



In the Pakistan Information Commission, Islamabad

Appeal No 1635-01/22

Zahir Hussain

(Appellant)

Vs.

Accountant General Pakistan Revenue

(Respondent)

ORDER

Date: April 15, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated December 30, 2021, to the Commission, stating that he submitted an information request to the Director General, Accountant General Pakistan Revenue, on November 22, 2021 under the Right of Access to Information Act 2017 but did not receive any response from the public body.

2. The information sought by the Appellant is as follows:

“1. How many Advisors and Senior Advisors working in Banking Mohtasib Pakistan Secretariat have submitted mandatory Medical Fitness Certificate from Civil Surgeon to AGPR Sub Section Karachi? Provide their names, grades or equivalency, current gross salaries, and date of first salary paid by AGPR Sub Section Karachi.

2. How many Advisors and Senior Advisors working in Banking Mohtasib Pakistan Secretariat have NOT submitted mandatory Medical Fitness Certificate from Civil Surgeon to AGPR Sub Section Karachi? Provide their names, grades or equivalency, current gross salaries, and date of first salary paid by AGPR Sub Section Karachi.

3. What action, if any, the AGPR Sub Section Karachi has taken for acquiring medical fitness certificate in all such cases pertaining to those Advisors and Senior Advisors who have NOT submitted medical fitness from the civil surgeon as required under law/rules?

4. Without mandatory medical fitness, under which provision of law AGPR Sub Section, Karachi is consistently paying hefty salaries and TA/DAS allowances to these Advisors and Senior Advisors?

5. Provide a copy of the current sanctioned strength of Banking Mohtasib Pakistan Secretariat as per record of AGPR Sub Section, Karachi.”

B. Proceedings

3. The record on the file shows that the commission sent notice to the Director General on January 14, 2022 to submit response as to why the requested information was not provided to the Appellant. The public body did not submit its response.

4. The commission also sent hearing summons vide letter dated March 07, 2022 for the hearing to be held on April 07, 2022 but nobody attended the hearing.

C. Discussion and Commission's View on Relevant Issues

5. This commission takes strong exception to the fact that the Respondent neither responded to the requests for information filed by the citizen nor responded to the notices of the commission. Such utter disregard to the law will not be tolerated in future.
6. This commission maintains that the requested information pertains to the functions and responsibilities of the public body and as such it is public information. These functions and responsibilities pertain to the release of salaries to the employees of public bodies recruited in different categories according to the legal requirements. In the instant Appeal, the Respondent, AGPR is required to maintain medical certificate according to the APT Rules, 1973 as amended from time to time.
7. This commission holds that the Respondent is custodian of medical certificates submitted by Advisors and Senior Advisors working in Banking Mohtasib Pakistan. As such, the Respondent, AGPR is legally bound to provide information about the number of Advisors and Senior Advisors working in Banking Mohtasib Pakistan who have submitted their medical certificates along with their names, grades or equivalency, current gross salaries, and date of first salary paid by AGPR Sub Section Karachi. Similarly, the Respondent, AGPR is legally bound to provide information about the number of Advisors and Senior Advisors working in Banking Mohtasib Pakistan who have not submitted their medical certificates along with their names, grades or equivalency, current gross salaries, and date of first salary paid by AGPR Sub Section Karachi.
8. This commission also maintains that the requested record is available with the Respondent in the shape of correspondence with regard to seeking medical certificates from the employees who have not submitted these certificates.
9. This commission also holds that records pertaining to the total sanctioned strength of the Banking Ombudsman is available with the Respondent and it should have been provided to the Appellant.

D. Order

10. The Appeal is allowed. The Respondent is directed to provide the Appellant requested information in para 2 of this Order, based on records available with the Respondent, at the earliest but not later than 7 working days of the receipt of this Order.
11. Copies of this Order be sent to the Respondent and the Appellant for information and necessary action.

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: April 15, 2022

This order consists of 2 (two) pages, each page has been read and signed