

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 783-12-2020

Qazi Abdul Waheed

Versus

Sui Northern Gas Pipe Lines Limited

Date of Hearing: 22.09.2021

Fawad Malik: Information Commissioner

Present: Mr. Ahmed Ejaz Yousaf, learned counsel on behalf of Sui Northern Gas Pipe Lines Limited.

APPEAL

1. The brief facts of the appeal are that Mr. Qazi Abdul Waheed was employed as Meter Reader Helper in Grade IV in Sui Northern Gas Pipe Lines Limited since 11.02.1996. He was dismissed from service on the charge of absence from duty when he absented himself to look after his ailing mother, who succumbed to illness in April, 2019. The appellant has requested the following documents in his appeal before the Pakistan Information Commission, Islamabad, under the Right of Access to Information Act 2017:
 - i. “ *Certified copy of show cause notice (if any),*
 - ii. *Certified copy of Appellant’s reply to show cause notice (if any).*
 - iii. *Certified copy of charge sheet (the Appellant was never served any charge sheet) and its reply, if any,*
 - iv. *Statement of allegation (the Appellant was never served any statement of allegation) and its reply, if any,*
 - v. *Detailed report of inquiry(s),*

vi. *Certified copy of detailed orders and the Appellant's appeal(s).*”

PROCEEDINGS

2. Mr. Ahmed Ejaz Yousaf, Advocate represented the respondent organization before the Commission at the time of hearing of appeal on 08.09.2021 & 22.09.2021. Despite making undertaking on 08.09.2021 to provide the information and record to the appellant he has failed to fulfil his words.

COMMISSION'S VIEW

3. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was though represented by the public body but despite giving undertaking before the Commission the words were not honored.
4. It is not denied by the respondent organization that the appellant has served the department for over a period of about 23 years. He joined the service in Grade I and was promoted to Grade IV, over the years, when he was dismissed from service on account of absence from duty. The appellant has pleaded that he could not attend the office to nurse his ailing mother who finally succumbed to ailment. He has alleged that he has been dismissed from service arbitrarily without conducting a regular inquiry, against the norms of justice provided in the service laws. He further alleges that he has not been provided the information and essential record to defend the charge against him and for that end he has invoked the jurisdiction of this Commission.
5. Provision of the charge sheet, statement of allegations, inquiry report and any other document for or against, is the prerogative of the person facing the inquiry. Inquiry without the provision of the said documents is illegal, unlawful and against the principals of justice. Even otherwise article 10A of

the Constitution of Islamic Republic of Pakistan envisages the right of fair trial to the citizens.

6. Under Article 19A of the Constitution of Islamic Republic of Pakistan and the Act of 2017 read with the enabling provisions of the service laws, the requested information and record is the inalienable right of the appellant. This right cannot be denied or delayed at the whims of the beurocratic hierarchy.
7. It is noticed that the respondent organization has not complied with the mandatory provisions of section 5 & 9 of the Act.

ORDER

8. The appeal is allowed. The General Manager (HR), Sui Northern Gas Pipe Lines Limited is directed to furnish the appellant charge sheet, statement of allegations, inquiry report and any other document asked by the appellant relevant with the charge or his service record, forthwith, but not later than ten days of the receipt of this order.

He is further directed to implement the sections 5 & 9 of the Act, under intimation to this Commission within one month of receiving this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 28.09.2021

Certified that this order consists of three (3) pages, each page has been read and signed.