

## Pakistan Information Commission

### Government of Pakistan

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### In The Pakistan Information Commission, Islamabad

#### Appeal No 908-02/21

**Naeem Ali**

(Appellant)

Vs.

**Peshawar Electric Supply Company**

(Respondent)

#### ORDER

**Date:** May 25, 2021

**Zahid Abdullah:** Information Commissioner

#### **A. The Appeal**

1. The Appellant filed an appeal to the Khyber Pakhtunkhwa Information Commission, dated December 23, 2021, to the Commission, stating that he submitted an information request to Peshawar Electric Supply Company on October 29, 2021 but did not received any response from the public body. As the Respondent is a federal public body, the Khyber Pakhtunkhwa Information Commission forwarded the appeal to Pakistan Information Commission on February 17, 2021.

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

*“I appeared in interview for the post of revenue officer PESCO. As per advertisement 15 seats for the revenue officer, but they have done appointments only on 12 seats. The rest of the 3 seats are hidden so far. The interview was held on 14/7/2020 at PESCO headquarter Peshawar. Appointments are done by 21st of august 2020. I went to the PESCO office on 15 of September 2020, and requested them for the merit list of all the individuals who were appeared in the interview. But they are not providing me. Now i have to use your channel to get the after-interview merit list of all the candidates who appeared in the PESCO revenue officer interview.”*

#### **B. Proceedings**

3. Through a notice dated March 01, 2021, sent to Chief Executive Officer, Peshawar Electric Supply Company, the Commission stated that

*“Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing*

*within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.*

4. On March 26, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the public body to “submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice. Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that If the written arguments are not submitted within 15 working days, “the appeal will be decided Ex Partee in the light of the record available on file and the Right of Access to Information Act 2017”.
5. The Respondent did not respond to the notices of the commission.

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

6. This commission is of the view that the requested information pertaining to the merit list of the candidates should not only have been provided to the citizen but it should have been proactively disclosed by the public body through its web site.
7. This commission is of the view that the disclosure of the requested information about the marks obtained by the successful candidates would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
  - a. Making government more accountable to citizens’;
  - b. Greater level of participation of citizens in the affairs of the government’;
  - c. ‘Reducing corruption and inefficiency’;
  - d. Promoting sound economic growth’; and
  - e. Promoting good governance and respect for human rights.
8. This commission take strong exception to the fact that the Respondent, Peshawar Electric Supply Company, not only failed to respond to the information request of the citizen, but it also failed to respond to the duly sent notices of this commission. If directions of this commission in Section D of this Order are not followed within the stipulated time-frame, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

### **D. Order**

9. Appeal is allowed. Chief Executive Officer, Peshawar Electric Supply Company is directed to provide the Appellant officer merit list pertaining to the post of Revenue

Officer as mentioned 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.

10. The Respondent is 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 in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’.

This template is available under ‘Information Desk’ category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.

11. Copies of this order be sent to Chief Executive Officer, Peshawar Electric Supply Company and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

**Announced on:**

May 25, 2021

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