

Pakistan Information Commission
Government of Pakistan
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In the Pakistan Information Commission, Islamabad

Appeal No 1312-09/21

Imtiaz Hussain

(Appellant)

Vs.

Federal Directorate of Education

(Respondent)

ORDER

Date: July 25, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated April 06, 2022 to the Commission, stating that he submitted an information request to the Director General, Federal Directorate of Education, on February 20, 2021 under the Right of Access to Information Act 2017 but did not receive any response from the public body.

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

جناب عالی ساحل کے درج ذیل انفارمیشن مطابق عنوان : لا اریٹ اندر معیارہ دن درہم کی جائیں بصورت دیگر سائل اندر کمانی اسلام آباد سے رابطہ کرے گا۔

ایہ خیال کے آفس سے جاری کردہ بولی نوٹ فرج 10 بار ہوئی نیر صفت ۹۱ آسانی نام 18/10/9 آ سماجی برائے کھنڈ کی منظوری سے با پر مائل کا کوئی ٹیسٹ انٹرویو نہ DG FOE پڑے اٹل کے امر پر کھاتا ہے۔ - معلم خیال ابی رد ہوا ہے۔ اور میں آسانی حکومت سے ہوئی۔ جس کی دیری نرگس کے لیے مائل نے موٹر تک جانے اسلام (صاحب) (merce 11119/7/21 / 20(21) - HC (G)) - آن اسلامی اسلام آباد کو تحریر کا درخواست دی ہے۔ سٹریل 202 سے ناول نہ دی ہے۔ (ٹر اور ہے۔ اور در ورسک ارسال لی ہیں 700, 20/8/2, all_ssy Detail Merificate Que

یہ کہ بات سے سائل کی اخماس کے مذکورہ انکائیٹ کی روشنی میں کو شدند اسلام آباد کے مذکورہ میرا یا روسری -2- telet purification dit - Be free by the DG FOE؟ افراد دنا درہم کی جائے۔

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:

“Imtiaz Hussain applied against the post of conductor on contingent basis for period of one year on fixed pay. His application was not entertained received by FDE on account of being late after expiry of the deadline

He led a case with Honable Federal Ombatman for appointment against the said pest The Honorable Forum directed to accommodate lam vide appeal No HOR/14115/2016 which FDE responded positively and vide letter No 12 916(AdmniFDE dated 09 10 2018 offered him appointment against the post of conductor on the contingent basis as advertised.

He neither submitted his joining after issuance of appointment letter not sought any extension in the date of joining and subsequently his joining period lapsed

Though he was granted relief yet he did not join his duty. Instead, he lodged a complaint on Prime Minister Portal concealing the facts of the case. The complaint was disposed of by the FDE timely under the facts and as per rules which has been accepted by the portal

He has also submitted an application to Federal Investigation. Agency to inquire his appointment case despite being accommodated. The outcome of the investigation by FIA is yet awaited

vi. The project in which Mr. Imtiaz Hussain is appointment has already been closed after expiry of the project stipulated time period ie one year. The services of employees of that project stood expired/terminated, accordingly. Wherein, they approached Hon'able IHC Islamabad for extension of their services however, their petitions were also dismissed by the court as per rules and it has become a past and closed transaction. Recently, Mr. Imtiaz Hussain has demanded the record regarding his appointment through Pakistan Information Commission vide Appeal No.1312-09/21

The above narrated facts reveal that the individual is in habit of making unnecessary complaints which do not merit consideration at any level and is creating a nuisance through repeated baseless applications on a subject which has already been decided closed at different forums.

3. This issues with the approval of Director (Admin & Services)”.

4 Hearing on this issue was held on November 18, 2021 vide hearing notice dated November 03, 2021.

C. Issues

5 The instant Appeal has brought to the fore following issues:

(a) Can the Appeal be dismissed on the ground that “the individual is in habit of making unnecessary complaints which do not merit consideration at any level”, as maintained by the Respondent?

(b) Can the requested information be disclosed under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

D. Commission’s View on Relevant Issues

6 This commission holds that the Respondent, instead of giving value judgement on the character of the Appellant and declaring him a habitual litigant, should have decided on his request for information under the provisions of the Act, 2017. The right of a citizen to have access to certified information/records cannot be restricted if an Appellant has been seeking justice at any other legal forum. In fact, access to certified information/records becomes all the more important as right to information is linked with all other basic human rights, including right of access to justice.

7 That the Appellant has sought certified copy of the Appointment Letter dated October 09, 2018 for the post of Conductor for which his interview was not conducted. The Respondent has maintained that application was not entertained received by FDE on account of being late after expiry of the deadline. Federal Ombudsman directed to accommodate him vide appeal No HOR/14115/2016 which FDE responded positively and vide letter No 12 916(AdmniFDE dated 09 10 2018 offered him appointment against the post of conductor on the contingent basis as advertised. He neither submitted his joining after issuance of appointment letter not sought any extension in the date of joining and subsequently his joining period lapse Though he was granted relief yet he did not join his duty.

8 This commission maintains that that the Respondent is not bound to provide certified copy of the Appointment Letter dated October 09, 2018 for the post of Conductor for which his

interview was not conducted. However, the Respondent is bound to provide the Appellant certified copy of his application along with certified information based on record as to when his application was received by the Respondent.

E. Order

9 The Appeal is allowed. The Respondent is directed to provide the Appellant certified copy of his application against the post of conductor on contingent basis along with certified information based on record as to when his application was received by the Respondent within 7 working days of the receipt of this Order, with intimation to this office.

10 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:

July 26, 2022

This order consists of 4 (four) pages, each page has been read and signed.