

In the Pakistan Information Commission, Islamabad

Appeal No. 200-12/2019

Fahd Malik

(Appellant)

VS

Press Information Department, Islamabad

(Respondents)

ORDER

Date: 18.02.2020

Fawad Malik. Information commissioner

A. APPEAL

1. The brief facts are that Fahd Malik (Appellant) an Assistant in Press Information Department (PID) has preferred this appeal before the Commission complaining therein that he requested for the certified true copies of public information / record regarding service affairs pertaining to initial appointment, regularization and promotion of his own as well as of some other employees / officials, without prejudice to anyone through his two even dated requests. Both the applications were duly received by the Press Information Department (Respondent) on 22.10.2019. He further states that he neither received any response from the concerned quarter nor has been provided the requested information hence has sought indulgence of the Commission under section 17 of the Right of Access to Information Act 2017, read with Article 19-A of the constitution of Pakistan through his appeal dated 18.11.2019.
2. The details of the information / record sought by the appellant in his respective requests (Annexure A & B) are reproduced as under:-

Annexure-A

“a. Mr. Fawad Dildar, LDC / Information Assistant

- i. Office Orders of initial appointment and regularization along with approval notes thereof.
- ii. Office Orders of promotion and regularization as LDC along with approval notes thereof.
- iii. Office Order of promotion as Information Assistant along with approval note thereof.

b. Mr. Muhammad Tariq Rehan, LDC / TPO / Information Assistant

- i. Office Orders of initial appointment and regularization along with approval notes thereof.
- ii. Office Orders of promotion as LDC along with approval note thereof.
- iii. Office order of promotion as TPO along with approval note thereof.
- iv. Office Order of promotion as Information Assistant along with approval note thereof.

c. Mr. Muhammad Zahid, Naib Qasid / LDC / Information Assistant

- i. Office Orders of initial appointment and regularization along with approval notes thereof.
- ii. Office Orders of promotion and regularization as LDC along with approval notes thereof.
- iii. Office Order of promotion as Information Assistant along with approval note thereof.

d. Mr. Muhammad Mushtaq, TPO / Information Assistant

- i. Office Orders of initial appointment and regularization along with approval notes thereof.
- ii. Office order of promotion and regularization as TPO along with approval note thereof.
- iii. Office Order of promotion as Information Assistant along with approval note thereof.

e. Mr. Barkat Ali Barkat, LDC / UDC / Assistant / Audio Technician

- i. Office Orders of initial appointment and regularization along with approval note thereof.
- ii. Office Orders of regular promotion as UDC along with approval note thereof.
- iii. Office order of regular promotion as Assistant along with approval note thereof.

- vi. *Office Order of regular promotion as Audio Technician along with approval note thereof.*
- f. Mr. Maqbool Ahmed, LDC / UDC / Assistant / Asstt: Protocol Officer
 - i. *Office Orders of regular initial appointment as LDC along with approval note thereof.*
 - ii. *Office Orders of regular promotion as UDC along with approval note thereof.*
 - iii. *Office order of regular promotion as Assistant along with approval note thereof.*
 - iv. *Office Order of promotion as Asstt: Protocol Officer along with approval note thereof.*
- g. Mr. Nauman Gul, Contingent paid Chowkidar / Naib Qasid / LDC / UDC / Assistant / A.D. (Budget)
 - i. *Office Orders of initial appointment as Contigent paid Chowkidar along with approval note thereof.*
 - ii. *Office Orders of regular appointment as Naib Qasid along with approval note thereof.*
 - iii. *Office order of promotion as LDC along with approval note thereof.*
 - iv. *Office Order of promotion as Steno typist along with approval note thereof.*
 - v. *Office Order of promotion as Assistant along with approval note thereof.*
 - vi. *Office Order of promotion as Accountant along with approval note thereof.*
 - vii. *Office Order of promotion as Superintendent along with approval note thereof.*
 - viii. *Office Order of promotion as Assistant Director (Budget) along with approval note thereof.*
- h. Mr. Nasir Abbas, LDC / UDC / Accountant / Asstt. Admin. Officer
 - i. *Office Orders of initial appointment as LDC along with approval note thereof.*
 - ii. *Office Orders of appointment as UDC along with approval note thereof.*
 - iii. *Office order of promotion as Accountant along with approval note thereof.*
 - iv. *Office Order of promotion as Steno typist along with approval note thereof.*

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- i. Mr. Muhammad Miskeen, LDC / UDC / Assistant / Asstt: Admin. Officer

