

Pakistan Information Commission

Government of Pakistan

Order

Appeal No: 2174-08/22

Saifullah

Vs

Ministry of Climate Change

Date:

June 08, 2023

Appellant present in person. None appeared on behalf of respondent / public body. However, letter dated 19-05-23 written by Deputy Secretary (Admin) / PIO of respondent / public body has been received. It has been submitted in the said letter that the information required by the appellant is not public record in terms of Section 6 of the Right of Access to Information Act, 2017 and is exempted from disclosure under section 7(a) of the Act.

2. However, a copy of notification dated 14-06-22 in respect of Mr. Imran Jalil who joined Pak-EPA on deputation has been forwarded to the appellant which has not been received by the appellant as disclosed by him today. As far as recruitment rules are concerned it is submitted that the same are available with the appellant being an ex-employee of Pak-EPA.

3. Since nobody has appeared on behalf of respondent and it only opted to file written reply instead of appearance before the commission through representative.

4. The appellant has made request for following information. The undersigned wants to get the complete information under "Right of Access to information under Right of Access to Information Act, 2017" regarding of Mr. Imran Jalil who is going join in Pakistan Environmental Protection Agency, Ministry of Climate Change on deputation basis (Copy enclosed). As per information of the undersigned, the said deputation is being made in violation of law. Therefore, the following information is required so that further legal course of action may be adopted including writ of "qou warranto".
- i. Requisition by the department, borrowing organization (EPA).
 - ii. Approval by the Secretary, Ministry of climate change.
 - iii. Acceptance by the lending organization.
 - iv. Approval by the Competent Authority of the lending organization
 - v. Recruitment Rules of Pakistan Environmental Protection Agency.
 - vi. Qualification of Mr. Imran Jalil.
5. Although respondent / public body while filing written reply through letter dated 19-05-23 has sought exemption from disclosure of the said information under Section 7 (a) of the Right of Access to Information Act, 2017 and has further pleaded that recruitment rules of the Pak-EPA are available with the appellant being an Ex-employee of the public boyd yet Section 7 (a) of the Act only excludes noting on the file and minutes of meeting subject to final decision of public body meaning thereby that as long as noting on the file and minutes of meeting are finalized the same become public record and is not exempted from disclosure so plea of the respondent

/ public body about exemption of the requisite information is not tenable and is turned down. Since, all the required information pertains to public record and does not enjoy any exemption from disclosure therefore the appeal is allowed. The respondent / public body is directed to share the required information to the appellant within 10 working days of receipt of this order.

6. Copies of this order be sent to Secretary, Ministry of Climate Change and the Appellant for information and necessary action.

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Ijaz Hassan Awan
Information Commissioner