

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 957-03-2021

Muhammad Qaisar Khan

Versus

Peshawar Electric Supply Co. Ltd.

Date: 28.7.2021

Fawad Malik: Information Commissioner

APPEAL

1. Muhammad Qaisar Khan, former Deputy Manager, Peshawar Electric Supply Co. Ltd. (PESCO) has invoked the jurisdiction of Pakistan Information Commission for the provision of information/record from the office of the Chief Executive Officer, PESCO, Peshawar, under the Right of Access to Information Act, 2017.
2. The appellant in his application dated 31.12.2020 addressed to the Chief Executive Officer, PESCO, Peshawar has asked for providing the enquiry reports and action taken thereafter in the fraud of Rs. 3.45 Crores in pension money in City Division & Revenue Office, Abbottabad.
3. The Addl. Director General (Confidential), PESCO, Peshawar vide Letter No. 1781/ENQ-11108 dated 11.3.2021 has provided the appellant relevant portion i.e. paras 7.8 & 7.9, of the report wherein his name is mentioned in the list of beneficiaries in pension embezzlement case.

PROCEEDINGS

4. The notice of the Commission was responded by the answering body vide letter dated 11.6.2021 with the same information as provided earlier to the appellant vide letter dated 11.3.2021. The appellant has presented his dissatisfaction to the reply and reiterated for the attested copies of complete inquiry reports by PESCO & PEPCO along with the action taken by the authority in the case.
5. The appeal was fixed for hearing before the Commission on 28.7.2021 but no one appeared to represent the answering body.

COMMISSION'S VIEW

6. The appellant, former Deputy Manager, PESCO has asked for the copy of enquiry report in the matter of fraud/embezzlement of Rs. 3.45 crores. The Commission consider it appropriate to provide the appellant the requested information/record inter alia amongst others for the following reasons:
 - a. The respondent has not claimed exemption against the desired information in the reply rather has provided incomplete report.
 - b. Section 6 of the Act reveals that the information sought is the category of public record, available for the access to the citizens.
 - c. The inquiry report pertaining to the embezzlement of pension funds that have been finalized are required to be published including uploading over the website of the organization as mandated in section 5(1)(i) of the Act.
 - d. Apart from being a citizen of the country the appellant admittedly is former employee of PESCO, under article 27 of the Constitution of Islamic Republic of Pakistan has the right to be safeguarded against discrimination in service and for that end he has the preferential right to ask for the requested information.
 - e. The appellant claims to be a victim in the matter, reserves his legal rights to avail the remedies before the court of law or any other forum and for the purpose he has the preferential right to ask for the said report or any other record for the pursuance thereof.
 - f. Article 19A of the Constitution of Islamic Republic of Pakistan guarantees the access to information of public importance as a fundamental right whereas the Right of Access to Information Act, 2017 ensures the statutory right that cannot be delayed or denied at the whims of the beurocratic hierarchy.
 - g. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing nepotism, corruption and inefficiency in the governance.
7. The Commission has noticed that the PESCO has not notified the designated officer so far as required under section 9 of the Act.

ORDER

8. The appeal is allowed. The Chief Executive Officer, Peshawar Electric Supply Co. Ltd. is directed to provide the appellant complete information/record mentioned in his

application dated 31.12.2020, forthwith but not later than seven days of the receipt of this order.

He is further directed to implement section 5 & 9 of the Act in letter and spirit within one month of the receipt of this order, under intimation to this Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 2.8.2021

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