



**In the Pakistan Information Commission, Islamabad**

**Appeal No 942-03/21**

**Abdullah Rashed Waraich**

(Appellant)

Vs.

**Pakistan Housing Authority Foundation**

(Respondent)

**ORDER**

**Date:** June 15, 2021

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed Appeal on March 01, 2021 to the Commission, stating that he had submitted information requests to Managing Director, Pakistan Housing Authority Foundation, (PHAF), on February 15, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.

2. The information sought by the Appellant is as follows:

*“In continuation of my complaint against recruitment process of Assistant Directors (E/M)/(Civil) in PHA-F dated 15.2.2021 (copy enclosed), it is informed that in terms of Section 3(1) of the Right of Access to Information Act, 2017, no applicant shall be denied access to information or record held by a public body. Moreover, in terms of Section 4(1) of the said Act, a public body shall be required to respond to a request as soon as possible and in any case within ten working days of receipt of the request.*

2. *In view of above, certified true copies of following record pertaining to recruitment process of Assistant Directors (E/M)/(Civil) in PHA-F may kindly be provided to me to take up the matter at appropriate legal forum:-*

- i. *Regional quota roster maintained for the posts of Assistant Directors (E/M)(BS-17) since establishment of the PHA-F.*
- ii. *Regional quota roster maintained for the posts of Assistant Directors (Civil) (BS-17) since establishment of the PHA-F.*
- iii. *Consolidated result of written test of the posts of Assistant Directors (E/M)/(Civil) in PHA-F held on 10.1.2021.*
- iv. *Attendance sheet of written tests of the posts of Assistant Directors (E/M)/(Civil) in PHA-F held on 10.1.2021.*
- v. *Applications submitted online of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*
- vi. *Matric certificates of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*

- vii. *F. Sc. certificates of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*
- viii. *BE in Electrical/Mechanical/Civil degrees of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*
- ix. *Answer sheets of all candidates who were called for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F on 14.2.2021. + Attendance sheet of interviews against the posts of Assistant Directors 15/02 / 21. (E/M)/(Civil) in PHA-F held on 14.2.2021*
- x. *Evaluation Proforma containing detail of academic record, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee.*
- xi. *Recommendations of the Departmental Selection Committee regarding selection of candidates against one post of Assistant Director (E/M) (BS-17) and four posts of Assistant Directors (Civil) (BS-17) in PHA-F.”*

## **B. Proceedings**

3. Through a notice dated April 06, 2021, sent to Managing Director, PHAF, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. On April 29, 2021, the Respondent shared the information and the the commission shared this information with the Appellant on May 20, 2021.
5. On May 27, 2021, the Appellant submitted his response which is as under:
 

*“Please refer to Pakistan Information Commission's letter dated 20 May, 2021, duly received to me on today the 27th May, 2021 (copy enclosed), on the subject noted above and to inform that I had demanded following information/documents from Managing Director, PHA Foundation vide my application dated 15th February, 2021 (copy again enclosed for ready reference):-*

  - Regional Quota roster maintained for the posts of Assistant Director (E/M) (BS-17) since establishment of the PHA-F.*
  - ii) Regional quota roster maintained for the posts of Assistant Directors (Civil) (BS-17) since establishment of the PHA-F.*
  - iii) Consolidated result of written test of the posts of Assistant Directors (E/M)/ (Civil) in PHA-F held on 10.1.2021.*
  - iv) Attendance sheet of written tests of the posts of Assistant Directors (E/M)/(Civil) in PHA-F held on 10.1.2021.*

*Applications submitted online of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*

  - vi) Matric certificates of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*
  - vii) F. Sc. certificates of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*

viii) *BE in Electrical/Mechanical/Civil Degrees of all candidates who were shortlisted for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F.*

ix) *Answer sheets of all candidates who were called for interview against the posts of Assistant Directors (E/M)/(Civil) in PHA-F on 14.2.2021*

x) *Attendance sheet of interviews against the posts of Assistant Directors (E/M)/(Civil) in PHA-F held on 14.2.2021.*

xi) *Evaluation Proforma containing detail of academic record, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee.*

xii) *Recommendations of the Departmental Selection Committee regarding selection of candidates against one post of Assistant Director (E/M) (BS-17) and four posts of Assistant Directors (Civil) (BS-17) in PHA-F. 2. It is pointed out that despite passage of more than three (3) months, PHA Foundation has not provided requisite information/documents mentioned at para-1 above vide their letter No.PHA/HR/PF:MTK/783/2018/116 dated 29th April, 2021, which is gross violation of section 4(1) of the Right of Access to Information Act, 2017. Therefore, I am not satisfied with response of PHA Foundation. 3. It is humbly requested to summon the Managing Director/CEO, PHA Foundation, Ground Floor, Shaheed-e-Millat Secretariat, China Chowk, Blue Area, Islamabad and to direct him under section 20 of the Right of Access to Information Act, 2017 to provide me the requisite information/record without further loss of time”.*

6. On May 25, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the public body to submit its written response and also asked that “Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that if the written arguments are not submitted by June 09, 2021, “the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”.

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

7. This commission is of the view that access to the requested information pertaining to the regional quota roster maintained by a public body, consolidated result of written test of the posts, attendance sheet of written tests, online applications submitted by candidates who were shortlisted for interview, educational certificates/degrees of the candidates who were shortlisted for interview, answer sheets of all candidates who were called for interview, attendance sheet of interviews, evaluation Proforma containing detail of academic records, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee, recommendations of the Departmental Selection Committee regarding selection of candidates is a matter of public importance.
8. In fact, the disclosure of the requested information would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
- a) Making government more accountable to citizens’;
- a. Greater level of participation of citizens in the affairs of the government’;
- b. ‘Reducing corruption and inefficiency’;

- c. Promoting sound economic growth'; and
- d. Promoting good governance and respect for human rights.

#### **D. Order**

9. Appeal is allowed. The Managing Director, Pakistan Housing Authority Foundation, (PHAF) is directed to provide information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
10. The Managing Director, Pakistan Housing Authority Foundation, (PHAF) is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
11. The Managing Director, Pakistan Housing Authority Foundation, (PHAF) is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
12. Copies of this order be sent to The Managing Director, Pakistan Housing Authority Foundation, (PHAF) and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

June 15, 2021

This order consists of 4 (four) pages, each page has been read and signed.