

## **Pakistan Information Commission**

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### **Appeal NO-543-09/2020**

**Engr. Omar Saeed Malik**

(Appellant)

Vs.

**Abdul Razzak Mughal**  
**Deputy Secretary (Admin)**  
**Ministry of Industries and Production**

(Respondent)

### **ORDER**

Date: November 10, 2020

**Mohammad Azam:** Chief Information Commissioner

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

1. The Appellant filed an appeal before the Commission under the Right of Access to Information Act 2017, on the 4/09/2020, seeking the requested documents from the Ministry of Industries and Production.
2. The application requesting the documents was submitted to the Federal Minister for the Ministry of Industries and Production on 15/06/2020, the requested information is as under:  
“Final report of inquiry, along with the complete inquiry proceedings which led to my removal from service.”

#### **B. Proceedings**

3. Through a notice dated 14/09/2020, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent replied to the Commission's notice via letter No. 12(1)2015/NFC, dated 24/09/2020, the relevant excerpt is as under:
  - a. “The summary Mr. Omer Saeed Malik has asked for cannot be provided under Section 13(2)(b)(iv) of Right to Information Act 2017, as it relates summaries, which are confidential;
  - b. The ministry has already submitted the documents in Honorable Lahore High Court, as Respondent, in Petition by Mr. Omer Saeed Malik, as petitioner, was in access of all documents of the Respondent (MOI on which intra court appeal of the Respondent

was dismissed. He can still apply in Lahore High Court to get the record.

- c. It seems that Mr. Omer Saeed feels aggrieved of observations by Honorable Lahore High Court, as mentioned in his letter. He may agitate the same with the august court, as per law.”
5. The Information provided by the Respondent was shared with the Appellant vide an information sharing letter on September 29, 2020. The appellant replied to the above mentioned letter expressing his dissatisfaction. His reply is reproduced as under:

“I would like to state that the letter # 12(1)/2015/NFC dated 24<sup>th</sup> September 2020 in reply to my letter is not satisfactory. The reply is rather evasive. I have asked for a copy of the inquiry report.

Whereas in their reply under para 2(a) the Ministry of Industries and Production is mentioning of a summary which is not even required.

Therefore, it is again desired that the information specifically requested as per my letter dated 15, June, 2020 from the Ministry of Industries & Production may be provided through your good offices under the subject Act, 2017.”

6. As the Appellant was not satisfied with the Respondent’s reply hence a hearing was fixed before the Commission on 27/10/2020, via letter dated 14/10/2020.
7. No one appeared on behalf of the Respondent on the date of hearing on 27/10/2020.

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

8. The Appellant was appointed as the Chief Executive Officer in the National Fertilizer Corporation on 18/04/2017, for three years, however he was abruptly removed from service before completion of the term which was till 18/04/2020, to advance the proceedings regarding his dismissal the Appellant requires the requested documents.
9. The Respondent has claimed that the summary that Appellant has asked for cannot be provided under Section 13(2) (b) (IV). However, perusal of the requested information very clearly shows that nowhere has the Appellant asked for the summary that the Respondent is talking about. In fact the Summary is already a public document as it has been produced before the Honourable Lahore High Court. Therefore the respondent has himself waived the privilege mentioned in section 16 (h) of the Act.
10. There seems like a feeble attempt by the respondent to avoid the actual request of the Appellant. The Appellant has requested the ‘Final report of inquiry along with the complete inquiry proceedings which led to his removal from his service’, so that he becomes aware of the grounds of removal and obtaining such information is his fundamental right.
11. Analysis of the requested information shows that the requested information falls within the ambit of the Right of Access to information Act 2017 thus

must be provided to the Appellant, as it is his fundamental right under Article 19A of the Constitution of Pakistan. The requested information is a public document under Section 5 (i) of Right of Access to information Act 2017.

12. The conduct of the Respondent is unsatisfactory as he did not care to appear for the hearing, to assist the Commission.
13. This act is formulated to promote transparency and help the general public in procuring all the information/documentation needed to get justice.
14. The instructions in the instant order must be followed or the Commission will be left with no other option but to impose Section 20(f).

**D. Order**

15. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
16. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:  
November 11, 2020

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