

# **IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

Appeal No 2212-09/2022

Muhammad Ahmed Sultan  
Vs.  
Ministry of Energy (Power Division)

Fawad Malik: Information Commissioner

## **A. APPEAL**

1. Muhammad Ahmad Sultan, a former employ of National Engineering Services Pakistan(NESPAK), filed a request before the Managing Director and President, NESPAK for the provision of his salary slips for the last 1.5 years till the date of his dispensation from service i.e. 11-01-2022, the record of his travelling and daily allowances for the last 5 years of his service at different projects and time sheets duly signed by the Section Head and submitted monthly to the Admin Officer (DM & RD) for the last 4 years. He has alleged that he was appointed by the GM / Human Resource but was dispensed with, without any notice or show cause notice by the competent authority i.e. Vice President or Head Coordination through letter Ref no. 099/ 1201/ AA/ 10763E/1959. In this regard he has sought information as to whether he has been dispensed with in accordance with law and after adopting the legal procedure provided for dispensation or has been victimized arbitrarily, illegally and against the norms of justice and service laws without adopting the legal course.
2. Feeling aggrieved for the non-provision of the information within the period provided 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 Deputy Secretary (Admin), Ministry of Energy (Power Division) vide letter dated 20-09-2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to

Appeal No 2212-09/2022

Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 12.10.2022 when Mr. Talal Bin Zahid Deputy Manager (Admin) NESPAK represented the public body while Muhammad Ahmed Sultan appellant appeared in person before the Commission.

### **C. COMMISSION'S VIEW**

5. The appellant has desired the information and record pertaining to job for the period he has served the public body. He has requested his salary slips, the record of his travelling and daily allowances and information as to whether he has been relieved from service after conducting regular inquiry or has been victimized arbitrarily, unlawfully and by misuse of authority and power.
6. The personal salary slips and record concerning the travelling and daily allowances are the category of record that is available with the public body in digital or printed form. It falls within the definition of public record that should be made available on the official website of the organization or provided to the employee or former employee on demand. However, the information sought by the appellant pertaining to his dispensation from service is needed by the appellant to avail his legal and service remedies. It is alleged that he has been victimized by the organization against the norms of justice and fair play therefore reserves the right to have access to all the record and documents that were instrumental and contributory against his relieve, whether for or against, that are available with the organization.
7. Article 10A of the Constitution provide the citizens the right of fair trial therefore to meet the ends of justice all the evidence that can be used against the offender should be provided to the offender before the proceedings commences.
8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs

Appeal No 2212-09/2022

aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

#### **D. ORDER**

9. The appeal is allowed. The Managing Director, National Engineering Services is directed to furnish the appellant his salary slips, the record of his travelling and daily allowances and all record and information pertaining to his relieve from service, forthwith, but in any case not later than seven days of the receipt of this order.

**Mohammad Azam**  
Chief Information Commissioner

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Announced on October 25, 2022  
This order consists of 03 (three) pages, each page has been read and signed.