

**Pakistan Information Commission  
Government of Pakistan**

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**In The Pakistan Information Commission, Islamabad**

**Appeal No: 2341-11/22**

**Naeem Sadiq**

**Vs**

**Pakistan Agriculture Storage and Service Corporation**

**ORDER**

**Ijaz Hassan Awan:** Information Commissioner

Date

July 21, 2023

Appellant not present. Syed Mukhtar appeared on behalf of respondent / public body.

2. This appeal was filed by Naeem Sadiq against PASSCO seeking information about total number of sanitation workers, actual monthly wages, their registration with EOBI and Social Security along with their registration numbers, entitlement of said contract workers 24 weekly holidays in a month and their medical leaves. Similarly, information about private security guards about their total number employed through private security companies, their actual salary received per month, their duty hours, four weekly holidays, their medical leave and registration with the EOBI and social security was also sought.
3. On issuing notice, the respondent appeared before the Commission through its representative and filed written reply. In the written reply it was maintained that PASSCO is a corporate commercial entity (Public Limited Company- unlisted) with 75% paid up capital held with commercial banks. Only 25% of the paid-up capital was contributed by the Federal Government. Similarly, just 3 Directors (including the MD) are appointed by the Federal Government in a Board consisting of 9 Directors. Furthermore, according to a well-considered collective advice/opinion of SECP, Finance Division and Law and Justice Division communicated vide Ministry of Law, Letter No.F.No.809/2019-Law-I dated: 19.02.2020 that PASSCO is not a Public Sector Company and its employees are not governed by any government rules/regulations (copy attached). That Honorable

Supreme Court held in case titled "Jamshed Ahktar vs PASSCO" as follows:-

“The PASSCO has been registered under the Companies Act, 1913, as a Private Limited Company wherein the Federal Government has 25% shares, whereas the remaining shares lie with other nationalized”.

4. It was submitted that since PASSCO is not a public body as defined in the Right of Access to Information Act, 2017 therefore appeal be dismissed. Copy of the written statement was sent to the appellant for filing rejoinder about the plea of the respondent being not a public body and the appellant vide email dated 31 5 23 submitted that PASSCO is a public body as per definition under section 2 (ix) (d) and (h) of the Right of Access to Information Act, 2017.
5. The Commission has heard the arguments of representative of public body, gone through the contents of information request, appeal, advice of Ministry of Law dated 19-02-2020, the citation 2002 PLC (C.S) 1650 (referred by the respondent) and relevant law on the subject.
6. Un-doubly, PASSCO is a corporate commercial entity (Public Limited Company) with 75% paid-up capital held with commercial banks whereas 25% of the capital is paid by the Federal Government. Three directors including Managing Director are appointed by the Federal Government in a board consisting of Nine (9) directors. The respondent body is also undertaking a public function. The company is administratively controlled by Federal Government therefore, according to the definition provided under section 2 (ix) (d) (g) and (h) of the RTI Act, 2017 PASSCO falls under the definition of public body as it is controlled by Federal Government and undertakes public functions.
7. As far as, advice of Ministry of Law and Justice dated 19-02-2020 holding that PASSCO is a public sector company is concerned and not a public sector, it is noted that said advice was given by the Ministry of Law and Justice on the request of the Ministry of National Food Security and Research and said advice was issued in order to settle some objections raised by commercial auditors during the audit of 2017-18 of PASSCO regarding payment of leave encashment and bounces according to the decision of DAC dated 14-01-19. Perusal of the said advice of the Ministry of Law and Justice clearly shows that said advice was only issued to settle the audit para which was about the payment of leave encashment and bounces to the employees of the PASSCO and this advice does not ouster the said organization from the domain of public body for the purpose of RTI Act, 2017.
8. As far as, the citation referred as 2002 PLC (C.S) 1650 is concerned it is noted that the matter in issue in the said citation was about the

decision of an appeal filed by Jamshaid Akhtar, Purchase Inspector PASSCO whose services were terminated by the PASSCO and matter was agitated by him before Punjab Labour Court No 9 Multan. The Supreme Court of Pakistan in the said case held that PASSCO has been registered under the Companies Act 1913 as a private limited company wherein the Federal Government has 25% shares whereas the remaining shares lie with other nationalized scheduled banks However, **the company is administratively controlled by the Federal Government as per entry No. 31 in the Rules of Business therefore, the appellant will be deemed to be a “civil servant” within the meaning of Section 2-A of the Act only for the limited purpose to avail the remedy of appeal before the Service Tribunal.”**

9. The findings of the Supreme Court of Pakistan in the said case categorically show that PASSCO is administratively controlled by the Federal Government and its employees are deemed to be Civil Servants. When PASSCO is controlled by the Federal Government as per definition under Section 2 (ix) (d) and is undertaking public functions as provide under section 2 (ix) (g) of the Right of Access to Information Act, 2017, the said organization is a public body and is amenable before this Commission.
10. For the reasons discussed above, plea of respondent / PASSCO that it is not a public body within the meaning of Section 2 (ix) of the Right of Access to Information Act, 2017 is turned down.
11. Since, PASSCO / respondent has been found a public body and amenable before the Commission and the information required by the Appellant in his request information and appeal does not enjoy any exemption from disclosure under the Right of Access to Information Act, 2017 therefore, appeal is allowed and General Manager (HR), PASSCO is directed to share the required information detailed in Para A (1-6) of the appeal with the appellant within 10 days.
12. Copy of the order be sent to the appellant and respondent for necessary action. Adjourned for submission of compliance report on September 26, 2023.

Announced on: July 21, 2023

Certified that this order consists of 3 (three) pages, each page has been dictated, read, corrected and signed by us.

**Shoaib Ahmad Siddiqui**  
Chief Information Commissioner

**Ijaz Hassan Awan**  
Information Commissioner