



In the Pakistan Information Commission, Islamabad
Appeal No 2099-08/22 & 2157-08/22

Ali Abbas Khan

(Appellant)

Vs.

Capital Development Authority
Federal Investigation Agency

(Respondent-1)
(Respondent-2)

ORDER

Date: November 07, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 29, 2022 to the Commission, stating that he submitted an information request to the Secretary (CDA) / Public Information Officer, Capital Development Authority on July 04, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as follows:
“The list of all the employees from scale BS-16 to BS-18 who are waiting to be regularized or already regularized who were hired on daily wages. For reference consider the following high court judgements and office orders:
 - a. Writ Petition No. 4604/2018
 - b. Writ Petition No. 2045/2017 (ICA No. 155/2018)
 - c. ICA No. 340/2017
 - d. CDA board's decisions dated: 13/09/2019, 19/09/2019, 29/09/2020
 2. *List of all employees who are being allotted Govt. accommodation in CDA Officers Hostel, Sector F-5/2, Islamabad disregarding their employment status whether daily wages/contract / permanent.*
 3. *Full details of the investigation conducted by FIA (Enquiry No. 09/2016) with reference to letter CDA-7(01) HRD-III/2020/411”*

B. Proceedings

3. Through a notice dated August 11, 2022 sent to Secretary (CDA Board), Capital Development Authority, this Commission directed to provide reasons as to why the requested information has not been provided to the appellant.
4. The appeal was fixed for hearing on September 15, 2022 and notices were sent to the appellant and respondent on August 29, 2022. Syed Ali Asghar, Council CDA and the

appellant attended the hearing and submitted response. The public body in its response dated September 13, 2022 in response to the question no 3 of the appellants stated that “*the said inquiry was conducted by the FIA so full details of the investigation may be sought from the said agency.*”

5. The appellant on September 22, 2022 submitted rejoinder to the response of the public body and stated that the documents shared by the public body are not certified. He requested for the certified copies of the requested documents.
6. Through a notice dated October 06, 2022 sent to Secretary (CDA Board), Capital Development Authority, the Respondent was directed to provide certified copies of the requested documents/information.
7. The appeal was fixed for hearing on November 03, 2022 and both parties were informed through notices sent on October 26, 2022. Syed Ali Asghar, Council CDA and the appellant attended the hearing and provided certified copies of the already shared documents to the appellant. However, the Respondent-2, FIA, through letter dated October 07, 2022 submitted that “enquiry No. 09/2016 was closed by the competent authority and was transferred to CDA”.

C. Issues

8. The instant appeal has brought to the fore the following issue:
 - (a) Which public body is the custodian of the enquiry report (*Enquiry No. 09/2016*) with reference to letter CDA-7(01) HRD-III/2020/411 and can the enquiry report be made public under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

D Discussion and commission’s views on relevant issues:

9. The Respondent-1, CDA has submitted before this commission that “the said inquiry was conducted by the FIA so full details of the investigation may be sought from the said agency”.
10. This commission holds that the records available on the file suggests that the Respondent-2, FIA closed the enquiry and the matter was transferred to CDA to conduct any enquiry, if needed with all the relevant records. This means that final action, if any, on this enquiry has been taken by the Respondent-1, CDA and it is the custodian of this enquiry report.

E. Order

11. The Appeal is allowed. The Respondent-1, CDA is directed to provide the Appellant the certified copy of the finalised enquiry report, if it conducted the enquiry and finalised it, as requested in para 2 of this Order, at the earliest but not later than 7 working days of the receipt of this Order with intimation to this office.
12. Copies of this order be sent to the Respondents and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

November 07, 2022

This order consists of 2 (two) pages, each page has been read and signed.