

Appeal No. e 253-03/2022

1. Hanzla Jalil (Research Economist)
2. Unbreen Qayyum (Research Economist)
3. Adnan Akram (Research Economist)
4. Farhat Mehmood (Research Economist)

Vs

Pakistan Institute of Development Economics, Islamabad

Fawad Malik: Information Commissioner

A. APPEAL

1. The titled four applicants filed a request under the Right of Access to Information Act, 2017. Through the request dated 08.03.2022 addressed to the Vice Chancellor, Pakistan Institute of Development Economics, Islamabad they have requested the following information:

- i. “Minutes of the PIDE Selection Committee dated February 08, 2022.*
- ii. Minutes of the PIDE Selection Committee dated April 27 & 28th, 2021 approved by the PIDE Senate.*
- iii. Minutes of the PIDE Selection Committee dated July 10th, 2018 approved by the PIDE Senate.*
- iv. Seniority list of the permanent PIDE Research/Faculty Staff before April 27, 2021.”*

2. Feeling aggrieved for the non-provision of the Information within the stipulated period provided under the Act, they filed appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. Mr. Asim Rauf, Advocate on behalf of PIDE argued during the course of hearing before the Commission that the seniority list is not maintained in terms of section 7 of the Services Rules for Researchers & Faculty at PIDE 2016-17, that since the promulgation of the above

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referred rules the PIDE is no more in the practice of maintaining the seniority list of research staff and faculty, that under the Rules ibid all the posts are advertised through print media as well as on the website of PIDE and all the eligible candidates whether external or internal are examined on the given criteria and thereafter appointed against the advertised post therefore there is no concept of seniority for any appointment against any post of Research / Academics in PIDE thus no Seniority list as such is maintained, however, a copy of minutes of the meeting is made available. The minutes of the meeting was shared with the appellant present before the Commission. Adnan Akram appellant feeling not satisfied with the response of the public body filed rejoinder with the following objections:

i. “Reply to the Minutes of the Selection Committees

- *PIDE shared the decisions of the meetings instead of the actual minutes of the selection committee meeting.*
- *The minutes of the meetings are relevant to all the appellants to the instant appeal as they were considered for promotion/appointments in these meetings. To prove the appellant’s cases for promotions at the legal forums, these minutes are mandatory.*

ii. Reply to the Seniority List

- *PIDE submitted in its response that “As there is no promotion in PIDE, the higher scales are awarded based on performance and competition. Since the promulgation of the above referred rules, the PIDE is no more in the practice of maintaining the seniority list of research staff and faculty.” This information is in contradiction to the response/information shared by PIDE with the Honorable Pakistan Information Commission (PIC) and the appellant. The very first page of the response/information shared by PIDE, vide letter No HRD, 43(20 dated May 31, 2022, on the Minutes of the PIDE Selection Committee dated February 08, 2022, gives the following information (Annexure I):*

- *Promotions at the PIDE – Faculty*
 - *Promotions at the PIDE – Research*
 - *Promotions at the PIDE – Administration*
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- *Therefore, it is maintained that promotions are still in force at PIDE.*
- *Further, Rule 5 of the Services Rules for Researchers & Faculty at PIDE 2016-17 (Annexure II) states that “Merit. PIDE is a merit based organization. Rules for defining Seniority have been provided in previous regulations, and remain in force, without modification or change. However, seniority will only be considered when comparing two internal candidates of nearly equal merit for promotion to the same post. In general, having passed more time at the institute will not be a factor in eligibility for promotion. Effective utilization of time spent at PIDE will be reflected in more acts of service, more publications, and more research eractivities, which will be duly taken into account.” It categorically states that seniority rules are in force without modification or change.*
- *Given above, the appellant shows his dissatisfaction with the response/information shared by PIDE and requests that the PIC may please direct the respondent to share the requisitioned information.”*

4. On the other hand PIDE has replied the rejoinder as follows:

- *“That the controversies raised by the applicant in his rejoinder pertain to the terms and conditions of his service which matter cannot be adjudicated by this forum.*
- *That the issue of provision of copy of complete minutes is a legal question which question is pending for determination in another writ petition bearing number 2255/2022 before the Islamabad High Court therefore the legal propriety demands that the instant case may be decided in light of the decision of the Honorable Islamabad High Court in the above writ petition.*

➤ ***On merits (Reply to the Minutes of the Selection Committees)***

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- ❖ *Reply 1 & 2. This para is incorrect. There is only one Appellant before this Honorable Commission; furthermore the answering respondents have shared with the decisions recorded on the minutes with the appellant and this Honorable Commission.*
- **Reply to Seniority List (Reply to Para 1, 2 & 3)**
 - ❖ *That with regard to the seniority list it has been candidly submitted before the Answering Respondents that under the PIDE Rules of Researchers and Faculty 2016 all the posts are advertised through print media and as well as on the website of PIDE. All the eligible candidates whether external or internal are examined on the given criteria and thereafter appointed against the advertised post. In this background there is no concept of Seniority for any appointment against any post of Research / Academics in PIDE therefore no Seniority list as such as maintained. The reliance of the appellant on a self-selected provision of PIDE Rules of Researchers and Faculty 2016 is inept / misconceived. The answering Respondents respectfully rely on Rule 7 of the Rules ibid to support their stand.*
 - ❖ *It is therefore requested that the instant appeal along with rejoinder may be dismissed along with costs.”*

5. The three members of the Commission examined the Minutes of Meetings in camera proceedings on 20.7.2022.

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C. COMMISSION'S VIEW

6. The appellant has asked for the Minutes of the Pakistan Institute of Development Economics Selection Committee dated February 08, 2022, dated April 27 & 28th, 2021 approved by the PIDE Senate, dated July 10th, 2018 approved by the PIDE Senate and the Seniority list of the permanent PIDE Research / Faculty Staff before April 27, 2021.
7. The respondent public body has shared the decisions of the meetings instead of the actual minutes of the selection committee meeting and apprised that that the seniority list is not maintained in terms of section 7 of the Services Rules for Researchers & Faculty at PIDE 2016-17.
8. The Commission examined the Minutes of Meetings in camera proceedings on 20.7.2022 and observed that no issue of private privacy is involved in the matter, that all the applicants are contenders and that the matter has been finalized. The Commission therefore holds that in the light of the Act there exists no bar in the sharing of the Minutes of the Pakistan Institute of Development Economics, Selection Committee with the appellants.
9. So far as the Seniority list of the permanent PIDE Research / Faculty Staff is concerned the stance of the public body is not acceptable. Rule 5 of the Services Rules for Researchers & Faculty at PIDE 2016-17 states that PIDE is a merit based organization and further that the Rules for defining Seniority have been provided in previous regulations, and remain in force, without modification or change, however, seniority will only be considered when comparing two internal candidates of nearly equal merit for promotion to the same post.
10. The bare reading of the request depicts that the information and record sought by the appellant is enlisted in the category of public record as defined in the Act. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.

11. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

12. The appeal is allowed. The Vice Chancellor, Pakistan Institute of Development Economics, Islamabad is directed to furnish the appellants all the requested information, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 26.07.2022

Certified that this order consists of 06 pages, each page has been read and signed