

Pakistan Information Commission
Government of Pakistan

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In The Pakistan Information Commission, Islamabad

Appeal No 740-11/20

Mirza Muhammad Adnan Khan

(Appellant)

Vs.

National Institute of Population Studies

(Respondent)

ORDER

Date: June 02, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated December 12, 2020, to the Commission, stating that he Submitted an information request to the Executive Director, National Institute of Population Studies dated 18-09-2019 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The appellant requested information about Charge Sheet, Written Statements, Evidence and final inquiry report conducted against him.

B. Proceedings

3. Through a notice dated 16-12-2020, sent to Executive Director, National Institute of Population Studies, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through another notice dated January 04, 2021, the Respondent was directed to submit written arguments within 15 days, otherwise the appeal will be decided Ex-Partee in the light of the record available on the file and the Right of Access to Information Act 2017.
5. The Respondent through a letter vide No F.1-1/PMMS/2018/Admn(NIPS) dated January 20, 2021 submitted its response.
6. The response / information received from the respondent was shared with the Appellant on January 27, 2021.
7. The appellant on February 01, 2021 submitted rejoinder to the information shared with him.
8. The appeal was fixed for hearing on February 25, 2021 and both parties were informed through notices sent on February 10, 2021.

9. Mr. Zafar Iqbal Niazi, Admin Officer, National Institute of Population Studies attended the meeting held on February 25, 2021 and submitted its response again which was shared with the appellant on same day. Response of the appellant is as under:

“...the services of Mirza Adnan Khan S/o Mirza Fayyaz Ahmed were hired as Supervisor for Pakistan Maternal Mortality Survey (PMMS) 2018-19 on purely contract and daily wages basis. During the survey, a number of female contractual employees complained of harassment against Mirza Adnan Khan. The complaints ranged from forcing them to stay in unsafe premises, forcing personal work demanding friendships as their Supervisor to threats of reprisals, if the girls disclosed anything to the authorities. The National Institute of Population Studies considers the safety of female contractual employees who undertake household surveys of paramount importance. The reporting staff did not submit written complaint for fear of reprisal by the accused. Furthermore, Mirza Adnan Khan has failed to provide financial account settlement of the TA/DA advances. Keeping in view the above factors, the contract services of Mirza Adnan were terminated.

2. It may be noted that the following provision was included in his temporary contractual letter of appointment & accepted by him at the time of joining the project:

“The contract period will be terminated without assigning any reason on your unsatisfactory performance during training period”.

10. The appellant on March 24, 2021 again shared his dissatisfaction to the information shared by the Respondent and stated that the public body has not provided the following information:
- i. Appointment Letter
 - ii. Written Complaints
 - iii. Evidence / Proof against me.
 - iv. Names and designation of inquiry committee members.
 - v. Final inquiry report.
 - vi. Termination Letter.

C. Discussion and Commission’s View on Relevant Issues

11. The requested information pertains to service record i.e., records pertaining to the recruitment and subsequent records generated during the course of service of the employee.
12. The Respondent has maintained that the services of the Appellant were *hired as Supervisor for Pakistan Maternal Mortality Survey (PMMS) 2018-19 on purely contract and daily wages basis. The Respondent has also maintained that “During the survey, a number of female contractual employees complained of harassment against the Appellant but no written complaints were lodged.*
13. The Respondent also maintained that the services of the Appellant were terminated in line with the provision of the temporary contractual letter of appointment & accepted by the Appellant which is as under:
“The contract period will be terminated without assigning any reason on your unsatisfactory performance during training period”.
14. As the Respondent has not terminated services of the Appellant based on an enquiry, it is not in possession of Written Complaints, Evidence / Proof against the Appellant, Names and designation of inquiry committee members and the Final inquiry report.
15. As the Respondent has submitted that the services of the Appellant were hired as Supervisor for Pakistan Maternal Mortality Survey (PMMS) 2018-19 on purely contract and daily wages basis and as the Respondent has terminated the services of the Appellant

based on the temporary contractual letter, it is bound to share with the Appellant both the appointment as well as the termination letters.

D. Order

16. Appeal is partially allowed. The Executive Director, National Institute of Population Studies is directed to share with the Appellant certified copies of appointment and termination letters within 7 working days of the receipt of this Order, with intimation to this office.
17. The Executive Director, National Institute of Population Studies is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification to this effect on its web site as required under Section 5 (1) of the Act, put name, designation and contact details of the PIO on its web sites 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.
18. Copies of this order be sent to the Executive Director, National Institute of Population Studies and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 02, 2021

This order consists of 3 (three) pages.