

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3782-07/24

Mian Ejaz Saifal

Vs

SECP

December 16, 2024

Agha Saleem Khurshid Advocate and Ch. Ashraf Gujjar appeared on behalf of the appellant. None appeared on behalf of the public body.

2. Written reply of SECP has been received which has been perused and argument of the appellant have been heard.

3. The appellant vide his information request dated 10-07-2024 has sought following information from the public body,

“With reference to appeal No. 3694 In a very technical way SECP has twisted the matter in following lines under the cover of Para 2(3). In case of non-compliance with any of the provisions in future, shall be provided in statement of compliance, in the form set out in Schedule II to the Guidelines”. Public Sector Companies (Corporate Governance Compliance) Guidelines, 2018 SECP has endorsed all the illegalities committed by Mr. Shahbaz Jameel former President ZTBL during the period from 11.03.2022 to September 2023 by not disclosing the shelter of law which protected him to do so whereas above mentioned clause cannot restrict SECP to take action under Public Sector Companies (Corporate Governance) Rules, 2013 amended 2019 clause 25 Penalty for contravention of the rules, against the ZTBL on violation of Clause 4(1) of the Public Sector Companies (Corporate Governance) Rules, 2013 amended 2018. You will be kind enough to refer us as to how SECP has Permitted Mr. Shahbaz to approve illegal acts committed during the above-said period.

2. You will be kind enough to refer us as to under which law SECP has not declared all the decisions and policies illegal made in violation of Clause 4(1) of the Public Sector Companies (Corporate Governance) Rules, 2013 amended 2019 from 11.03.2022 to September 2023 by ZTBL”

4. The required information was allegedly not provided to him and which resulted in filing this appeal under section 11 of the Right of Access to Information Act, 2017.

5. The respondent vide email dated 12-08-2024 has furnished written reply stating that *“Chairman, President/CEO and members of the Board are appointed by the Federal Government under Banks Nationalization Act, 1974. The Chairman appointed by the Federal Government resigned from the Board on March 11, 2022, no Chairman has been appointed thereafter by the Federal Government. The Finance Division, GOP has been requested for appointment of Chairman on the Board of the Bank.”*

6. The appellant was not satisfied with the reply and he vide his rejoinder dated 16-09-24 stated that Once again it is clarified that Mr. Shahbaz Jameel former President ZTBL during the period from 11.03.2022 to September 2023 committed illegalities by not disclosing the shelter of law which protected him to do so, whereas all the mentioned clauses in SECP reply cannot restrict SECP to take action under Public Sector Companies (Corporate Governance) Rules, 2013 amended 2019 clause 25 which provide Penalty for contravention of the rules against the ZTBL on violation of Clause 4(1) of the Public Sector Companies (Corporate Governance) Rules, 2013 amended 2019. You will be kind enough to refer us as to how SECP has Permitted Mr. Shahbaz to approve illegal acts committed during the above-said period. We are constrained to appreciate the approach of SECP regarding taking action against the illegalities committed by holding illegally post of Chairman of the BOD by Mr. Shahbaz Jameel (former president ZTBL) during the period 11.03.2022 to September 2023. We have no hesitation to point out any illegal act if it has been committed specifically; but the SECP must also appreciate that illegalities committed by Shahabaz Jameel, simultaneously, by holding the post of Chairman Board of Directors and president ZTBL in violation of clause 4(1) is misconduct and it cannot be said that one act of Shahbaz Jameel is legal while working in dual capacity. Reliance upon PLD 2014 SC 389 "It is made clear that no one is above the law, whosoever he may be. If there is any violation of rules/regulations or illegalities/irregularities or there is any element of corruption or corrupt practices in purchase of land by the persons who were at the relevant time in the helm of affairs, the law shall take its own course against them."

7. The SECP again in response to the above mentioned rejoinder has submitted detailed written reply clarifying that with respect to the holding of the post of the Chairman and President, in violation of public sector companies rules, response is as under; *"At the very outset, it is to make it absolutely clear that Mr. Muhammad Shahbaz Jameel was never appointed as Chairman Board. In this regard, it is imperative to quote Section 11(8) of BNA, 1974 i.e. the special law applicable to ZTBL. It reads, "Where the Federal Government has appointed a Chairman he shall preside over the meetings of the Board, and in case a Chairman has not been appointed, then the President shall preside over the meetings of the Board. In the absence of the Chairman or the President, as the case may be the directors may elect one of its members to preside over the meetings."*

Mr. Nadeem Lodhi resigned as Chairman, BOD (ZTBL) in March, 2022. Federal Government did not appoint any Chairman BOD till August, 2023. Given the interregnum period & in light of Section 11(8) of BNA, the Directors of the Board requested Mr. Muhammad Shahbaz Jameel to act as "in-chair" for presiding over the Board meeting(s) and not as Chairman. Mr. Muhammad Shahbaz Jameel has never been appointed as Chairman, BOD (ZTBL).

ZTBL has come under the ambit of the State-Owned Enterprises Act, 2023 with effect from its enactment i.e. 30th January 2023 which is not administered by the SECP."

8. After hearing the arguments of the counsel of the appellant, the reply of SECP has been found quiet clear Mr. Muhammad Shahbaz Jameel was never appointed as Chairman Board. In this regard, it is imperative to quote Section 11(8) of BNA, 1974 i.e. the special law applicable to ZTBL. It reads, "Where the Federal Government has appointed a Chairman he shall preside over the meetings of the Board, and in case a Chairman has not been appointed, then the President shall preside over the meetings of the Board. In the absence of the Chairman or the President, as the case may be the directors may elect one of its members to preside over the meetings.
9. In view of the above, the Commission does not deem it proper to proceed further in this case and appeal is decided in the manner that if any irregularity is committed by the Shahbaz Jamil during his tenure, the appellant may bring the said irregularity in the knowledge of the SECP and that body shall take action according to the law.

