

Appeal No. E319-08/2022

Nasrullah Khan

Vs

National Engineering Service of Pakistan

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Nasrullah Khan filed an application for the provision of certain documents in pursuance of his legal proceedings before the courts. Through his application dated 20.07.2022 addressed to the Managing Director, National Engineering Service of Pakistan, Private Limited (NESPAK), he has requested the following information and record:-

- a. *“Board of Directors (BOD)-Decisions regarding our “Dispensation”*
- b. *All relevant BOD Minutes of Meeting (MOMs). In which BOD discussed and gave policy decisions for our “Dispensation”.*
- c. *Dispensation policy if any.*
- d. *Dispensation Committee – Recommendations or basis for my “Dispensation”.*
- e. *Local Management Recommendations – Recommendation from MR. Aziz Aslam, GM/ Head, Islamabad-DMR&D regarding my individual case, if any.”*

2. Feeling aggrieved for the non-provision of the information within the period prescribed under the Right of Access to Information Act, 2017 he has filed appeal before Pakistan Commission on Access to information, Islamabad.

B. PROCEEDINGS

3. The Notice of the Commission is responded by the Deputy Managing (Admn), National Engineering Service of Pakistan Pvt. Ltd. vide his letter dated 29.08.2022 to the following effect:-

- a. *“With reference to Appeal No. E 319/08/22 dated August 18, 2022 regarding provision of relevant documents to Mr. Nasrullah Khan.*
- b. *We wish to inform the Honorable Commission that it is a case of similar nature reference Appeal No. 1905-05/22 filed by Ms. Raheela Sajid, which has been settled with pertinent compliance.*

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- c. *Therefore, we are enclosing the approval of the BOD for dispensation of employees as provided earlier against Appeal No. 1905-05/2022.*
- d. *It is also appropriate to mention that Mr. Nasrullah Khan filed a writ Petition No.1014/22 in the Honorable Islamabad High Court, Islamabad against the federation of Pakistan, through secretary Ministry of Energy (Power Division). However as per order dated April 04, 2022 to be heard along with writ Petition No. 1008/2022, the petition was dismissed.*
- e. *We would like to inform the honorable Commission that Mr. Nasrullah Khan is no more an employee of the company after the above mentioned decision of the Honorable Islamabad High Court, Islamabad, however, NESPAK in good faith and to ensure compliance is enclosing the certified copies of information/documents as mentioned above along with this letter.*

4. The appellant feeling dissatisfied with the response submitted by the Public Body has filed the objections. The same are reproduced as under:-

- a. *“We ask for the five points **from a t e** in my appeal and I need point wise reply of reach query, I have asked for.*
- b. *As per provisions of Constitution, Article 19-A through 18th Amendment, citizen of Pakistan has constitutional right to access to information I matter of all public importance. So, if I Nasrullah being not the part of Organization cannot limit me to ask for information from organization. All began with “dispensation” which was illegal and un-human / un-ethical and violations of all rules and regulations given to us by “Constitution of Pakistan” and as Guaranteed to us in NESPAK Service Rules, major penalty was imposed on me without due process and without consent of Board of Directors-BOD. It is an utter disregard of law, and in sheer violation of principle of natural justice embodied in the doctrine of Audi alter am partum, dispensed me from regular service without citing a single reason. Now organization trying to convince that it’s not my right to ask for reasons. Itis beyond justification and irrational as well as violation of basic human rights. There is no need by NESPAK to mention me as Ex-employee and refer my writ petition of Islamabad High Court; it is irrelevant to my appeal of Pakistan Information Commission.*
- c. *Mentioning of “pertinent compliance” of appeal 1905-05/2022 is illogical in the answer instead of providing pertinent and relevant information. I have nothing to do with appeal, NESPAK mentioned. My appeal is independent and has nothing to do with Appeal 1905-05/2022 so it is beyond my comprehension my organization (NESPAK) is confusing and creating hurdles in delivery of five-point information as asked in my appeal.*
- d. *It is evident from reply that NESPAK is trying to waste my time as I am already suffered a lot in terms of health, time, psychologically and physically due to non-provisions of details of authority by NESPAK management.*

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e. I need actual “Board of Directors” minutes duly signed by the authorized BOD members not an internal correspondence of NESPAK. All the information is required and requested in the format for litigation purposes and for best comprehension of “honorable courts” and to serve the purpose of justice. NESPAK is sharing things which are irrelevant / illogical and not pertaining to what I have asked. NESPAK is trying to befool me.”

C. COMMISSION’S VIEW

5. The appellant has asked for the provision of decisions, minutes of meeting and recommendations of the Board of Directors regarding their Dispensation.
6. The public body has filed the written reply to the effect that Appeal No. 1905-05/22 of similar nature filed by Ms. Raheela Sajid, has been settled with pertinent compliance, that Mr. Nasrullah Khan filed a writ Petition No.1014/22 in the Honorable Islamabad High Court, Islamabad against the federation of Pakistan, through secretary Ministry of Energy (Power Division). However as per order dated April 04, 2022 to be heard along with writ Petition No. 1008/2022, the petition was dismissed and that that Mr. Nasrullah Khan is no more an employee of the company after the above mentioned decision of the Honorable Islamabad High Court, Islamabad.
7. The public body has not uttered a single word to claim exemption from disclosure of the requested information and record. The Act encompasses the said information and record in the category of public record.
8. The provision of the information cannot be refused for the reason that earlier it was provided to some other citizen. Every citizen reserves his/her individual right to seek information under the Act.
9. Although the applicant is not required to provide reason for seeking the information and record, still the appellant has disclosed that he need it for perusing his legal remedies. No one can be denied the access to the public record for availing the legal remedies from the court/forum of competent jurisdiction. It is also immaterial whether the appellant is an employee or simply a citizen of Pakistan.

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D. ORDER

10. The appeal is allowed. The Deputy Managing (Admn), National Engineering Service of Pakistan Pvt. Ltd. is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than five days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 11.10.2022

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