- i. *Verified copy of Secondary School Certificate from Board of Intermediate and Secondary Education, Rawalpindi.*
- ii. *Office Orders of initial appointment as LDC along with approval note thereof.*
- iii. *Office order of promotion as UDC along with approval note thereof.*
- iv. *Office Order of promotion as Assistant along with approval note thereof.*
- v. *Office Order of promotion as Assistant Admin. Officer along with approval note thereof.*

j. *Mr. Aamir Riaz Choudhry, LDC / UDC / Accountant / DDO / Accounts Officer*

- i. *Office Orders of initial appointment as LDC along with approval note thereof.*
- ii. *Office Orders of appointment as UDC along with approval note thereof.*
- iii. *Office order of promotion as Accountant along with approval note thereof.*
- iv. *Office Order of appointment as Drawing & Disbursing Officer, PID, Islamabad along with approval note thereof.*
- v. *Office Order of appointment as Accounts Officer along approval note thereof.*

k. *Mr. Izhar Ahmed Khan, LDC / UDC / Accountant / Assistant/ Superintendent/Asstt: Admin. Officer / Accounts Officer*

- i. *Office Orders of initial appointment as LDC along with approval note thereof.*
- ii. *Office Orders of promotion as UDC along with approval note thereof.*
- iii. *Office order of promotion as Accountant along with approval note thereof.*
- iv. *Office Order of promotion as Assistant along with approval note thereof.*
- v. *Office Order of promotion as Superintendent along with approval note thereof.*
- vi. *Office Order of promotion as Asstt: Admin. Officer along with approval note thereof.*
- vii. *Office Order of promotion as Accounts Officer along with approval note thereof.*

l. *Mr. Naveed Alam, Photographer*

- i. *Office Orders of initial appointments and regularizations along with approval note thereof.*

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- ii. *Office Orders of appointment / promotion and regularization as photographer along with approval note thereof.*

m. Mr. Ghulam Dastagir, LDC / Information Assistant

- i. Office Orders of initial appointments and regularizations along with approval notes thereof.
- ii. Office Orders of promotion as LDC / regularization along with approval notes thereof.
- iii. Office Order of promotion as Information Assistant alongwith approval note thereof.

n. Mr. Asad-ur-Rehman, LDC / Information Assistant

- i. Office Orders of initial appointments and regularizations along with approval noted thereof.
- ii. Office Orders of promotion and regularization as Information Assistant.

o. Mr. Ghulam Ali, Naib Qasid / LDC / Information Assistant

- i. Office Orders of initial appointment as Naib Qasid along with approval note thereof.
- ii. Office Orders of promotion and regularization as LDC along with approval note thereof.
- iii. Office Orders of promotion and regularization as Information Assistant along with approval note thereof.

p. Mr. Sagheer Ahmed, LDC / UDC / Assistant

- i. Office Order of initial appointment as LDC along with approval note thereof.
- ii. Office Order of regular promotion as UDC along with approval note thereof.
- iii. Office order of regular promotion as Assistant along with approval note thereof.

q. Mr. Moazzam Bajwa, Assistant

- i. Office Orders of initial appointment and regularization as Assistant and approval note thereof.

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r. Mr. Daulat Shah, UDC / Accountant / Steno typist / Assistant

- i. *Office Orders of initial appointment and regularization as UDC along with approval notes thereof.*
 - ii. *Office Orders of promotion and regularization as Accountant along with approval notes thereof.*
 - iii. *Office orders of promotion and regularization as Steno Typist along with approval notes thereof.*
 - iv. *Office orders of promotion and regularization as Assistant along with approval notes thereof.*

- s. *Mr. Abdul Malik, LDC / UDC / Assistant / Superintendent / Admin. Officer*
 - i. *Office Orders of initial appointment and regularization as LDC and approval notes thereof.*
 - ii. *Office Orders of promotion and regularization as UDC and approval notes thereof.*
 - iii. *Office orders of promotion as Assistant and approval notes thereof.*
 - iv. *Office orders of promotion and regularization as Superintendent and approval notes thereof.*
 - v. *Office orders of promotion and regularization as Admin. Officer and approval notes thereof.*

- t. *Mr. Muhammad Zakir, Chowkidar / LDC / UDC / Assistant*
 - i. *Office Orders of initial appointment / regularization as Chowkidar and approval notes thereof.*
 - ii. *Office Orders of appointment / promotion / regularization as LDC and approval notes thereof.*
 - iii. *Office order of appointment as Cashier, PID Islamabad and approval note thereof.*
 - iv. *Office orders of appointment / promotion / regularization as UDC and approval notes thereof.*
 - v. *Office orders of appointment / promotion and regularization as Assistant and approval notes thereof.*

- u. *Mr. Kamran Hassan, Computer Operator*
 - i. *Office Orders of initial appointment and regularization as Computer Operator and approval notes thereof.*

