

APPEAL NO. e-274-04/2022

Dr. Muhammad Naseem Khan

Vs

Health Service Academy

Fawad Malik: Information Commissioner

A. APPEAL

1. Dr. Muhammad Naseem Khan filed an application before the Registrar, Health Services Academy, Islamabad under the Right of Access to the Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through his application dated 20-04-2022 he has requested the following information:

1. *“Appointment notification of Dr. Shahzad Ali Khan as acting Vice Chancellor by the competent authority.*
2. *Appointment notification of Dr. Shahzad Ali Khan as Dean of Public Health by the competent authority.*
3. *Appointment notification of Dr. Shahzad Ali Khan as Professor of Public Health by the competent authority.*
4. *Last year’s pay slips (1st May 2021 to 30th April 2022) of Dr. Shahzad Ali Khan*
5. *Decisions/minutes of the harassment case enquiry against Mr. Nadeem Sajjad Kyani investigated by the Senate Sub-committee headed by late Senators Madam Kalsoom and Mr. Mushahid Ullah.*
6. *Recruitment process including copies of the advertisement, qualification, experience, and appointment notification of Dr. Farid Midhat as a consultant at Health Services Academy.*
7. *The last two months (1st March to 30th April 2022) pay slips of Dr. Farid Midhat at Health Services Academy.*
8. *Approved meeting minutes of the 1st syndicate of HSA.”*
9. *Approved meeting minutes of the 1st and 2nd Senate of HSA.*
10. *Experience certificate of Professor Muhammad Naseem Khan starting from 18th November 2020 till 7th March 2022.”*

2. The vice-chancellor of Health Services Academy vide letter dated 27-04-2022 denied the access to the requested information while referring section 7 (b&g) and section 16{f &i(v)} of the Act.

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3. Feeling aggrieved and dissatisfied with the reply of the public body Dr. Muhammad Naseem Khan preferred his appeal dated 9.5.2022 before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

4. In response to the hearing notices issued by the Commission the Vice-chancellor vide letter dated 07-06-2022, submitted the requested information and reply. The same were shared with the appellant.
5. The appellant through letter dated 15-06-2022 acknowledged the receipt of the requested information however he has expressed his dissatisfaction and filed objections regarding the following points:
 1. *“The pay slip of Dr. Shahzad Ali Khan of August 21 has been forged from Associate Professor to DEAN (copy of the pay slip of August 21 is attached for your kind reference).*
 2. *Information requested regarding the decision/minutes of the harassment case enquiry against Mr. Nadeem Sajjad Kyani investigated by the Senate sub-committee headed by late Senators Madam Kalsoom & Mr. Mushahid Ullah was not provided. The said official Mr. Nadeem Sajjad Kyani was suspended for a good period of two & half years from his services. This is to my surprise that no such minutes and decision was conveyed to Health Services Academy. I would also request additionally to kindly ask for the suspension order of the said employee at HSA from the relevant quarters, which could be the Archives of the Honorable Senate of Pakistan, in this particular case.”*

C. COMMISSION’S VIEW

6. The appellant has requested the appointment notifications of Dr. Shahzad Ali Khan as acting Vice Chancellor, as Dean, as Professor of Public Health by the competent authority and his last year’s pay slips (1st May 2021 to 30th April 2022). He has further desired the decisions/minutes of the harassment case enquiry against Mr. Nadeem Sajjad Kyani investigated by the Senate Sub-committee headed by late Senators Madam Kalsoom and Mr. Mushahid Ullah, the recruitment process including copies of the advertisement, qualification, experience, and appointment notification of Dr. Farid Midhat as a consultant, his last two months pay slips (1st March to 30th April 2022), the approved meeting minutes of the 1st and 2nd syndicate of Health Services Academy and experience certificate of Professor Mohammad Naseem Khan starting from 18th November 2020 till 7th March 2022.

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7. The respondent organization has provided the appellant all the information and record except the decision/minutes of the harassment case enquiry against Mr. Nadeem Sajjad Kyani investigated by the Senate sub-committee headed by late Senators Madam Kalsoom & Mr. Mushahid Ullah. It is apprised that the said information was not provided to the Health Services Academy by the Senate subcommittee.
8. The complaining of the appellant regarding the forgery of pay slip of Dr. Shahzad Ali Khan from Associate Professor to Dean cannot be entertained by this Commission. This Commission is established for the purpose of access to information and record held by the public bodies under the Federal Government.
9. According to section 2(xii) of the Act “right of access to information” means right of access to information accessible under this Act which is held by or under the control of any public body. Since the said inquiry was conducted by the sub-committee of the Senate therefore the decision/minutes of enquiry will be held by the Senate and the information thereto cannot be provided by the Health Services Academy. The objection against the non-provision of the decision/minutes of enquiry is not sustainable.
10. The Commission is of the considered view that the respondent has provided all the permissible information and record under the Act, requested by the appellant. The appellant cannot be allowed to expand his queries at the later stage of the appeal.

D. ORDER

11. The appeal is disposed of having borne fruit.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 19.07.2022

Certified that this order consists of 03 pages, each page has been read and signed.