

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 2209-09/2022

Mst. Shah Iran

Vs

Pakistan Railways

Fawad Malik: Information Commissioner

**A. APPEAL**

1. Mst. Shah Iran filed a request under the Right of Access to Information Act, 2017. Through her application dated 08-09-2022 addressed to the Director Administration / Focal Person for the provision of certain information. The text of her application is reproduced as under.

*“It is submitted that my husband Jalat Khan has served in Pakistan Railways Peshawar Division under Employee No.2691407, who was died during service on 28-09-2014.*

*2. After a lapse of 08 years, your kind attention is invited to the following dues that are outstanding under the Prime Minister Assistance Package (PMAP-2014) with Pakistan railways. Details of which is as under:*

*1. 2.3 Million under head Rev:A-05216 Financial Assistance*

*2. 2 Million under head of Plot*

*3. 0.8 Million under head Rev:A-05225 (Marriage Grant)*

*I have submitted the following complaints/applications through citizen portal Pakistan/ Wafaqi Mohtasib Ombudsman Pakistan for the grant of Prime Minister’s Assistance Package (PMAP-2014) benefits of my late husband, detail of which is as under:*

*KP280119-1236494 DATED 29TH Jan 2019*

*KP200319-1941347 DATED 20TH March 2019*

*KP020920-87230390 dated 02nd September 2020.*

*KP1801220-89597158 dated 18th January 2022.*

*A330BOT/0000324/18 dated 13-04-2019. (Finding Enclosed)*

*WMS-ONL/0014862/20 dated 29-10-2020. (Finding Enclosed)*

*Besides above I have visited time and again the office Divisional Superintendent Pakistan Railways Peshawar Division and submitted applications for the grant of the subject benefits but as per reply of the concerned office my case has been sent to Railway Headquarters CPO Lahore for (Demand of Additional Funds) vide DS office letter No.21-B/01/PSC/2019-20, dated 29-09-2019, but the same is still pending with budget officer DGM office Railways Headquarters Lahore.*

*It is therefore requested to provide all paper work made in this regard, the Right to Information Act, 2017 within stipulated period, please.”*

2. Feeling aggrieved for the non-provision of the requested information within the time frame provided under the Act she has filed the appeal before Pakistan Commission on Access to Information, Islamabad.
3. The notice dated 20-09-2022 was issued to the Chief Personnel Officer to provide reasons why the request filed under the Act has not been responded as mandated under the Act. Neither the reply nor the information was submitted therefore the appeal was fixed for hearing on 26-10-2022 before the Commission.

4. While dealing with the matters related to information and record sought by the citizens under the Act of 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defense. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
5. From the perusal of the request it transpires that appellant is suffering from pillar to post for the last eight years for the access to information and record related to the service of her husband who died during the service in Pakistan Railway, Peshawar Division. All the record sought by the appellant is public record for her person. She cannot be denied the access to the said record as it would amount to infringement of fundamental rights provided under the Constitution of Islamic Republic of Pakistan 1973.

## **B. ORDER**

The appeal is allowed. The Divisional Superintendent, Pakistan Railways, Peshawar is directed to furnish all the requested information detailed in para-1 of this order, forth with but in any case not later than 7 days of the receipt of this order.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on: October 27, 2022

This order consists of 02 (two) pages, each page has been read and signed