

# IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 479-08-2020

Mumtaz Ahmed  
Vs  
National Bank of Pakistan

Date: 25.11.2020

Fawad Malik: Information Commissioner

## A. APPEAL.

1. The brief facts of the appeal are that Mr. Mumtaz Ahmed, AVP/Head Clearing, Regional Office, National Bank of Pakistan, Multan filed an application addressed to the President of the Bank at its Head Office, Karachi invoking the Right of Access to Information Act 2017 read with Article 19.A of the Constitution of Pakistan for the provision of the following information:-
  1. *“Copy of my annual Performance Appraisals (APA) for the years 2009 to 2017 duly countersigned by Countersigning authority, along rating / Grading / Score as per Bank’s policy / rules as well as copies of Annual Performance Appraisals of Mr. Zamin Raza, SVP SAP ID # 2803, Mr. Malik Muhammad Arif, VP, SAP ID#3640 & Mr. Muhammad Jameel, VP SAP ID#3221.*
  2. *Copy of my Seniority list for the year 2009 to 2017 along with said three Executives.*
  3. *Detail of allocation / given marks, obtained by said Executives in the promotion policies i.e. 2012, 2013, 2014, 2015, 2016 & 2017.*
  4. *Copy of Promotion interview Committee / Selection Board appending therein the details of marks given to me as well as to said officers with qualifying marks in the Promotion Policies i.e. 2012, 2013, 2014, 2015, 2016 & 2017.*
2. The appellant alleges that the requested information was not provided within the stipulated timeframe provided in the Act therefore feeling aggrieved he filed appeal before the Pakistan Information Commission for the provision of the above mentioned information and record.



**B. PROCEEDINGS:**

3. The Commission vide letter dated 11.8.2020, directed the Divisional Head, National Bank of Pakistan 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.
4. The reply was not submitted hence the appeal was fixed for hearing before the Commission on 07.10.2020 and both the appellant as well as the respondent were informed accordingly vide notices dated 31.8.2020. No one represented the respondent public body at the time of hearing of appeal before the Commission. The Commission through interim order directed the public body to appear before the Commission on November 04, 2020.
5. On November 04, 2020 Mr. Amir Riaz, Advocate appeared on behalf of National Bank of Pakistan and sought time to file the reply and for the provision of permissible documents. Appeal was adjourned to 18.11.2020 when Mr. Ali Naeem Goraya, Advocate filed the written reply on behalf of the Bank but sought further time to argue the appeal on 25.11.2020. Adjourned to the said date vide hearing summon dated 19.11.2020.
6. On 25.11.2020 Mr. Sardar Riaz Karim, Advocate Supreme Court appeared before the Commission on behalf of the bank. He has raised objections during the arguments that the requested information are neither policies or guidelines, grant of license nor transaction involving acquisition and disposal of the property as such does not fall within the parameters of section 6 of the Act. That as per section 7(g) of the Act, record relating to the personal privacy of any individual cannot be shared with other person and that the appellant is habitual litigant and drag the bank into litigation before the High Court and Supreme Court, without plausible justification. The learned Counsel has also produced the copies of the promotion policy-2008 of NBP and a letter No. HRMG/HRDD/CMW/31 dated 17.2.2020 through which the requested information related to his personal record in tabular form was provided to the appellant. The learned counsel argued at length on behalf of the Bank and has submitted the written reply and Para wise comments. On merits the bank has filed the reply to the following effect:-



1. “Annual Performance Appraisal (APAs)”

*That the request of the appellant for the provision of APAs is neither justified nor maintainable on the ground that it is a regular practice at Bank that the letters reflecting Performance appraisals of the employees are released mandatory to each individually. All the APAs are provided to the employees for their information and record every year and same has been done with Mumtaz Ahmed (appellant), hence, his request for the provision of the APAs for the year 2009 to 2017 has no base as the appellant is already having the said documents in his possession, therefore, moving this learned Commission is nothing but mala fide on his part.*

