

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 1868-04/2022

Irfan Jahangir Wattoo

Vs

Collector of Custom

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Irfan Jahangir Wattoo, Advocate filed an application under the Right of Access to Information Act, 2017. Through his application dated 19-02-2022 addressed to the Chief Collector, Collectorate of Custom (Enforcement), he has sought the inquiry report against his complaint initiated against Azam Wattoo, Investigation Officer in an alleged matter of smuggling of mobile phones.
2. Feeling aggrieved for the non-provision of information within the stipulated period provided under the Act he has filed appeal before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Collector, Collectorate of Custom (Enforcement) vide letter dated 29-06-2022 has submitted the following reply:
 - i. *“In this regard, it is stated that Mr. Irfan Jahangir Wattoo Advocate High Court, submitted a complaint against Investigating Officer, Azam Hussain Wattoo to the office of the Chief Collector Enforcement, Lahore which was duly marked to the Collectorate of Enforcement, Lahore for inquiry.*
 - ii. *Later, the complainant sought information about action taken upon aforesaid complaint. The Collectorate of Customs (Enforcement) Lahore has conducted an inquiry in this regard which is enclosed herewith. According to this report, no action against the Investigation Office was warranted.*
 - iii. *It may be noted that subject complaint was lodged against the investigation officer in the case of smuggling of mobile phones in which the adjudicating authority has passed an order-in-original wherein the charges leveled*

in Show Cause Notice have been established against the accused.”

4. The appellant feeling dissatisfied with the reply filed rejoinder wherein he has raised the procedural defects and errors in the conducting of the enquiry and objected that enquiry procedural provided in the ESTA-CODE have not been followed hence the authenticity of the report is doubtful. He has finally prayed for the provision of attested and readable copy of inquiry report.

C. COMMISSION’S VIEW

5. The appellant has sought inquiry report initiated against Azam Wattoo, Investigation Officer initiated on the complaint filed by him. The subject complaint was lodged against the investigation officer in the case of smuggling of mobile phones. Later in his rejoinder he has objected the procedure adopted for conducting the inquiry.
6. Be that as it may, the jurisdiction of this Commission is defined to the extent of provision of the information and record permissible under the Act. The public body has furnished the desired report to the appellant but has not adhered to the requirement of section 13(3) of the Act.

D. ORDER

7. The Collector, Collectorate of Custom (Enforcement) is directed to furnish the appellant attested and readable copy of inquiry report against his complaint initiated against Azam Wattoo, Investigation Officer, forthwith, but in any case not later than five days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 04.08.2022

Certified that this order consists of 02 pages, each page has been read and signed.