

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad
Appeal No E107-04/21

Talha Sohail

(Appellant)

Vs.

National Highway and Motorway Police

(Respondent)

ORDER

Date: August 19, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated April 09, 2021 to the Commission, stating that he submitted an information request to the Deputy Inspector General of Police, on March 07, 2021 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:

“I am a citizen of Islamic Republic of Pakistan. In accordance with the right to information granted to citizens of Pakistan under "The Right of Access to Information Act 2017". I would like to request for following information

1. Details of each Transfer & Posting (at Zonal & Sectors level Le from Beat to Beat / Sector to Sector / Zonal office to any other office of N-5 South Zone or vice-versa) in respect of non-uniform employees (only from BPS-09 to BPS-16) of South Zone of NHMP nduring last 13 years i.e. from year 2008 to year 2020. just want following details for each transfer posting in respect of abovementioned BPS employees:”

S#	RANK	NAME	TRANSFER FROM (OFFICE/SECTOR NAME)	TRANSFER TO OFFICE/SECTOR NAME)	DATE OF ORDER	TOTAL NUMBERS OF THIS EMPLOYMENT IN LAST 13 YEARS
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B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on October 11, 2021 and its text is as under:

1. “It has informed that Mr. Talha Sohail has submitted two requests E008-12/20 & E107/04/21. The status/comments regarding both requests are as follows:

S.No	Request Number	Via	Receiving Date	Status
1	E-008-12/20	Letter	13-01-2021	The details has provided

2	E-107/04/21	Letter	07-08-2021	Direction issued for provision of available record
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2. The Comments in this regard are as follows:

- Mr. Talha Sohail is employee of this office NHMP, South Zone, however he never submitted any written/ hard copy application for provision of transfer/posting record.
- In his application he claimed that he has emailed the request which was not received by this office.
- In the whole period Mr. Talha Sohail never verbally or through letter asked or seeks any information regarding record or receiving of the request.
- It is pertinent to mention that this office has no any objection to provide the record to any employee as this office already provided the leave record requested by the appelland in February 2021 (Copy / Letters Attached).
- Moreover, on request/ application, undersigned, has called Mr. Talha Sohail in personal hearing to resolve his issue, however, he wasn't requested or asked about the transfer / posting record during his personal hearing as well.
- The request regarding provision of record regarding transfer /posting of civilian employees has received by this office eon 07th October, 2021 through CPO Islamabad any your good office. The directions regarding provisions of available record has conveyed to the concern."

4. The Appellant submitted his response on February 02, 2022 and its text is as under:

"I have received a letter subjected "Information Sharing dated: 24-01-2022 from your good office (along with an attachment letter of National Highways & Motorway Police). Sir, it is noteworthy to mention that no information is shared by National Highways & Motorway Police against my appeal no. E-107. in this regard, am humbly requesting for provision of record from National Highways & Motorway Police,"

5. The Respondent submitted its response on April 07, 2022 and its text is as under:

Please refer to your application dated 02-02-2022, received from Pakistan Information Commission on the subject noted above.

1. *" It is stated that reply/response/information are enclosed herewith as Annes-A, directed by Mr. Ikram Ul Haq, Registrar, Pakistan Information Commission, Government of Pakistan, Islamabad, please.*
2. *This is issued with the approval of Inspector General, National Highways & Motorway Police."*

6. The Appellant submitted his response on May 10, 2022 and and on July 28, 2022 and its text is as under;

It is submitted that in March-2021 undersigned requested NHMP for the provision of some information (enclosed as Annex-A) and due to not provision of information, I appealed in PIC and my Appeal No a E-107 After a very long wait and correspondence, in April-2022 NHMP provided me the required information, but said information was intentionally unintentionally incomplete and false in this connection, on 10-05-2022 wrote a letter to your good office and provide some proofs to support my instance.

