

Pakistan Information Commission

Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1263-08/21

Sajjad Hussain

(Appellant)

Vs.

Ministry of Law and Justice

(Respondent)

Order

Date: February 01, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date August 16, 2021, to the Commission, stating that he Submitted an information request to the Secretary, Ministry of Law and Justice on July 23, 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 under:

1- جناب کے محکمے نے بذریعہ اخبار اشتہار مورخہ 16 نومبر 2016 ایکسپریس نیوز اسلام آباد، درجہ چہارم کی بھرتی کی ہے جس میں خواتین کا کوٹہ مختص نہ تھا۔ آپ نے 2 لڑکیاں نائب قاصد قانون کی خلاف ورزی کر کے ناجائز بھرتی کی ہیں۔

2- بمطابق اشتہار ہذا پنجاب کوٹہ کی نائب قاصد کی 18 آسامیاں تھیں اور آپ نے پنجاب کوٹہ کی خلاف ورزی کرتے ہوئے 17 آسامیاں پنجاب کوٹہ میں ردوبدل کر کے اسلام آباد کے لوگ بھرتی کئے ہیں۔ 18 میں سے 11 لوگ پنجاب کے ہیں۔

3- یہ کہ اسی طرح پنجاب کوٹہ میں 2 آسامیاں فراش کی بھی پنجاب کی تھیں جو آپ نے کوٹہ کی خلاف ورزی کرتے ہوئے پنجاب کی 2 آسامیوں پر بھی اسلام آباد کے لوگ بھرتی کئے ہیں۔

4- یہ کہ سائل کے بھائی اعجاز حسین نے بھی پنجاب کوٹہ پر نائب قاصد اور فراش کے لئے درخواستیں دی تھیں جو جناب کے محکمے کی بدعنوانی اور کوٹہ کی خلاف ورزی اور میٹ کو نظرانداز کرنے کی وجہ سے بھرتی نہ ہوئے ہیں، مذکورہ اشتہار کے نتیجے میں بھرتی ہونے والے تمام بھرتی لیٹر اور ڈومیسائل کی کاپیاں سائل کو فراہم کی جائیں۔

B. Proceedings

3. This commission through a notice dated August 24, 2021 sent to the Deputy Secretary / Public Information Officer, Ministry of Law and Justice called upon the Respondent to submit reasons for not providing the requested information.
4. Through another notice dated September 28, 2021, the Respondent was directed to submit written arguments within 15 working days, otherwise the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act, 2017.
5. Response submitted by the public body was shared with the Appellant on September 24, 2021.
6. The appeal was fixed for hearing on November 16, 2021, and both parties were informed through notices sent on November 01, 2021. Mr. Ahmed Raza Khan, Public Information Officer, Ministry of Law and Justice attended hearing held on November 16, 2021 and requested time for the submission of the response, which was allowed.
7. Respondent through a letter vide No. F.7(34)/2021-Sol-I dated November 22, 2021 submitted response which is as under:

“It is submitted that an advertisement was published in leading newspapers on 06.11.2016 (Annex-1) and all the codal formalities were fulfilled. Applicant, Mr. Sajjad Hussain, resident of Dhok Chiragh Din, Rawalpindi has alleged that female candidates were recruited against the posts of Naib Qasid despite the fact that women quota was not mentioned in the said advertisement. Moreover, he has made allegation that he and his brother Ijaz Hussam has applied for the post of Farash (BPS 01) but candidates of Islamabad were recruited against the Quota of Punjab.

2. *Total 34 posts of Naib Qasid were advertised by this Ministry including 03 posts of female, out of which 02 female candidates had been selected having domicile of Punjab and ICT whereas one post could not be filled due to non-availability of suitable candidate. The applicant has made allegation as to why female candidates were recruited against the post of Naib Qasid. In this connection, it is stated that as per Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, method of appointment for the posts in BPS 1 and 2 shall ordinarily be filled on local basis therefore, keeping in view the word "ordinarily" and "local basis and equal opportunity was provided to all citizens of Pakistan to appear in the test/Interviews in the public interest. Further, the observance of 2% disabled quota, 10% women quota and 5% minorities (non-Muslims) quota was also complied. Adding to this, the word person is used in Civil Servants (APT) Rules (Annex-II), 1973, which generally referred for male and female are to be considered for the appointment of Class IV posts. Moreover, the said advertisement did not reflect the posts meant for "males only therefore, both male and female quota was required to be observed. Therefore, the question raised by the applicant as why women were appointed against the posts of Naib Qasid is not maintainable as per justification given above. Moreover, this Ministry advertised 05 posts of Farash (BPS-01) in the same advertisement and that 03 candidates were appointed against ICT and 02 from Punjab as per condition mentioned in the advertisement.*

3. *Since no malafide is found in recruitment process, therefore, the allegation made by the petitioner may be set aside and the instant appeal may graciously be dismissed.”*
8. Response submitted by the public body was shared with the appellant on December 01, 2021.

9. The appellant on December 08, 2021 submitted rejoinder to the response of the public body, which is as under:

1- جو ریکارڈ طلب کیا گیا تھا وہ ریکارڈ فراہم نہیں کیا گیا جو محکمہ کی بدنیتی کا منہ بولتا ثبوت ہے۔

2- سائل کی درخواست کا جواب متعلقہ محکمہ نہ دے سکا ہے۔ جس سے متعلقہ محکمہ کی بدعنوانی واضح ہے۔

3- فی میل کوٹہ کا ثبوت فراہم نہیں کیا ہے۔ اس ضمن میں جو جواب دیا ہے وہ جھوٹا ہے۔

10. Rejoinder filed by the appellant was shared with the Respondent on December 09, 2021 with the directions to respond to the queries of the Appellant before December 23, 2021.

11. The appeal was again fixed for hearing on January 11, 2022. Mr. Ahmed Raza Khan, Public Information Officer, Ministry of Law and Justice attended the hearing and briefed the Commission about the queries of the appellant raised in the rejoinder.

C. Discussion and Commission's View on Relevant Issues

12. This commission has to decide,

1. Has the public body provided complete and relevant information to the appellant?
2. Whether the appellant has the right to ask additional questions / information in response to the information shared by the public body?

13. This commission holds that in the instant appeal the public body has addressed all the questions asked by the appellant in his information requested.

14. This commission is of the view that objections raised by the Appellant in the rejoinder dated December 08, 2021 are the allegations regarding the recruitments made in the Ministry of Law and Justice. Authority of this Commission is only to ensure the provision of information under the Right of Access to Information Act, 2017, hereafter referred to as the "Act", while in the instant appeal, the Respondent has addressed all the questions asked by the appellant in his information requested, the appellant should approach the relevant forum to probe the allegation made by him.

D. Order

15. The appeal is dismissed with no further directions to the public body.

16. Copies of this order be sent to the Deputy Secretary / Public Information Officer, Ministry of Law and Justice and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: February 01, 2022

This order consists of 3 (three) pages, each page has been read and signed.