2. Seniority List:

*That the request of the appellant for provision of seniority list for the year 2009 to 2017 is also not maintainable on the reason that Promotions are made in NBP / Respondent in accordance with the approved Promotion Policies framed by the Board of Directors who are entitled / authorized to frame the same under the NBP Bye Laws and the Nationalization of Bank's Act 1974. The promotion policies approved by the Board of Directors have certain criteria / parameters stipulated therein, on the basis of which all the employees are considered / adjudged. The Promotions are based on different parameters which may include academic / professional qualifications, yearly appraisals, interviews, seniority and after weight age of all these parameters entitle the employees for promotion. According to Staff Service Rules 1973 which is applicable in NBP also mention that seniority alone is not the criteria for promotion, hence, seniority is one of the components for consideration of promotion and as such seniority lists are not compiled or are not maintained by Bank.*

3. Detail of Marks obtained by appellant & others

4. Detail of Promotion Interview Marks

*As submitted above; private information of the other employees/executives cannot be given to other persons as per Section 7(g) of the Right of Access to Information Act 2017. However, the information about obtaining the marks by appellant under different promotion policies i.e. 2012, 2013, 2014, 2015, 2016 & 2017 have already been provided to the appellant through Speaking Order made in compliance of the Hon'able Lahore High Court Multan Bench Multan Order dated 17.05.2019 in writ petition No.7726/2019. The appellant has frivolously filed the present appeal despite*



*having all information. Needless to mention that in said order, the petitioner has been provided detail of marks about his professional qualification, seniority, appraisals & interview etc. along with cut off scores for the said promotions."*

### **C. COMMISSION'S VIEW.**

7. The appellant in his application has requested the information and record concerning his personal service record i.e. Annual Performance Appraisals, seniority list, detail of marks obtained and detail of promotion interview marks for the years 2009 to 2017. Besides his personal record he has also desired the said information and record of three other officials namely Mr. Zamin Raza, SVP SAP ID # 2803, Mr. Malik Muhammad Arif, VP, SAP ID#3640 and Mr. Muhammad Jameel, VP SAP ID#3221. The bank in its reply as well as during the course of arguments apprised the Commission that the appellant has had been provided the requested documents periodically, displaying detail of marks about his professional qualification, seniority, appraisals and interview along with the cut off scores for each period i.e. 2012 till 2017, he has requested in his application. It would not be out of place to mention here that earlier the bank in pursuant to the direction of Multan Bench of Lahore High Court in Writ Petition No. 7726-19 titled *Mumtaz Ahmad vs NBP*, has provided the appellant the breakup of his marks under the promotion policy for the period 2012 to 2017. The letter dated 17.2.2020 produced by the learned counsel display the details of annual performance appraisals including professional qualification, seniority, detail of interview and aggregate marks along with the cut-off score in tabular form. The Commission is of the view that the appellant through letter dated 17.2.2020 on the direction of Honourable Multan Bench of Lahore High Court in writ petition 7726-19 has already been provided all the requested information that was permissible to be shared under the Act.
8. Now the appellant through application dated 2.6.2020 addressed to the President of the bank is seeking the same information/record that was provided to him by the bank vide letter dated 17.2.2020, along with the record of three other officials, invoking his Right of Access to Information Act 2017 read with Art 19.A of the Constitution under his fundamental right. The Commission has noticed that so far as to the extent of his personal record is concerned that has substantially been provided by the bank within last six months of filing the application therefore his application merits to be rejected under section 13(b)(iii) of the Act.
9. The bank has however regretted the provision of the record pertaining to the other employees/individuals of the bank, under the principal of privacy. So far as the record requested by the appellant concerning the other three officials of the bank is



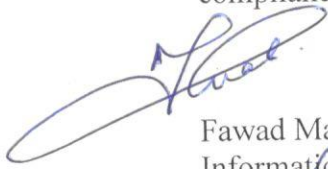
concerned, the request of the appellant cannot be acceded to for the reason that the sections 7(g) and 16(c) of the Act safeguards the personal privacy of the individuals.

10. The respondent bank has not notified the Public Information Officer as mandated under section 9 of the Act. In the absence of the designated officer the Principal Officer will be treated as the designated officer.

**D. ORDER.**

11. The appeal is not allowed. The President, National Bank of Pakistan is directed to notify the designated officer as required under section 9 of the Act forthwith, but not later than seven days of the receipt of this order.

12. A copy of this order be sent to the President, National Bank of Pakistan for compliance.



Fawad Malik  
Information Commissioner



Zahid Abdullah  
Information Commissioner

Announced on 15.12.2020

Certified that this order consists of 5(five) pages, each page has been read and signed.

