



In the Pakistan Information Commission, Islamabad

Appeal No 1970-06/22

Mumtaz Hussain

(Appellant)

Vs.

Pakistan Navy

(Respondent)

ORDER

Date: September 06, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1 The Appellant filed an appeal, dated June 13, 2022 to the Commission, stating that he submitted an information request to the Honorable, Chief Navy Staff on May 16, 2022 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:

1- یہ کہ جناب کے محکمہ نیول ہیڈ کوارٹر اسلام آباد میں سائل کے بیٹے اعجاز حسین اور سید حسین نے سٹیٹ فیس ادا کر کے رجسٹریشن نمبر 5150-5133 مورخہ 28/8/11 کے تحت رجسٹرڈ ہوئے۔ بعد ازاں متعلقہ بھرتی آفیسر نے قانون کی خلاف ورزی کرتے ہوئے ٹیسٹ فیس حاصل کرنے کے باوجود بیٹوں کو ٹیسٹ انٹرویو میں کال نہ کیا جن کی شکایت سائل نے شکایت کی تو لیٹر مورخہ 1/12/16 کے تحت سائل کو جواب ملا کہ بی پی ایس 1&2 کی آسامی پر صرف لوکل آدمی درخواست دے سکتا ہے (لیٹر کی کاپی لف ہے)۔

2- یہ کہ اس بابت منسٹری آف لاء اینڈ جسٹس اسلام آباد نے مورخہ 22/11/21 کو انفارمیشن کمیشن آف پاکستان کو رپورٹ داخل کرائی ہے کہ بی پی ایس 1&2 کی آسامی پر کیا کوئی پاکستان کا شہری ٹیسٹ انٹرویو نہ دے سکتا ہے۔ (رپورٹ کی کاپی برائے معائنہ ملاحظہ لف ہے)۔

3- یہ کہ منسٹری آف لاء اینڈ جسٹس ملک کا قانونی ادارہ ہے کی رپورٹ سے ثابت ہوتا ہے کہ جناب کے محکمہ کے متعلقہ بھرتی آفیسر نے جو سائل کو جواب مورخہ 1/12/16 کو دیا ہے۔ وہ خلاف واقعات اور خلاف قانون دیکر سائل کے بیٹوں کے قیمتی حقوق شدید متاثر کیے ہیں اور ناقابل تلافی نقصان کیا ہے۔

B. Proceedings

3 The record on the file suggests that the Respondent submitted its response on the intervention of this commission on August 30, 2016 and its text is as under:

a. “Your application dated 23 August 2016.

1. Your applications for induction of your sons in Pakistan Navy for the post were registered at PNR&SC Rawalpindi vide reference B. Selection of your sons come out as per rules in vogue. It is further highlighted that this letter does no you any right to claim selection of your sons in PN

2. Nevertheless, your keen interest to enrol your sons in PN is highly appreciated”.

4 The Respondent also submitted the following letter dated October 25, 2016 pertaining to the issue of the recruitment of his son:

“Your application for recruitment of your son as N/O has been given due consideration at appropriate level. However, the same has not been acceded to as per in-vogue policy. As per instructions contained in Newspaper published on 14 Aug 10, vacancies in BPS 1 and 2 are to be filled on local basis to Islamabad Rawalpindi division whereas your son is domicile holder of Distt Bhakar as mentioned in the application? For further queries/ information you may visit nearest PN Recruitment and Selection Centre This letter does not entail you any right to claim selection in PN”.

5 Hearing on the instant Appeal was fixed for August 11, 2022 vide letter dated August 02, 2022. Dr. M. Munir Saleem, DS (Coord) vend MOD

C. Issues

6 The instant appeal has brought to the fore the following issue:

“Has the Respondent provided all the information to the Appellant permissible under the Right of Access to Information Act, 2017, henceforth referred to as the “2017 Act”?”

D. Discussion and commission’s views on relevant issues:

7. This commission holds that the Respondent, Pakistan Navy has provided all the permissible information declared public under the “2017 Act”.

8. The mandate of the commission is to decide on whether the requested information is public information under the “2017 Act” and whether or not the permissible information has been provided. It is not within the mandate of this commission to adjudicate on issues other than the matters pertaining to right of access to information held by public bodies.

E. Order

9. The Appeal is disposed of as the requested information has been provided to the Appellant.

10. Copies of this order be sent to the Respondent and the Appellant for information.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:

September 22, 2022

This order consists of 03 (three) pages, each page has been read and signed.