

## Pakistan Information Commission

### Government of Pakistan

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### In the Pakistan Information Commission, Islamabad

#### Appeal No 2121-08/22

**Ch. Muhammad Ashraf Ali**

**(Appellant)**

Vs.

**Auditor General of Pakistan**

**(Respondent)**

### Order

**Date:** October 25, 2022

**Mohammad Azam:** Chief Information Commissioner

### **A. The Appeal**

1. This commission has received an appeal from Ch. Muhammad Ashraf Ali Gujjar dated July 27, 2022, stating that he submitted an information request through email dated July 13, 2022 under the Right of Access to Information Act 2017 to Auditor General of Pakistan. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

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

*“Relying upon your audit report 2015/16 have filed writ petition No.25943/22 wherein the transparency of the recruitment of the 10 persons i.e. Mehboob-ur-Rehman and Arshad Awan etc. has been challenged. During this period after thrashing out the audit reports of the auditor general of Pakistan. I have trashed out that there are numerous officers who have been in the Zarai Taraqiati Bank Ltd (ZTBL) by ignoring the basic requirements of the law which have not been unnoticed by the office of the Auditor General of Pakistan in their audit reports during the years of 2014-15, 2015-16 & 2016-17.*

*I shall be thankful in your honor directs the office to provide me the list of all such like officers who have been noticed by the Auditor General of Pakistan during the audit reports 2014-15 in Para No. 7.6.4.9, 2015-16 in Para Nos. 6.6.4.4, 6.6.4.5, 6.6.4.6 & 2016-17 in Para Nos. 5.4.7, 6.5.4.9, 6.5.4.10, Copies of the above mentioned paras are attached.*

*Further, you will very kindly provide us the current position/status of the above mentioned paras and as to whether ZTBL has complied with Auditor General of Pakistan audit observations so far or not.”*

### **B. Proceedings**

3. Through a notice dated August 23, 2022 sent to Director (FAO), Auditor General of Pakistan, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as

possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.

4. The Respondent through a letter vide No. 224/10/P&C/1-C/2015/KW/Vol-II dated August 31, 2022 submitted response which is as under:

“

<b><i>Complaint as received</i></b>	<b><i>Reply</i></b>
<p><i>Relying upon your audit report 2015/16 have filed writ petition No.25943/22 wherein the transparency of the recruitment of the 10 persons i.e. Mehboob-ur-Rehman and Arshad Awan etc. has been challenged. During this period after thrashing out the audit reports of the auditor general of Pakistan. I have trashed out that there are numerous officers who have been in the Zarai Taraqiati Bank Ltd (ZTBL) by ignoring the basic requirements of the law which have not been unnoticed by the office of the Auditor General of Pakistan in their audit reports during the years of 2014-15, 2015-16 &amp; 2016-17. I shall be thankful in your honor directs the office to provide me the list of all such like officers who have been noticed by the Auditor General of Pakistan during the audit reports 2014-15 in Para No. 7.6.4.9, 2015-16 in Para Nos. 6.6.4.4, 6.6.4.5, 6.6.4.6 &amp; 2016-17 in Para Nos. 5.4.7, 6.5.4.9, 6.5.4.10, Copies of the above mentioned paras are attached. Further you will very kindly provide us the current position/status of the above mentioned paras and as to whether ZTBL has complied with Auditor General of Pakistan audit observations so far or not.</i></p>	<p><i>i. As per record of official email <a href="mailto:agp@agp.gov.pk">agp@agp.gov.pk</a> of this office, no record is available of details of email as mentioned by the applicant.</i></p> <p><i>ii. Furthermore, it is submitted that Annual Audit Reports for Commercial Audit Enterprises for the year 2014-15, 2015-16 &amp; 2016-17 related to Finance Division and the Audit paras as mentioned by the applicant are related to Zarai Taraqiati Bank Limited. These Audit Reports have already been printed and laid before the parliament as per Article 171 of the Constitution of Pakistan. For implementation status the applicant is requested to kindly approach the Public Accounts Committee Secretariat, Islamabad or the Principal Accounting Officer (PAO) of the Organization i.e. Secretary Finance. The implementation of PAC/DAC directives is the responsibility of concerned PAO.</i></p>

5. The response submitted by the public body was shared with the Appellant on September 07, 2022. The appellant on September 16, 2022 submitted rejoinder to the response of the public body, which is as under:

***“That office of your Honour had objected the eligibility of few officers of the ZTBL in their audit reports 2014-15 in Para No. 7.6.4.9, 2015-16 in Para Nos. 6.6.4.4, 6.6.4.5, 6.6.4.6 & 2016-17 in Para Nos. 5.4.7, 6.5.4.9, 6.5.4.10.***

*Office of auditor general of Pakistan had also recommended / directed to recover amount of **176 Million** from the following persons. Naseer Pervez Qureshi EVP ZTBL, Arshad Awan EVP ZTBL, Asim Akram ZTBL Head office, Javaid Niazi ZTBL Head Office, Nahidullah Khan ZTBL Head office, Mehboob-ur-Rehman ZTBL head office, Ramish Lal ZTBL head office, Malik Aamir Anwar ZTBL Head office, Manzar Aamir Ch. ZTBL Head office, Zulfiqar Haider ZTBL head office and Qaiser Hassan Awan ZTBL Head office Islamabad. We have also appreciated that the office of your Honour had also raised*

*objections on the appointment of other officers of the ZTBL as well, but President of the ZTBL is bent upon to protect the illegal appointments of the above said persons.*

*Your honour, we are performing national duty to safeguard the interest of public money which is being distributed by the sweet-will of few to oblige few.*

*So, please give us the detail in black and white of those offices whose eligibility and transparency was found illegal and doubtful by the office of the Auditor General of Pakistan. Furthermore, you will very kindly inform us that objected paras are settled down so far or not.*

*It has been realized that the office of your Honour instead of providing the information has referred the petitioner to other departments.*

*Request is repeated that although having the full record of correspondence regarding the above mentioned Paras the office should have supplies us that list of all those officers whose transparency in the appointment is found doubtful.*

*We intend to submit the list of the above said persons in the Honourable High Court Lahore in writ petition No. 25945/22.”*

### **C. Discussion and Commission’s View on Relevant Issues**

12. This commission has to decide:
  1. Whether the public body has provided complete and relevant information to the appellant?
13. After reading the contents of the request, and evaluating the reply submitted by the asking respondent in the light of the provision of the Act, 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 the public body has provided relevant and complete information to the Appellant through a letter vide No. 224/10/P&C/1-C/2015/KW/Vol-II dated August 31, 2022.

### **D. Order**

15. The appeal is disposed of, with no further directions to the public body.
16. Copies of this order be sent to the Director (FAO), Auditor General of Pakistan and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: February 25, 2022

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