

Pakistan Information Commission

Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1491-11/21

Muhammad Waseem Elahi

(Appellant)

Vs.

Federal Insurance Ombudsman

(Respondent)

Order

Date: April 06, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission through an email has received an appeal from Mr. Muhammad Waseem Elahi dated November 21, 2021, stating that he submitted information request through email dated October 13, 2021 under the Right of Access to Information Act 2017 to the Federal Insurance Ombudsman. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as under:

“ Refer to your letter No FIO/Complaint/2640/21/Ins/Omb/2021 dated 7th October, 2021.

The undersigned served legal notice to company on behalf of aggrieved person.

The undersigned filed complaint before FIO on behalf of complainant/applicant.

The undersigned submitted Power of Attorney to FIO along with complaint/appeal bundle.

The undersigned is desirous to know that why you preferred to send above referred letter to complainant and why not to undersigned?

That either Federal Ombudsmen Institutional Reforms Act, 2013 or any other relevant law etc allows complainant / applicant to be represented by some one else?”

B. Proceedings

3. This commission through a notice dated December 01, 2021 sent to the Federal Insurance ombudsman called upon the Respondent to submit reasons for not providing the requested information.

4. The Respondent through a letter dated December 21, 2021 submitted its response to the information request of the appellant which is as under:

“Please refer to Letter/Appeal No. 1491-11/2021 dated 01.12.2021 on the subject cited above.

2. The subject complaint was filed against the repudiation of death insurance claim. The Complainant Mst. Samina Shakil in this very complaint filed a death insurance claim of her late husband. Shakil Akhtar. The case fixed for personal hearing on 13.12.2021 first via video conferencing Karachi-Lahore. During the hearing it was revealed that proper record was not submitted by both the parties, especially the Respondent Company did not submit their comments in the subject case.

3. Therefore, due to non-availability of proper record, the case could not be heard in its true spirit and therefore, adjourned to 05.01.2022 to decide the matter on merit.”

5. Response submitted by the public body was shared with the Appellant on December 29, 2021.

6. The appellant on January 02, 2022 submitted rejoinder to the response of the public body, which was shared with the Respondent on January 24, 2022 with the directions to respond to the queries of the appellant within 10 working days.

7. The appellant was fixed for hearing on April 05, 2022 and both parties were informed through notices sent on February 22, 2022.

8. Mr. Abdul Ghaffar, Assistant Director, Federal Insurance Ombudsman attended the hearing and informed the Commission that the response to the queries of the appellant is already sent to him. He submitted copy of the response before the Commission in the hearing, which is as under:

““1. The subject complaint was filed by the Complainant against M/s EFU Life Assurance Ltd., claiming death insurance claim of her husband.

2. Legal and factual requirements were received. Respondent Company filed the comments which is placed on file.

3. On the other hand, Complainant’s Advocate Mr. Muhammad Waseem Elahi, has submitted its Rejoinder in support of his contention viz-a-viz comments of Company.

4. Keeping in view of the background, now the case is ripe for hearing. Notices are to be issued to both the parties accordingly.”

C. Discussion and Commission’s View on Relevant Issues

12. This commission has to decide,

- i. Whether the public body has provided complete and relevant information to the appellant?
13. After reading the contents of the request, and evaluating the reply submitted by the asking respondent in the light of the provision of the Act. This commission holds that in the instant appeal the public body has addressed all the questions asked by the appellant in his information requested.
14. This commission is of the view that the public body has provided all the requested information to the Appellant and submitted its copy before the Commission in the hearing held on April 05, 2022.

D. Order

15. The appeal is dismissed with no further directions to the public body.
16. Copies of this order be sent to the Ombudsman, Federal Insurance Ombudsman and the Appellant for information.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: April 06, 2022

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