

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No E293-06/22

Imran Saleem

(Appellant)

Vs.

Federal Public Service Commission

(Respondent)

ORDER

Date: August 19, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated June 29, 2022 to the Commission, stating that he submitted an information request to the Secretary, Federal Public Service Commission on June 17, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

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

“It has been learned through FPSC Press Release dated 20-04-2022 that recruitment process of 13 posts of Pakistan Bureau of Statistics mentioned in the release has been canceled without assigning any reason.

2. It is pertinent to mention that 82 post of Pakistan Bureau of Statistics was advertised by FPSC in April, 2017 and almost all the process including test, shortlisting and interview for these 82 posts completed but nomination/ recommendations were not finalized because Finance Division has discontinued budget of these posts and link the restoration of budget with Management Study by Establishment Division. The cancelation of recruitment at the time when management study is near to completion not seems to be rational because gigantic efforts made by candidates and FPSC for completing the process will be in vain.

3. As per right to the information Act. 2017, any citizen is entitled to seek information, documents and record from any public organization government department. Therefore I would like to request FPSC to provide the information/record pertaining to the following items within 10 days to comply with the provisions of the said Act:

- i. FPSC is requested as to why recruitment process of 13 out of 82 posts of Pakistan Bureau of Statistics advertised in April, 2017 was canceled.*
- ii. Please indicate the rule under-which FPSC can cancel the recruitment process after conducting test and interviews. The copy of the rules may be provided.*
- iii. The recruitment process was withheld due to conduct of management study by MS wing, as to why FPSC all of sudden cancel the recruitment process without waiting the finding of the study.*
- iv. The cancelation of recruitment process is very astonishing for those who have been waiting since last four year after passing test, shortlisting scrutiny and giving*

- interview, FPSC is requested to review its decision of cancellation of recruitment process for these posts and try to complete remaining recruitment process at earliest*
- v. *What is the status of remaining posts of Pakistan Bureau of Statistics advertised in April, 2017 by FPSC along with these 13 posts.*
 - vi. *Please guide which is the relevant forum to file review against the decision of FPSC conveyed by abovementioned press release. Whether there is any provision of internal review in FPSC or the High Court.*
 - vii. *It is important to mention that no policy and rule can be made with retrospective to the disadvantage of those to whom it applied. Such protection provided in the constitution, how FPSC can apply any policy/rule if framed/formulated after advertising the above posts to the disadvantage of the candidate and such retrospective application of any rule/policy will be ultra vires to the constitution. Therefore FPSC may review its decision of canceling the recruitment process and advise the department concerned to get management study completed at earliest as this case has already been delayed substantially.*
 - viii. *Copy of the note sheet on which decision was taken for cancellation of the said post as well as policy and rules which empower the FPSC to the recruitment process may also be shared.*
 - ix. *I have lodged complaint through citizen portal and response given by FPSC is very misleading. The complaint and its response is attached for kind perusal indicating casual attitude for responding complaint on citizen contrary to the actual position. The necessary action may be taken against the responsible and report may be shared.*
 - x. *Please clarify whether FPSC is reviewing its decision on the basis on abovementioned facts/grounds or otherwise and what course of action can be adopted by the candidates as per applicable laws for the review?"*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on 14 July, 2022 and its text is as under:
 1. "I am directed to refer to your letter dated 17 June, 2022 on the subject and above and to say that various posts of Pakistan Bureau of Statistics, 14/o Planning Development and Special Initiatives were advertised in 2017. The appointment against these posts are pending due to Court Orders vide W.P. No. 1103/ 2017 dated 07-04-2017, Therefore, the administrative/ sponsoring requested FPSC to pending the recruitment process (FIA). Therefore, such cases have been remanded/ returned to Ministry of Planning, Development and Reforms, Pakistan Bureau of Statistics to resolve the legal/ administrative issues at first instance.
 2. FPSC is only mandated to conduct test/ Interviews which are withheld by the sponsoring Ministry/ Division/ Department. The said cases of PBS remained pending due to legal/ administrative reasons at sponsoring department/ PBS, FPSC has no reverse to administrative/ legal issues between employer and the employees.
 3. In view of above, while the matter is to be decided by the sponsoring Ministry Department, it is requested to approach Ministry of Planning Development and Reforms/ PES being relevant forum."
4. Hearing on the instant Appeal was fixed for August 11, 2022 vide letter dated August 02, 2022. The Respondent was represented by M. Abdullah, Assistant Director, and Federal Public Service Commission.

C. Issues:

5. The instant appeal has brought to the fore the following issues:
Has the Respondent, FPSC responded to the information request as well as provided the permissible information to the Appellant as requested in his request for information as required under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

D Discussion and commission's views on relevant issues:

6. In the instant appeal, the Respondent, FPSC failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act. The Respondent only submitted response after the intervention of this commission.
7. This commission is satisfied with the stance of FPSSC when it states: "recruitment process against these posts were stopped due to Court Orders vide WP No.1103/2017 dated 7.4.2017".
8. This commission also holds that the Appellant has asked queries of general nature which cannot be termed as request for information based on records and as such, the Respondent cannot address these queries.
9. This commission is not mandated to address issues of maladministration and its mandate extends only to facilitate citizens getting access to the requested information permissible under the Act, 2017. For any relief pertaining to issues of maladministration, the Appellants should approach the relevant legal forums.
10. This commission also holds that the Respondent, FPSC has only partially addressed the request for information of the Appellant. For example, it has not provided Copy of the note sheet on which decision was taken for cancelation of the said post, copy of the Rules under-which FPSC can cancel the recruitment process after conducting test and interviews and the status of remaining posts of Pakistan Bureau of Statistics advertised in April, 2017.
11. The Respondent, FPSC was expected to go through each item of the requested information and address each through its response based on record available.

E. Order

12. The Appeal is allowed. The Respondent is directed to provide the Appellant Copy of the note sheet on which decision was taken for cancelation of the said post, copy of the Rules under-which FPSC can cancel the recruitment process after conducting test and interviews and the status of remaining posts of Pakistan Bureau of Statistics advertised in April, 2017 as requested by the Appellant in para 2 of this Order. This information be provided to the Appellant at the earliest but not later than 7 working days of this Order, with intimation to this office.
13. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: August 19, 2022

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