Sir your office directed NHMP for the provision of correct information and on 07-07-2022 received another information letter from NHMP (through your good office) but it is noteworthy to mention that on 2 time again the information is intentionally/unintentionally incomplete and false Repetition of information also present in the setter (Yester-week I also Email to your good office to inform regarding this situation and to ask for some time to arrange proof in this regard)

Sir, as I already informed you in my 10-05-2022's letter that am an employee of NHMP and in 2 information letter my details mentioned at Serial No. 05 and according to the letter, totally 06 times transferred in the last 13 years (as I asked the NHMP department

for the provision of record for last 13 years before March-2021) Moreover, it also informed in the said liner that first time transferred in September-2015

Sir, I want to submit in your kind honor that after hectic efforts got some proof that I many times transferred/ Posted between different offices of NHMP before September-2015 Some details are as under

Letter No DIGNS OSU (25/1035 dated: 10-04-2009 issued from Zonal Office of NHMP South Zone shows that I was transferred from Sector-1 (Moro) to Zonal Office (Karachi) (Enclosed as Annex-8) 2. Reliving Letter No SP-1/NS/SNHMP/Sukur(84) 193/09 dated 19-01-2009 issued from SP Office of NHMP South Zone Sector-III shows that I was transferred from Sector-1 (Sukkur) to Sector (Moro) (Enclosed as Annex-C)

3. Cover Letter No CPO-32/S/N5/133/2013 dated: 03-02-2014 issued from Beat Office of NHMP South Zone

Sector-1 (Beat No 32 Matter) shows that these days I was posted there (Enclosed as Annex-D) 4 Cover Letter No. CPO-35/S/NS/NHMP/172/13 dated: 01-02-2013 issued from Beat Office of NHMP South Zone Sector-i (Beat No. 35 Karachi) shows that these days I was posted there. (Enclosed as Annex-E

Sir, I am requesting with the department of NHMP for provision of information as in my view, I faced discriminating Behavior in connection of transfers/postings. Now the suspicious attitude of the department also supports this instance Keeping in view the abovementioned facts, am requesting that please take appropriate action on the provision of two times false information/

7. Hearing on the instant Appeal was fixed for August 11, 2022 vide letter dated July 26, 2022. The Respondent was represented by Rana Liaqat Ali, AIG/DSP Legal, National Highway and Motorway Police.

8. The Respondent submitted its response and its text is as under:
With reference to the 2nd rejoinder dated 20-07-2022 filed by the applicant in the above titled appeal, it is submitted that the transfer posting details for the period from 2008 to 2020 of non-uniformed employees requested by the applicant were from the concerned Zonal and Regional offices of NHMP. Karachi and communicated to the appellant through the office of Registrar, Pakistan Information Commission Office, Islamabad, vide the Deputy Inspector General South Zone Office letter No. DIG/S/N-S/NHMP/HRM/2302 dated 09-06-2022 (Copy enclosed).

2. In case the appellant has any grievance regarding any transfer posting order, he may seek his remedy from the relevant forum in accordance with law. In view of the foregoing submissions it is respectfully prayed that this honorable Information commission may graciously be pleased to dispose of the above titled appeal, please.

C. Issues

9. The instant appeal has brought to the fore the following issues:
(a) Has the Respondent provided all the requested information permissible under the Right of Access to Information Act 2017, henceforth referred to as the Act, 2017?
(b) Has the Respondent provided false information as stated by the Appellant?

D Discussion and commission's views on relevant issues:

10. The Respondent has provided all the requested information by the Appellant other than the details of transfer and posting of the Appellant. The Respondent itself stated that "*directions regarding provisions of available record has conveyed to the concern*".

11. This commission holds that the Respondent, during the process of gathering information, may have provided 'incomplete' information but it cannot be termed as false information.

E. Order

12. The Appeal is allowed. The Respondent is directed to provide details of transfers and posting of the Appellant at the earliest but not later than 7 working days of the receipt 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 4 (four) pages, each page has been read and signed.