para 2 of this Order within 7 working days of the receipt of this Order.
- 13 Copies of this Order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

May 30, 2022

This order consists of 5 (five) pages, each page has been read and signed.