

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 199-12/2019

Major (r) Farooq Ul Hassan

(Appellant)

Vs.

Military Accounts General

(Respondent)

Order

Date: August 25, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal on December 04, 2019 and stated that *“It is submitted that on my retirement in August 1991, I was not given my Defense Service Officer Provident Fund (DSOP Fund), AOB Fund and Group Insurance amount by the CMA (O) Rawalpindi. Adjutant General Branch PPA Dte GHQ Rawalpindi Vide their letter number 401/48/1/PPA-5-VFP6J5 dated 29 January 2018 (Copy attached) requested CMA (O) Rawalpindi to provide record / Information of my DSOP Fund. CMA (O) Rawalpindi vide their letter number F/1/Misc dated 31 October 2018 (Copy attached) intimated that no record of the Officer concerned was traced in their record. According to the Chief Controller Military Accounts (CCMA) Rawalpindi letter number Pay/AO/1056-Misc-xxlll dated 20 March 2019 as per rules in vogue Pay bill records need to be preserved for ten years.*

I am not satisfied with the above said response of CMA (O) and CCMA Rawalpindi. In fact, my and few other Officers Record / Information is missing from the register maintained by the CMA (O) Rawalpindi. A detailed investigation and Inquiry may be ordered in the case to find the facts and to avoid an irreparable financial loss to me due to no fault of mine. My said Record / Information is also not available, anywhere, in the concerned Units / Formations and GHQ Rawalpindi offices, whereas, I am alive and regularly drawing my Pension from the CMA (O).

I would like to request your good self to help me in getting from CMA (O) / CCMA Rawalpindi my Record / Information and non-payment certificate of the above said Funds if not paid previously, so that the claim can be processed for final payment by my Unit from where I was retired”.

B. Proceedings

3. This commission through a notice dated December 12, 2019 sent to Controller Military Accounts Officer, Ministry of Defence called upon the Respondent to submit reasons for not providing the requested information.
4. The appeal was fixed for hearing on September 22, 2020 and both parties were informed through notices sent on September 15, 2020.

5. The appellant Mr. Farooq Ul Hassan attended the hearing but no one appeared on behalf of the Respondent in the hearing.
6. The hearing was again fixed for November 24, 2020 and both parties were informed through notices sent on November 13, 2020.
7. The hearing was adjourned for December 08, 2020.
8. Mr. Zaheer Ud Deen, Accounts Officer CMA(O), Mr. Asad Islam, Assistant Accounts Officer CMA and the Appellant attended the hearing to represent the Respondent. During the hearing, the Appellant argued that the record register is maintained by Military Accountant. The Military Accountant Department should give its response in writing that they don't have the requested record. The Respondent responded that the appellant is already informed in writing. It was decided to make Pay, Pension and Accounts Directorate should also be made party in the case.
9. Hearing was against fixed for hearing on December 29, 2020 and notices were sent to PPA's AG Branch, Controller Military Accounts Department and the Appellant. Text of the notice is as under:

"Pakistan Information Commission received an Appeal from Major (Retired) Farooq ul Hassan in which he has requested certain information regarding his DSOP (The copy of his appeal is attached).

A hearing date was fixed for 24/11/2020 where Controller Military Accounts was summoned. On the day of the hearing, Zaheer ud Deen Accounts Officer and Asad lam Assistant Accounts Officer appeared on behalf of the Controller Military Accounts (Officers). They informed the Commission, that their office does not hold old record of DSOP fund of the Appellant. They also shared with Commission the communication with PPA Directorate GHQ Rawalpindi and 18 Sindh Regiment of the Appellant (Copies are herewith enclosed). They informed the Commission that in order to make payment of DSOP to the Appellant, they need sanction letter from Pay Pension and Accounts Directorate.

In view of the position explained above, this Commission needs your assistance to get the record of DSOP fund of the Appellant and resolve the issue in hand, under the Right of Access to Information Act 2017 (see the text on www.rti.gov.pk). It will be appreciated if you nominate an officer who is well versed with the issue under consideration, to assist the Commission.

The nominated official to appear before the Commission on December 29, 2020. Other party, Military Accounts office, also have been summoned on the above-mentioned date for assistance, in order to resolve the issue amicably."

10. No one appeared to represent Pay, Pension and Accounts Directorate during the hearing held on December 29, 2020. The Pay, Pension and Accounts Directorate was again requested through a notice sent to Adjutant General, AG Branch PPA Dte, on January 26, 2021 and was directed to submit written response by February 09, 2021.

C. Discussion and Commission's View on Relevant Issues

11. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.
12. The information requested by the appellant is declared as public record in section 5 (d) and (e) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are

duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.

13. The citizen has the right to get this information / document relating to payments made or non-payments certificates so that he is able to claim his pending funds (if any) from the department.
14. Disclosure of this information will also improve the trust level between the public body and its employees.
15. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act is available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
16. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

17. The appeal is allowed. The Adjutant General, AG Branch, Pay, Pension and Accounts Directorate of Ministry of Defence is directed to provide the requested information to the Appellant as mentioned in Para 1 of this order.
18. The Controller, Military Accounts (Officer), Ministry of Defence is directed to provide in writing that the requested information do not pertain to them, in case they don not have any such record.
19. The Respondents are directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission by August 07, 2021.
20. Copies of this order be sent to the Adjutant General, AG Branch, Pay, Pension and Accounts Directorate of Ministry of Defence, Controller, Military Accounts (Officer), Ministry of Defence and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: August 25, 2021

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