

Appeal No. E323-07/2022

Muhammad Farhad

Vs

Estate Office, Islamabad

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Muhammad Farhad filed a request under the Right of Access to Information Act, 2017. Through his application dated 28.07.2022 addressed to the Director General, Estate Office, Islamabad he has requested the following information:-

“With due respect it is stated that I am federal government employee and has applied for residential accommodation through proper channel to estate office Lahore. Consequently, I was allotted general waiting list number date of entitlement is 15.01.2020. Upon visiting office on 27.07.2022 I came to know that restraining orders are issued for allotment of residential accommodation for my department allotment to our department is withheld until further orders. Upon asking further I did not receive any satisfactory response. It is requested that following information may kindly be provided under the Right of Access to Information Act, 2017:

- *Copy of GWL number allotted to the name of Muhammad Farhad date of entitlement is 15.01.2020 under categories F-G at estate office Lahore.*
- *GWL number of last allotted person whom residential accommodation is allotted under the category F-G.*
- *Copy of restraining order under which allotment to our department is stopped if exists.*
- *Under which laws and regulations allotment of residential accommodation is withheld for my department? Copy of the specific laws and regulations may kindly be provided if exists.*
- *If dispute exist between estate office and our department time span required for resolution of dispute.*
- *If allotment letter is issued to eligible person details of formalities and requirements till fin allotment of residential accommodation.*
- *Can an employee retain residential accommodation upon transfer in other province if his family is settled at previous station?*

- *What time is required to disengage residential accommodation upon relieving from the post or service termination upon which residential accommodation is acquired?"*

2. Feeling aggrieved for the non-provision of information and record within the mandatory period prescribed under the Right of Access to Information Act, 2017 he has filed appeal before Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. The Director General, Estate Office, Islamabad vide letter dated 08-09-2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 28.09.2022 but no one appeared to represent the public body nor was the reply submitted.

C. COMMISSION'S VIEW

4. While dealing with the matters related to information and record sought by the citizens under the Act of 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.

5. The appellant being the federal government employee has applied for the allotment of residential accommodation under the category F-G, to the estate officer, Lahore. Consequently, he is allotted general waiting list (GWL) number and the date of his entitlement is 15.01.2020 but

still he is looking for the accommodation. In pursuant thereto, he has asked for the provision of the copy of GWL number allotted to him, GWL number of last allotted person whom residential accommodation is allotted, copy of restraining order, the specific laws and regulations and other information related to the allotment of residential accommodation.

6. All the record and information sought by the appellant is the category of public record that ought to have been displayed and made public to the access of the employers who are interested in or has applied for the allotment of official residential accommodation. The non-disclosure of the said record results in the misuse and illegal occupancy of the residential accommodation while the deserving are deprived of their legitimate right.
7. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

8. The appeal is allowed. The Director General, Estate Office, Islamabad is directed to provide the appellant all the requested record and information detailed in para 1 of this order, forthwith, but in any case not later than five days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 11.10.2022

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