

Pakistan Information Commission
Government of Pakistan

1st Floor, National Arcade, 4-A Plaza
F-8 Markaz, Islamabad
Website: www.rti.gov.pk
Phone: 051-9261014
Email: appeals@rti.gov.pk
@PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 433-07/20

Muhammad Ramzan Achakzai

(Appellant)

Vs.

Quetta Electric Supply Company

(Respondent)

Order

Date: August 12, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal on June 19, 2020, to the Commission, stating that he Submitted an information request to Chief Executive Officer, Quetta Electric Supply Company dated May 16, 2020 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The appeal filed by the Appellant is as under:

“

(1) کیسکو نے 24 اپریل 2020 کو 36 بونیر انجینئرز اور 4 ریو نیو آفیسر کو گریڈ 17 میں بھرتی کرنے کے احکامات جاری کئے ہیں۔ ان احکامات کی مصدقہ کاپیاں دی جائے۔

(2) کیسکو نے یہ بھرتیاں کن قوانین، قواعد و ضوابط، رولز اور پالیسی کے تحت کی گئی ہیں۔ (کاپیاں فراہم کی جائے)

(3) گریڈ 17 کے آفیسروں کے لئے کتنی درخواستیں جمع ہوئی تھی (درخواستوں کی تفصیل کی مصدقہ کاپی فراہم کی جائے)

(4) گورنمنٹ کی تمام گریڈ 17 اور اس سے اوپر کی بھرتیاں فیڈرل بیلک سروس کمیشن کے ذریعے کی جاتی ہیں (اس پالیسی کو حکومت پاکستان نے کن احکامات کے تحت ریٹیکس کی ہے احکامات کی کاپی فراہم کی جائے)

(5) ٹیسٹنگ میں کتنی ٹیسٹنگ ایجنسیز نے حصہ لیا (ان ٹیسٹنگ ایجنسیز کی ریٹ لسٹ کی مصدقہ کاپی فراہم کی جائے)

(6) ٹیسٹنگ میں کم نرخ والے ٹیسٹنگ ایجنسی کو چھوڑ کر زیادہ نرخ والے این ٹی ایس کمپنی کو ٹھیکہ کس مجاز اتھارٹی کے حکم کے تحت دیا گیا (احکامات کی مصدقہ کاپی فراہم کی جائے)

(7) ان آفیسروں کے لئے ٹیسٹنگ ایجنسیز کو کیسکو نے کتنی رقم ادا کی ہے (رقم دینے کی تفصیل کی مصدقہ کاپی فراہم کی جائے)

(8) این ٹی ایس کی ٹیسٹنگ میں کتنے امیدواروں نے حصہ لیا اور ہر امیدوار نے ٹیسٹنگ میں کتنے کتنے نمبر حاصل کئے اور کتنے نمبر زکے امیدوار شارٹ لسٹ کئے گئے (امیدواروں اور ٹیسٹنگ کے نمبروں کی تفصیل فراہم کی جائے)

(9) این ٹی ایس کی ٹیسٹنگ میں شارٹ لسٹ کئے گئے (امیدواروں کے کل تعداد کی مصدقہ کاپی فراہم کی جائے)

(10) انٹرویو بورڈ کس قانون، رولز، پالیسی یا سرکلر کے تحت بنایا گیا (قانون، رولز، پالیسی اور سرکلر کی مصدقہ کاپی دی جائے)

- 11) بھرتیوں کے لئے دیئے گئے اشتہار کی مصدقہ نقول فراہم کئے جائیں اور بھرتی میں 90 دن سے زیادہ لگنے کی Relaxation کے احکامات کس مجاز اتحارٹی نے دی ہے۔ (احکامات کی مصدقہ کاپی فراہم کی جائے)
- 12) تمام آفیسروں کی بھرتیاں کن کوٹے کے تحت کتنی تعداد میں ہوئی ہیں اور بھرتیوں کے کوٹے کس قانون، رولز، پالیسی اور سرکلر کے تحت مختص کیا گیا ہے (قانون، رولز، پالیسی، سرکلر کی مصدقہ کاپی اور کوٹے کی تعداد کی مصدقہ کاپی فراہم کی جائے)
- 13) واپڈا اور الیکٹرک پاور کمپنیوں کے کن آفیسروں، یونین عمیداروں اور ایمپلائز کے بچے بھرتی ہوئے ہیں۔ مزید برآں اگر زیر دستخالی کے کسی بچے نے اسسٹنٹ انجینئر یا یونیورسٹی آفیسر کی بھرتی کے لئے درخواست دی ہے ان کی تفصیل کیسکو کمپنی کے نوٹس پر آویزاں کی جائے۔

B. Proceedings

3. This commission through a notice dated July 23, 2021 sent to Chief Executive Officer, Quetta Electric Supply Company called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent through a letter vide No. CEO/QESCO/D.M(T&MP)/29555 dated August 24, 2020 submitted response which is as under:

“.... it is brought to your kind notice that the similar complaint was also received from D.G NAB Balochistan and the related information/classified documents regarding recruitment in QESCO were confidentially been provided to NAB Balochistan, as desired by his office.

