



In the Pakistan Information Commission, Islamabad
Appeal No 1406-01/22

Naveed Akhtar

(Appellant)

Vs.

Lahore Electric Supply Company

(Respondent)

ORDER

Date: September 05, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated January 07, 2022 to the Commission, stating that he submitted an information request to the Chief, Lahore Electric Supply Company 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 اعلیٰ

گزارش یہ ہے کہ بندہ نے اے ایم ایل کی بھرتی کے لیے درخواست جمع کروائی جس میں مجھے انٹرویو میں کم نمبر دے کر بھرتی نہ کیا گیا جبکہ ان امیدواروں کو بھرتی کیا گیا جو کہ بھرتی کے اہل ہی نہ تھے لہذا مجھے ان امیدواروں کا جن کی لسٹ درخواست کے ساتھ لف ہے مندرجہ ذیل ریکارڈ فراہم کیا جائے

1 لیٹر Appointment

2 تعلیمی سرٹیفیکٹ

3 ڈو میسا کل کار ریکارڈ فراہم کیا جائے۔

4 Recruitment پالیسی جس کے تحت بھرتی ہوئی

پہر میں بھرتی ہونے کے لیے کم سے کم کتنے نمبر لینا ضروری تھے اور انٹرویو میں کم سے کم کتنے نمبر لینا ضروری تھے

آپ کی مہربانی ہوگی

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on April 19, 2022 and its text is as under:

“In this connection, it is submitted that Executive Engineer (Operation) LESCO Okara Cantt Division has replied vide his office memo No. 791 dated 07/05/2022 that the Sub Divisional Officer LESCO Peoples Colony Sub Division Okara reported that following 02 Nos. NGSC single phase meters were installed at Shamas Town Okara.

i) 10-11416-0033752/A-1 in the name of Muhammad Altaf S/O Muhammad Inayat

ii) 11-11416-0063614/A-2 (Commercial) in the name of Muhammad

Altaf S/O Muhammad Inayat Muhammad Altaf S/O Muhammad Inayat (Consumer) illegally shifted these connections in Tufail Park Okara which is un-electrified area. The Sub Divisional Officer (Operation) LESCO Peoples Colony Sub Division Okara served notice to the consumer vide his office memo No. 4410 dated 15/04/2019 and notice No. 4411 dated 15/04/2019. Later on Line Superintendent/Feeder In charge along with line staff visited the site and disconnect illegally shifted connections. Mr. Naveed Akhtar resident of Near Govt. College for Women South City Okara was present at spot who created hinderance, used abusing language LESCO staff and made un-necessary interference during dis-connection activity/official work. The Sub Divisional Officer LESCO Peoples Colony Sub Division Okara registered FIR 342/20 dated 30/03/2022 in Saddar Police Okara against Mr. Naveed Akhtar, resident of Near Govt. College for Women South City Okara. Now Mr. Naveed Akhtar is on bail in this case which is still under trail.

It is further added that Mr. Naveed Akhtar has no concerned with subjected consumer. He is a blackmailer and made all exercise just to show himself as Chaudhary. Moreover, no any application or information was received in LESCO Okara Cantt Operation Division till today from Pakistan Information Commission Govt. of Pakistan. The report is submitted for kind perusal please.”

4. Hearing on the instant Appeal was fixed for July 21, 2022 vide letter dated June 24, 2022.

5. The Respondent submitted his response and its text is as under:

“It is submitted that LESCO advertised different posts including the post of Assistant Lineman (AIM) on 06.05.2015 with 21.05.2015 as last date of receiving applications (Annexure-A) Total 1472-Nos posts were advertised with the required qualification "MATRIC PASS ONIY Out of 1472, 1104-Nos of posts were reserved under direct quit and 294-Nos reserved under 20% LESCO employee's children quota and 74-Nos reserved under 5% minorities quota 59773-Nos Eligible candidates from districts under jurisdiction of LESCO (Lahore, Okara, Kasur, Sheikhpura & Nankana Sahib) appeared for written test on 25.07-2015. Mr. Naveed Akhtar also appeared for written test under roll No 44676 (Okara domiciled) & under direct quota on 25 07 2015. 50% marks were required to qualify the written test. After incorporating test marks and interview marks his aggregate score was 72 and he appeared at serial No. 3138 in the final merit list for the post of ALM. Therefore, he was not considered for appointment for the post of AIM under direct quota being very far away.

It is worth mentioning here that Mr. Naveed Akhtar filed petition No 4443/16 titled as Naveed Akhtar vs LESCO/WAPDA in before the Lahore High Court Lahore (Annexure-B) against recruitment of AIM under advertisement dated 06.05.2015 LESCO submitted para wise comments in writ petition No 4443/16 (Annexure-C). The case was dismissed by Honorable Lahore High Court in its orders passed in the writ petition dated 31 05 2017 (Annexure-D)

Learned counsel for the petitioner after going through the merit list submitted by the respondents does not press this petition Dismissed as not pressed"

“After dismissal of writ petition by the Honorable Labore High Court, there is no hood to provide such information in request being already decided

Thereafter, Mr. Naveed Akhtar, lodged multiple complaints on Prime Minister Complaint Portal for this purpose which was addressed comprehensively in accordance with Cartier well petitions and his merit positions for the post (Annexure-E).

