

APPEAL NO. 937-3-2021

Aman Khan

Vs

House Building Finance Company Limited

Date: 24.5.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr. Aman Khan, Former Assistant Manager, House Building Finance Corporation, Zonal Office, Peshawar has filed the appeal dated 3.3.2021 before the Pakistan Information Commission, invoking his constitutional right of access to information under article 19A of the Constitution of Pakistan. He has requested the attested copies of the following documents from the office of Managing Director, House Building Finance Corporation, Head Office, Karachi:

1. *"Preliminary Probe Committee with effect from 22.2.1999 to 1.5.1999 headed by Mr. Muhammad Iqbal, Chief Manager (Recovery), Zonal Office, Islamabad.*
2. *Inquiry Committee also headed by above named officer vide office Order No. 27 Ref. No. HBFC/ZOP/C-SHEET/99/5362 Dated 3-7-1999.*
3. *Departmental Disciplinary Actions and proceedings of Mr. Aman Khan accused, Syed Mudassar Shah and Muhammad Younas coaccused."*

B. PROCEEDINGS.

2. The notice of the Commission was responded vide letter dated 1.4.2021 by the Head HR Operations, House Building Finance Corporation. The relevant portion is reproduced as under:

"In this regard, we have to inform you that the applicant was dismissed from erstwhile House Building Finance Corporation "the Corporation" service during the year 1999 and after his dismissal a period of almost 22 years has elapsed. During this period HBFC has gone through major transformational phases. Most importantly during the year 2007 HBFC was wound up and all its assets & liabilities were transferred to House Building Finance Company Limited an unlisted Public Limited Company registered with SECP under companies Ordinance 1984 (presently Company Rules, 2017). Further, during the year, 2016, the Company implemented revised field structure and eliminated all the "Zonal Offices" of HBFC conferring administrative control of branches to "Regional Offices".



As the applicant had been dismissed from service by the Corporation prior to its winding up and taking over its assets & liabilities by the HBFCL, the HBFCL was not able to locate the relevant record within stipulated time. However, in the interest of transparency (and without prejudice to the legal objection of HBFCL as to maintainability of the instant appeal), HBFCL deputed its precious resources in tracing the required record. Accordingly, the response to the requested information is produced as follow:

- a. *Enquiry report of disciplinary action of accused is attached, the same was earlier provided to the compliant while issuing him the Show Cause notice dated 28-8-1999.(Copy attached)*
 - b. *As far as information pertaining to Syed Muddassar Shah and Mr. Muhammad Younas (the coaccused) are concerned, the same cannot be shared being related to their personal data."*
3. The reply and the information shared by the public body were shared with the appellant by the Commission on 6.4.2021 but the appellant through rejoinder has shown his dissatisfaction to the reply. Furthermore he appears to be questioning legality of inquiry against him and the imposition of penalty by the erstwhile corporation in the year 1999.

C. COMMISSION'S VIEW.

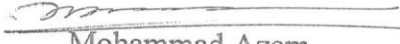
4. The appellant, an Ex Assistant Manager in the zonal office of HBFC at Peshawar was dismissed from service in the year 1999. An inquiry committee was constituted to probe into the allegations levelled against him. The inquiry committee found him guilty of the charges that culminated into dismissal from service. The appellant in the appeal has desired the inquiry reports for disciplinary action, held in 1999, of his person as well as pertaining to Mr. Syed Mudassar Shah and Mr. Mohammad Younas, the co-accused. The public body has provided the inquiry report of the appellant whereas the information related to the co-accused has been withheld under the principal of personal privacy mentioned in section 7(g) of the Act. The Commission is of the view that the request of the appellant has been attended and considered on merit. The information permissible to be shared under the Act has been provided to the appellant.
5. Later in the rejoinder the appellant has widened the net and has also questioned the legality of the inquiry and imposition of penalty against him by the erstwhile corporation. It is suffice to say that this Commission is constituted to provide the citizens the right of access to the information held by the public bodies.



6. It is noticed that the respondent public body has not notified the designated officer as mandated in section 9 of the Act.

D. ORDER.

7. The appeal is closed. The Managing Director, House Building Finance Company Limited is directed to notify designated officer forthwith but not later than fifteen days of the receipt of this order.


Mohammad Azam
Chief Information Commissioner


Fawad Malik
Information Commissioner


Zahid Abdullah
Information Commissioner

Announced on 25.5.2021

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