



In the Pakistan Information Commission, Islamabad

Appeal No 2081-07/22

Farooq Dawood Harekar

(Appellant)

Vs.

Pakistan International Airlines

(Respondent)

ORDER

Date: October 27, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 25, 2022 to the Commission, stating that he submitted an information request to the Chief Executive Officer, Pakistan International Airlines (PIA) on June 15, 2022 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:

“As a citizen of Pakistan, I request that the following information relating to private security guards (employed by your organisation through private PN (R) security companies), may kindly be provided to me, as required by the above mentioned laws.
 - i. *Total number of private security guards employed by PIA, through private security companies in all PIA Installations and offices at and around PIA Head Office and elsewhere in Pakistan.*
 - ii. *The monthly salary actually received by each private security guard. Please do not mention the amount given to the private security company. We are only interested in the amount physically received by each guard.*
 - iii. *Do these private security guards work for 8 hours or 12 hours each day.*
 - iv. *Are these guards registered with EOBI. If so please provide EOBI registration number of each.*
 - v. *Does each guard receive one weekly holiday each week or not.”*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on August 23, 2022 and its text is as under:

“This refers to your letter dated 23 July, 2022 addressed to Pakistan information Commission Islamabad for provision of information under Right to Access to Information

Act, 2017, regarding wages of private security guards deployed by PIACL through private security companies.

Although the instant appeal was duly answered by GM Coordination vide letter No ADC/253/2022 dated 28 June, 2022 but since you were not satisfied with the reply another letter dated 30 June 2022 was written to CEO PIACL in this regard. Subsequently, you have submitted an appeal to Pakistan Information Commission, Islamabad for provision of information vide letter dated 23 July 2022 which has been forwarded to the undersigned by PIC, Islamabad being the focal person of PIACL on matters coming within the purview of provision of information under Right to Access to Information Act, 2017

We take this opportunity to apprise you that we are fully cognizant of your rights and our obligations to provide you with desired information under Right to Access to Information Act, 2017 Since private security guards have been hired through private security companies at PIACL Head Office as well as domestic stations, therefore, compiling and consolidating data from different stations including EOBI numbers is taking up time but we assure you that we are rigorously following up on the matter with concerned stations and hopefully the same will be furnished to you shortly.

We regret the inconvenience caused in this regard.”

4. Hearing on the instant Appeal was fixed for October 06, 2022 vide letter dated September 23, 2022. The Respondent did not attend the hearing.

C. Issues:

5. The instant appeal has brought to the fore the following issues:
 - (a) Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request?
 - (b) 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 “2017 Act”?

D. Discussion and commission’s views on relevant issues:

6. In responding to the information request of the applicant, the Respondent stated that “Since private security guards have been hired through private security companies at PIACL Head Office as well as domestic stations, therefore, compiling and consolidating data from different stations including EOBI numbers is taking up time but we assure you that we are rigorously following up on the matter with concerned stations and hopefully the same will be furnished to you shortly”.
7. The record on the file shows that despite the lapse of more than 4 months, the Respondent, PIA has yet not provided the requested information. As such, the Respondent has failed in adhering to the timeline for providing the requested information as required under Section 14 (1) and (2) of the Act. Furthermore, the Respondent failed to attend the hearing.
8. The unwarranted delay in providing the requested information raises serious questions about the manner the Respondent, PIA is maintaining records pertaining to the current monthly salary actually paid to each guard, their duty hours, information about weekly holiday, number of guards registered with EOBI along with EOBI registration numbers of those registered with EOBI, information about total number of guards registered with

Social Security along with Social Security registration numbers of those registered with Social Security.

9. It is responsibility of the Respondent, PIA to maintain and disclose records pertaining to the current monthly salary actually paid to each guard, their duty hours, information about weekly holiday, number of guards registered with EOBI along with EOBI registration numbers of those registered with EOBI, information about total number of guards registered with Social Security along with Social Security registration numbers of those registered with Social Security.
10. The disclosure of the requested information will shed light on how public funds are being spent through the contractor and the extent to which the Respondent, PIA has ensured that these public funds are spent in line with the laws of the land.
11. In the instant Appeal, Sindh High Court Constitutional Petition No. D-852 of 2019 Dated 10 March 2021 is also relevant. While dealing with the question as to whether the employees of a labour contractor can be considered as the employees of the establishment, where they work through labour contractors, the Honourable Sindh High Court refers to the Honourable Supreme Court judgment (2013 SCMR 1253) by saying, “In the case where an employer retains or assumes control over the means and method by which the work of a Contractor is to be done, it may be said that the relationship of employer and employee exists between him and the employees of the contractor. Further, an employee who is involved in the running of the affairs of the company; under the direct supervision and control of the company; working within the premises of the company, involved directly or indirectly in the manufacturing process, shall be deemed to be employees of the company. The Honourable Sindh High Court judgment further declares, “Keeping in view the rule of parity and equity, all the janitorial staff even if considered to be the employees of the contractor, which is not the correct position, they have been performing duties of permanent nature ought to have been on regular strength of respondent-cantonment boards.”.

D. Order

12. The Appeal is allowed. Chief Executive Officer, PIA is directed to provide the Appellant information requested in para 2 of this Order within 7 working days of the receipt of this Order.
13. 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: October 27, 2022

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