As mentioned in his application, it is informed that under direct quotes candidates meeting with following requirements were called for test and interview:

1. Qualification criteria for the post of ALM was ONLY MATRIC PASS

2. All the candidates having domicile from area of jurisdiction of LESCO (Lahore, Okara, Kasur, Sheikhpura & Nankana Sahib).

1. At least 50% marks were required to qualify the written test for the post. 4. All the recruitment process was completed in the light of recruitment guidelines conveyed time to time from Establishment Division former PEPCO (now PPMC) (Annexure-F)

5. In the light of complainant's attached list which is in Urdu. All the names with father's name were checked from database, out of 43 only five matches were found (with reservations) in the final merit list of ALM (Annexure-G).

It is further added that marks of test and interview were the requirement to determine the merit of a candidate for selection against the post and do not bind the department to appoint the applicant who is out of merit.

The qualification requirement for the post of ALM as per advertisement was only matriculation passed Possessing basic or higher qualification does not necessarily make an applicant eligible.

6. The Appellant submitted his response on August 03, 2022 and its text is as under.

گزارش یہ ہے کہ میری اپیل نمبر 1406 چل رہی تھی جس میں ڈرائنگ ماسٹر آر صاحب لیکر آفس لاہور نے مکمل انفارمیشن کے ساتھ جواب جمع کروایا حالانکہ اس جواب کا میری اپیل کے ساتھ کوئی تعلق وہ ہے یہ صرف معاملے کو الجھانے کے لیے اور نام نہانہ ضائع کرنے کے لیے جواب دیا ہے اور جو انفارمیشن میں نے حملہ سے مانگی تھی ان میں سے ریکورڈ نمٹ پالیسی اور بچے کے نمبر بتائے ہیں حالانکہ میں نے اخرواع میں پاس ہونے کے لیے کم اور کم کتنے نمبر لینا ضروری تھے پوچھا تھا وہ بھی نہیں بتایا اور بے سوالات کے جواب یا انفارمیشن نہیں دیں اس کے علاوہ پیالی کے ساتھ لگائی گئی لسٹ میں سے بھی چھ امیدواروں کے بارے میں ہی بتایا ہے اور پانی کا کہا ہے کہ ان کا پتا نہیں چلا جن 8 امیدواروں کا ملکہ ساتھ لگایا ہے ان کا بھی تو ریکارڈ نہیں page نے ایک

نوٹ

درخواست کے ساتھ لگا رہا ہوں جن کا ریکارڈ محکمہ لیکو کو نہیں ملا اور Seniority List کی تو میں 43 بھرتی ہونے والے امیدواروں کی Annexure-F ری بات کے مطابق 2016 میں ہی بھرتی ہوئے ہیں جس سے آپ کو بھی پتہ چل جائے گا کہ محکمہ اپنا ریکارڈ دینا ہی نہیں چاہتا Seniority List سے تمام امید مہربانی فرما کر محکمہ سے اپیل میں مانگا گیا ریکارڈ فراہم کروایا جائے

C. Issues

7. The instant appeal has brought to the fore the following issue:
Has the Respondent provided all the information to the Appellant permissible 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:

8. While the Respondent has provided most of the requested items, prima facie some of the requested items have been left out.

9. This commission has held through its different Orders that interview marks allotted to the candidates, copies of the educational certificates of successful candidates, appointment letters and the copies of domiciles are public documents and their disclosure is permissible under the provisions of the Act, 2017.

10. This commission issued a detailed Order in Appeal No. 942-03/21, Abdullah Rashed Waraich Vs. Pakistan Housing Authority Foundation which was upheld by the Honourable Islamabad High Court. In this Order, the commission held that information such as regional quota roster maintained by a public body, consolidated result of written test of the posts, attendance sheet of written tests, online applications submitted by candidates who were shortlisted for interview, educational certificates/degrees of the candidates who were shortlisted for interview, answer sheets of all candidates who were

called for interview, attendance sheet of interviews, evaluation Proforma containing detail of academic records, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee, recommendations of the Departmental Selection Committee regarding selection of candidates is a matter of public importance.

11. This commission holds that the disclosure of the requested information would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
 - a) Making government more accountable to citizens’;
 - b) Greater level of participation of citizens in the affairs of the government’;
 - c) ‘Reducing corruption and inefficiency’;
 - d) Promoting sound economic growth’; and
 - e) Promoting good governance and respect for human rights.
12. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
13. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.
14. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

E. Order

15. The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the remaining records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.
16. The Respondent is 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 in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’. This template is available under ‘Information Desk’ category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 10 working days of the receipt of this Order.
17. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017

for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.

18. 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:

September 05, 2022

This order consists of 5 (five) pages, each page has been read and signed.