



In the Pakistan Information Commission, Islamabad

Appeal No E278-05/22

Muhammad Taha

(Appellant)

Vs.

Federal Public Service Commission

(Respondent)

ORDER

Date: August 16, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated May 11, 2022 to the Commission, stating that he submitted an information request to the Secretary, Federal Public Service Commission 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:

It has been learnt 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

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, and scrutiny and giving, interview, FPSC is requested to review its decision of cancellation process at earliest.*
- v. *What is the status of remaining posts of Pakistan Bureau of Statistic Advertise din April 2017 by FPSC along with these 13 posts?*
- vi. *Two posts of Joint Census Commissioner of KP and Punjab Quota were advertised vide case No. 4-83/2012 advertised in April, 2017. The recruitment process against of one of these two was cancelled whether of KP quota or Punjab? What are the rational and reason for this cancellation?*
- vii. *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.*
- viii. *The copy of note sheet on which decision of cancelled of this post was made may also be shared.”*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on May 24, 2022 and its text is as under:

“It is humbly stated that FPSC, a Constitutional Body under Article 242 of Constitution of the Republic of Pakistan, 1973. In this regard, it is informed that original reference application of the dated 26.4.2022 was not traceable in the FPSC. Therefore, a copy thereof was retrieved. However, the f the case are as under: -

- a. *Said posts of Pakistan Bureau of Statistics, Ministry of Planning. Development and Special Initiatives were advertised in 2017. The recruitment process against these posts were stopped due to Court Orders vide WP No.1103/2017 dated 7.4.2017. Therefore, the administrative/ sponsoring Ministry requested the FPSC to halt the recruitment process (Annex-1)*
- b. *The FPSC since, cannot keep cases pending for indefinite period, such cases have been remanded returned to Ministry of Planning. Development and Reform/ Pakistan Bureau of Statistics to finalize administrative issues in the first phase and then submit the matter to FPSC*

It is brought to the notice of this August forum that FPSC is only a service provider, whereas the requisitions are made by the sponsoring Ministry Division Department. This Case is stopped due to legal administrative reasons which require resolution by the sponsoring Ministry/ Department PBS and not the FPSC therefore, the instant appeal primarily relates to Ministry of Planning, Development and Reform/ Pakistan Bureau statistics and not FPSC”.

4. The Appellant submitted his response on August 02, 2022 and its text is as under:
2. “I am thankful to PIC for responding my appeal. It is stated with due deference that I have no doubt on the integrity of FPSC but I am afraid as to why the commission tried to beat around the bush rather than provide the information requested as per my information, there is no pending litigation at present in the subject matter as referred by the FPSC in its reply. Secondly, FPSC has stated that stopped the case due to legal/administrative reasons which required resolution by the sponsoring Ministry/Department not to the FPSC and remanded /returned to the Ministry while the fact of the case contravene this position as the FPSC unilaterally cancel the recruitment process without the consent of the concerned Ministry. As per my information a management study by MS Wing which is under process to finalize the rational requirement and FPSC should wait till the finalization Management Study by Establishment Division Thereafter, the fate of these posts may be decided keeping in view recommendations of the management study in consultation with the concern Ministry.

3. Since FPSC did not provided item wise information/record requested under the of Right to Information Act, 2017. It is, therefore, requested that FPSC may be directed to provide item wise information/record on 9 item solicited by the undersigned vide information request dated 26.04.2022 as well as to clarify the contradiction mentioned at para-2 above at earliest please.”

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 Respondent, FPSC has only partially addressed the request for information of the Appellant. For example, it has not responded to, inter alia, Item No. v *“the status of remaining posts of Pakistan Bureau of Statistic Advertise din April 2017 by FPSC along with these 13 posts? 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

9. The Appeal is allowed. The Respondent is directed to address each item of requested information based on record available, provide the permissible information to the Appellant at the earliest but not later than 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: August 16, 2022

This order consists of 6 (six) pages, each page has been read and signed.