- v. Mr. Arshad Ali, Urdu Typist / UDC / Assistant / Superintendent
- i. Office Orders of initial appointment / regularization as Urdu Typist and approval notes thereof.
 - ii. Office Orders of promotion and regularization as UDC and approval notes thereof.
 - iii. Office orders of appointment / promotion / regularization as Assistant and approval notes thereof.
 - iv. Office orders of promotion and regularization as Superintendent and approval notes thereof.
- w. Mr. Mulazim Hussain, LDC / UDC / Assistant / Superintendent
- i. Office Orders of initial appointment and regularization as LDC and approval notes thereof.
 - ii. Office Orders of promotion and regularization as UDC and approval notes thereof.
 - iii. Office orders of promotion and regularization as Assistant and approval notes thereof.
 - iv. Office orders of promotion and regularization as Superintendent and approval notes thereof.
- x. Mr. Rizwan Matloob, Information Assistant
- i. Office Orders of initial appointment / promotion / regularization as LDC / Information Assistant and approval notes thereof.
- y. Miscellaneous Public Information Documents/Record regarding PID
- i. Gazette notified recruitments rules for the posts of Accounts Officer / Accountant / Asstt. Admin. Officer / Admin. Officer / Superintendent / Asstt. Private Secretary / Stenotypist / Information Assistant / TPO / Assistant / UDC / LDC / Urdu Typist / Computer Operator / Photographer / Asstt. Protocol Officer / Naib Qasid.”

Annexure-B

- a. Criteria laid down by M/O I&B for short-listing / selection of candidates under all categories of posts who were declared eligible for appearing in written tests held on 15.05.2019 for foreign posting.
- b. Approval Note / Final Merit List of candidates as drawn by M/o I&B (who passed and came on merit) under all categories of posts in written, computer proficiency tests and interviews held for foreign posting – duly recommended by

the Members / Chairperson of Departmental Selection Committee (DSC) and approved by the competent authority. i.e. Secretary (I&B).

B. PROCEEDINGS

3. The public body was served with a notice dated 11.12.2019 with the direction to provide reasons within seven working days as to why the requested information has not been provided to the appellant, although each Federal Public body is bound to respond to a request within ten working days as required u/s 14 of the Right of Access to Information Act 2017.
4. In response to the notice the Ministry of Information and Broadcasting vide letter dated 20.12.2019 informed the Commission that Press Information Department and EP (Wing) are requested to furnish the requisite information / documents to the Division for its onward provision to the appellant.
5. The appeal was finally fixed for hearing on 22.01.2020 before the Commission and both the parties were accordingly informed vide notices dated 31.12.2019.
6. At the time of hearing the appellant appeared in person and reiterated for the provision of his request. However no one appeared to represent the respondent.

C. DISCUSSION AND COMMISSION'S VIEW

- a. The core issues before the Commission raised in this appeal are whether the information demanded by the appellant pertaining to service record of other officials/employees in respect of their initial appointment, regularization, promotion and the approval notes of the concerned officer, on their files, fall in the category of public record as defined in the Right of Access to Information Act 2017, and is open for disclosure to the citizens and whether it's disclosure will prejudice the rights of concerned officials/employees.
- b. The Commission after perusing the appeal and the Act is of the considered view that the office orders/record pertaining to the initial appointment, regularization and promotion are sort of record which is required to be disclosed proactively as envisaged in the Act to support and endorse the purpose and wisdom behind the enactment of the Act, providing and ensuring culture of transparency in the working of the Government, making it more

accountable to the people for reducing corruption and nepotism and for promoting good governance. The disclosure of all above mentioned record will not prejudice the right of any individual rather it pertains to matter of public importance.

The noting/approval/opinion on the office files are however excluded from disclosure as mentioned in section 7 of the Act.

The record of the public body that has been printed and published in the Gazette of Pakistan is already available for access to the public at large and the public body is required to respond to that extent informing that the required information is already available in a generally accessible form indicating the place as mentioned in section 13(2)(b)(ii) of the Act.

- c. A public body is under obligation to respond to a request as soon as possible and in any case within ten working days of the receipt of the request. This period can further be extended for another ten days where the requested information requires a search through large number of record or the record is located in different offices but cannot be deferred for an indefinite period. The Act has made it mandatory for the public bodies to encounter the prescribed limit of time provided on the Act for responding to request. Mere referring the matter to the other department/office without mentioning the time limit provided in the Act tantamount to shifting the burden. The time limit provided in the Act has expired and after the letter dated 20.12.2019, no update has been provided to the Commission regarding the provision of the requested information. Time limit provided in the Act is to be observed strictly and deviation would attract section 20(f) of the Act.
- d. Every citizen has got his fundamental and statutory right to have access to information as guaranteed and assured by the Constitution of Pakistan and the Right of Access to Information Act 2017 respectively. This right cannot be denied, withheld or delayed from disclosure provided it falls in the category of public record as defined in the Act.

D. Order

- 7. The Respondent is directed to share forthwith with the appellant all the information/record requested in Annexure A & B, except the noting/approval/opinion on the office file. The

compliance report be submitted before the commission as early as possible but not later than ten working days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
February 18, 2020

This order consists of 10 (ten) pages; each page has been read and signed.