Therefore as all the related information and classified record alongwith report pertaining to recruitment in QESCO, provided to NAB Balochistan, therefore production of classified record to 3' party i.e. WAPDA Hydro Electric Workers Union Balochistan, may not be stressed please.”
5. The Response of the public body was shared with the Appellant on November 03, 2020.
6. The Appellant on November 10, 2020 submitted rejoinder to the response of the public body.
7. The rejoinder submitted by the Appellant was shared with the public body on January 28, 2021 and the appeal was fixed for hearing on February 09, 2021. Both parties were informed through notices sent on January 28, 2021.
8. Mr. Muhammad Arif, Chief Executive Officer, Quetta Electric Supply Company and Mr. Muhammad Imran, Director General (HR) appeared before the commission and submitted written statement which is as under:

“1. It is submitted that in response to directions passed by this August Forum, comprehensive replies were furnished as and when required, copies of which are enclosed herewith. The same are to be treated part and parcel of this letter.

2. Apt to state here that the appellant raised objection only on Para-2 of our earlier letter. Contents of said Para are reproduced as under:

"Pertinent to mention here that neither applicant is aggrieved person nor has any locus standin, therefore it is apprehended/smacked that most probably he intends to drag the management into unnecessary litigations etc

3. As already apprehended that appellant was / is intending to requisition relevant record just to drag the management in to unnecessary litigation. Now it is brought before the kind notice of this honorable commission that petitioner has filed Constitution Petition No. 1436/2020 in Balochistan High Court Quetta by impleading recently inductees SDOS against whom he sought provision of record (copy enclosed). Relevant prayer made at serial No. 2 is reproduced as under:

"The appointment of respondent No. 05 to 43 may be declared illegal and in contravention recruitment policy"

4. The Honorable bench of Balochistan High Court vide order dated 24.12.2020 has been pleased to raise similar objection on the petitioner, as of QESCO. Operative part of the order is reproduced as under:

"Learned counsel for the petitioner is directed to satisfy the court about maintainability of the petition with regard to grievance of employees of QESCO/private power companies

5. Keeping in above perspective, it is earnestly prayed that application under reply may kindly be dismissed the interest of justice, equity, being devoid of merit."

9. The hearing was adjourned for March 02, 2021 with the directions to the Respondent to provide the requested information to the appellant before the next hearing.
10. No one appeared before the commission in the hearing held on March 02, 2021.
11. The appeal was again fixed for hearing on March 10, 2021 and both parties were informed through notices sent on March 02, 2021.
12. Mr. Muhammad Imran, Director General (HR) and the Appellant attended the hearing held on March 10, 2021. The Respondent submitted requested information before the commission which was handed over to the appellant during the hearing.
13. The Appellant through a letter dated March 23, 2021 submitted rejoinder to the information shared with him and stated that information requested in Para 4 and Para 11 of the information request is not provided.
14. The response of the appellant was shared with Respondent, with direction to respond to the queries of the Appellant within 7 working days.
15. The Respondent did not respond to the notice of the commission.

C. Discussion and Commission's View on Relevant Issues

16. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.
17. The information requested by the appellant is declared as public record in section 5 (e) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
18. The citizen has the right to get this information / document about the criteria adopted for recruitment of the government employees. Disclosure of such information will reduce the trust gap between the public bodies and the citizens.
19. Disclosure of this information will also improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will be able to make the public bodies accountable for their performance.
20. This commission has passed orders on several cases of similar nature in which public bodies have been directed to provide all the details about the recruitment process. As such kind of information comes under public record and will help to bring transparency and accountability of the government officials.

21. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
22. The commission in a similar case title “Mohsin Ali Raziq Vs Allam Iqbal Open University” has observed that disclosure of information regarding the recruitments in the public bodies will also help achieve the stated objectives of this Act which are as under:
 - Making government more accountable to citizens’;
 - Greater level of participation of citizens in the affairs of the government’;
 - ‘Reducing corruption and inefficiency’;
 - Promoting sound economic growth’; and
 - Promoting good governance and respect for human rights.
22. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
23. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

24. The appeal is allowed. The Chief Executive Officer, Quetta Electric Supply Company is directed to provide the information requested in Para 2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
25. The public body is also directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission by August 07, 2021.
26. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
27. Copies of this order be sent to the Director General, Directorate General Civil Defence and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: August 12, 2021

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