No further proceedings are required. The appeal stands disposed of.
Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3924-09/24

Boota Imtiaz

Vs

Pakistan Railways

December 16, 2024

Muhammad Naeem Malik, Office Superintendent, Pakistan Railways, appeared on behalf of the public body.

2. The public body, vide letter dated 25-10-2024, furnished the required information relating to the staff position of the Lahore Division from DSP-1 to 16, as per the information request. The said response was shared with the appellant vide letter dated 03-12-2024 under RGL No. 142238318, and no response has been received from the appellant.
3. It appears that the appellant is satisfied with the response of the public body. The reply of the public body has also been found to meet the requirements of the appellant. No further proceedings are required. The appeal stands disposed of. Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3938-09/24

Rizwan Naqvi

Vs

LESCO

December 16, 2024

Adeel Razzaq, Assistant Manager, LESCO, appeared on behalf of the public body.

2. Reply of the show cause notice has been furnished with the signature of Assistant Manager, IESCO. It has been explained that the hearing was schedule for 27-11-2024 and on the date of hearing due to law and order situation it was not possible to attend the hearing hence absence is not attention. The reply has been found satisfactory keeping in view the law and order situation on 27-11-2024, hence show cause notice is withdrawn.
3. The information sought by the appellant in Para 1 of the information request has been furnished on the proforma available at Annex-A. Regarding the information required in Para 2 of the information request, it is informed that free electricity units are allowed only to WAPDA employees in the billing system, and no other department is availing free electricity units through LESCO's billing system.
4. As for the total cost of electricity provided free to LESCO employees, it has been mentioned in columns No. 6 to 8 of the reply, which meets the requirements of the information request.
5. A copy of the written reply along with Annex-A shall be shared with the appellant. As the information has been found to be fully in accordance with the requirements of the information request, no further proceedings are required.
6. The appeal stands disposed of. Copy of the order is to be sent to both parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3925-09/24

Boota Imtiaz

Vs

LESCO

December 16, 2024 Adeel Razzaq, Assistant Manager, LESCO, appeared on behalf of the public body.

2. The public body furnished the required information vide letter dated 21-10-2024, with a copy sent to the appellant. The Commission also shared the said information with the appellant vide letter dated 11-10-2024 under RGL No. 146481908.
3. No objection has been received from the appellant, indicating that the appellant is satisfied with the response of the public body. The Commission has found that the information furnished by the public body meets the requirements of the information request.
4. No further proceedings are required. The appeal stands disposed of. Copy of the order is to be sent to both parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3847-08/24

Naeem Ahmad

Vs

FESCO

December 16, 2024

Muhammad Saeed Raza, Director (PR), FESCO appeared on behalf of the public body. The information furnished by the public body was shared with the appellant vide letter dated 24-10-2024 under RGL No. 139879333. No objection has been received from the appellant. It appears that the appellant is satisfied with the response of the public body. No further proceedings are required. The appeal stands disposed of.

2. Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3940-09/24

Rizwan Naqvi

Vs

FESCO

December 16, 2024

Muhammad Saeed Raza, Director (PR), FESCO appeared on behalf of the public body.

2. The information sought by the appellant in Para 1 of the information request has been furnished on the proforma available at Annex-A. Regarding the information required in Para 2 of the information request, it is informed that free electricity units are allowed only to WAPDA employees in the billing system, and no other department is availing free electricity units through LESCO's billing system.
3. As for the total cost of electricity provided free to LESCO employees, it has been mentioned in columns No. 3 to 4 of the reply, which meets the requirements of the information request.
4. A copy of the written reply along with Annex-A shall be shared with the appellant. As the information has been found to be fully in accordance with the requirements of the information request, no further proceedings are required.
5. The appeal stands disposed of. Copy of the order is to be sent to both parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3836-08/24

Muhammad Waseem Elahi

Vs

GEPCO

December 16, 2024

Muhammad Zeeshan Sattar, Manager (HR), appeared on behalf of the public body.

2. The information was earlier furnished by the public body vide letter dated 20-08-2024, which was shared with the appellant, who acknowledged receipt thereof. However, vide email dated 13-09-2024, the appellant submitted that the map shared by the respondent does not clearly reveal the inside and outside boundaries of the particular feeder.
3. The representative of the public body has submitted that if the appellant requires any clarity regarding the provided map, he may visit the office of the CEO, GEPCO Headquarters, and contact the designated officer, i.e. Chief Engineer Planning/P&D, who will clarify the said confusion.
3. In view of the above, no further proceedings are required. The appellant be informed to visit the office of GEPCO and contact the concerned officer for clarification regarding the boundary.
4. No further proceedings are required. The appeal stands disposed of. Copy of the order is to be sent to both parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3891-08/24

Rashied Ahmed

Vs

GEPCO

December 16, 2024

Muhammad Zeeshan Sattar, Manager (HR), appeared on behalf of the public body. Information furnished by the public body was shared with the appellant vide letter dated 21-11-2024 under RGL No. 131878805. No objection has been received from the appellant. It appears that the appellant is satisfied with the response of the public body. No further proceedings are required. The appeal stands disposed of.

2. Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

(Camp Office, Lahore)

Order

Appeal No. 3973-009/24

Rizwan Naqvi

Vs

GEPCO

December 16, 2024

Muhammad Zeeshan Sattar, Manager (HR), appeared on behalf of the public body. Information furnished by the public body was shared with the appellant vide letter dated 28-11-2024 under RGL No. 142237982. No objection has been received from the appellant. It appears that the appellant is satisfied with the response of the public body. No further proceedings are required. The appeal stands disposed of.

2. Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner