



No: RTIC/AR/1-1219/15  
Dated: 05<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01219)**

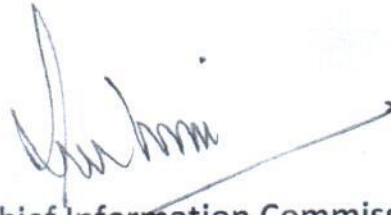
Ref: MR. SAFDAR IRFAN VS. HEALTH DEPARTMENT, PESHAWAR.

**PROCEEDINGS**

Mr. Safdar Irfan (Complainant) is not in attendance. Mr. Muhammad Tariq, Section Officer-III, Health Department, Peshawar is present.

The case was discussed in detail with the representative of the Public Body. It transpires from the original request that the complainant is annoyed with his posting to District Tank and he wants his posting to District Karak. To this effect, the Health Department has provided him answer that the appointment were not made district wise but it was Zone wise. In view of the above, the allegation of the complainant is baseless.

This Commission has no jurisdiction to issue direction to the Department for posting because posting is the sole domain of the Executive Authority. The complainant be informed accordingly. Hence, this case is closed.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II



RIGHT TO INFORMATION COMMISSION  
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18

No: RTIC/AR/1-1267/15

Dated: 05<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01267)**

Ref: DR. AMIR HAMZA VS. HEALTH DEPARTMENT, PESHAWAR.

**PROCEEDINGS**

Dr. Amir Hamza (Complainant) is not in attendance. Mr. Muhammad Tariq, Section Officer-III, Health Department, Peshawar is present.

The information so far has not been provided to the complainant despite clear Order issued by this Commission in the Proceedings dated: 18<sup>th</sup> December, 2015.

The Assistant Registrar of this Commission informs that Nowshera Medical College is summoned for tomorrow i.e 06<sup>th</sup> January, 2015, in other cases so this case is also posted for tomorrow.

Chief Information Commissioner

Commissioner-I

Commissioner-II





No: RTIC/AR/1-1212/15  
Dated: 05<sup>th</sup> Jan., 2015

**(COMPLAINT NO. 01212)**

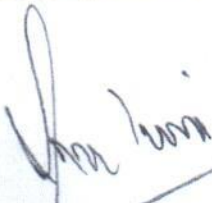
Ref: MR. IMRAN KHAN VS. HEALTH DEPARTMENT, PESHAWAR.


**PROCEEDINGS**

Mr. Imran Khan (Complainant) in person present. Dr. Qazi Afsar Anwar, Deputy Provincial Coordinator and Mr. Muhammad Naeem, Superintendent, LHWs Program Health Department, Peshawar also present.

The matter was discussed in detail with the parties. The Public Body has provided a copy of the Regularization Act which has been placed on file. According to the Public Body, all the employees, including the deceased LHW was regularized with effect from 01<sup>st</sup> July, 2012. The matter is under process for allocation of budget etc. and in this connection Schedule of New Expenditure (SNE) is with the Finance Department, processed by the Health Department.

No system is yet in place in respect of regular deduction, however, all the benefits available to the Government employees have been made available to the employees of the Organization. Whenever the benefits are granted to other employees, the same will be given to the complainant as legal heir of the deceased LHW as per rules. Hence this case is closed.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II





No: RTIC/AR/1-952/15

Dated: 06<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 00952)**


REF: MUHAMMAD ZIA SARWAR VS. ECONOMIC ZONE DEVELOPMENT & MANAGEMENT COMPANY, PESHAWAR.

**PROCEEDINGS**

Muhammad Zia Sarwar (Complainant) is not in attendance. Mr. Jawad Amin, Chief HR Officer and Mr. Shahid Khattak, CFO, Economic Zone Development & Management Company, Peshawar are present.

Information provided by the representatives of the Public Body to this Commission and copy of the same will be sent to the complainant.

The complainant is directed to inform this Commission in writing as to whether he is satisfied with the given information or otherwise, within seven days of the receipt of these Proceedings, whereafter, this case will be closed.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II



GOVERNMENT OF KHYBER PAKHTUNKHWA  
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No: RTIC/AR/1-1235/15  
Dated: 07<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01235)**

REF: MR. MOMIN KHAN VS. DIRECTORATE OF E&SE DEPARTMENT, PESHAWAR.

## **PROCEEDINGS**

Mr. Momin Khan (Complainant) in person present. Mr. Hameed ur Rehman, ADEO/PIO, Directorate of Elementary & Secondary Education Department, Peshawar also present.

The case was discussed in detail with the parties. This case pertains to the inquiry against Mr. Aqal Zaman, Chairman, BISE, Kohat conducted by Mr. Sultan Mehmood, Additional Director (P&D), Directorate of E&SE. The PIO informs that the Inquiry proceedings have been completed and sent to the Competent Authority on 15<sup>th</sup> September, 2015 and is lying with the Competent Authority for the final decision. The complainant was informed that the inquiry report cannot be provided to him until it takes its final shape. However, the PIO is directed to inform this Commission as to what has happened to the said Inquiry which was sent to Secretary Education. A copy of these Proceedings shall be sent to the Secretary Education for providing information in this regard to this Commission.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II





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No: RTIC/AR/1-967/15  
Dated: 07<sup>th</sup> Jan., 2016

(COMPLAINT NO. 00967)

REF: MR. UMAR FAROOQ CHEEMA VS. LAW DEPARTMENT, PESHAWAR.

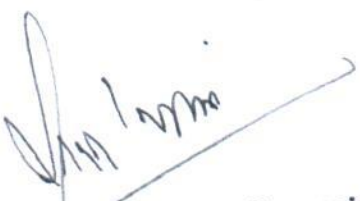
## **PROCEEDINGS**

Mr. Umar Farooq Cheema (Complainant) is not in attendance. Mr. Kibaz Khan, Deputy Secretary, Mr. Akbar Khan, SOG and Mr. Abdul Shahoor, Superintendent, Law Department, Peshawar are present.

The case was discussed in detail with the representatives of the Public Body. Law Department is of the view that the information cannot be provided in respect of the period prior to the Right to Information Act, 2013. It was brought into the notice of the representatives of the Public Body that the Law applies to all the information held by the Public Body, therefore, the interpretation of the Law Department is rebutted. The Law Department shall have to provide the information since 1999 as requested by the complainant.

The representatives promised to do the same. It was brought into the notice of the Public Body that record must be available with the Law Department because no Department can appoint any Legal Advisor without consultation/approval of the Law Department and the Finance Department.

The Public Body is directed to provide the entire data from 12/10/1999 till March, 2015 within one month to the complainant under intimation to this Commission. If the Department failed to do so, punitive proceedings will be initiated against the PIO of the Public Body.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II



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*O/c*

No: RTIC/AR/1-261/15  
Dated: 07<sup>th</sup> Jan., 2016

*18150-51*

**(COMPLAINT NO. 00261)**

Ref: MR. NAIK AMAL VS. DIRECTORATE OF E&SE DEPARTMENT, PESHAWAR.

## **PROCEEDINGS**

Mr. Naik Amal (Complainant) in person present. Mr. Hameed ur Rehman, ADEO/PIO, Directorate of Elementary & Secondary Education Department, Peshawar also present.

This case is one of the oldest cases on the record of the Commission. The case was discussed in detail with the parties. Regrettably, this Commission could not know up till now the total sanctioned posts of PTC, SST & SS created for the Directorate of Education. Hence, there is no idea as to how many posts fall under 2% quota fixed for the disable people.

Earlier, the representative of the Public Body was directed to ensure the supply of the above stated information but except the change of the PIO, nothing has happened. The representative of the Public Body was also directed to inform this Commission regarding the total number of sanctioned posts and total number of vacant posts falling in the said quota. If any District Education Office is not cooperating in this case with the Education Department, the names of these officers should be forwarded to this Commission in writing so that they are proceeded against under Section 26 and 28 of the Right to Information Act, 2013.

The PIO undertakes to provide the information by 12<sup>th</sup> January, 2016. If the PIO failed to do so, he will attend this Commission on 12<sup>th</sup> January, 2016.

sd/-  
Chief Information Commissioner

sd/-  
Commissioner-I

sd/-  
Commissioner-II

Copy to:-

1. Mr. Hameed ur Rehman, ADEO/PIO, Directorate of Elementary & Secondary Education Department, Peshawar.
2. Mr. Naik Amal (Complainant)

*[Signature]*  
Assistant Registrar  
RTI Commission, KPK





GOVERNMENT OF KHYBER PAKHTUNKHWA  
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No: RTIC/AR/1-1328/15  
Dated: 07<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01328)**

**REF: MUHAMMAD BILAL VS. LADY READING HOSPITAL, PESHAWAR.**

## **PROCEEDINGS**

Mr. Muhammad Bilal (Complainant) in person present. The PIO was contacted telephonically today and he informed that he was bed ridden and admitted in the hospital.

The complainant wants his service record from the Hospital Authorities. The complainant was a class-IV employee in Lady Reading Hospital from 2008 to 2013, whereafter he was terminated from his service without anything in writing.

In these circumstances, the Chief Executive is directed to attend this Commission alongwith the requisite service record, on **Monday, the 18<sup>th</sup> of January, 2016, at 12:00**, failing which punitive proceedings will be initiated under Section 26 of the Right to Information Act, 2013, against the Chief Executive of Lady Reading Hospital, Peshawar.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II





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No: RTIC/AR/1-1206/15  
Dated: 12<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01206)**

Ref: MR. JANAB GUL VS. PHED, KOHAT.

**PROCEEDINGS**

Mr. Janab Gul (Complainant) in person present. Engr. Iftikhar Azeem, SDO, Public Health Engineering Department, Kohat also present.

The case was discussed in detail with the parties. It so happened that thirty years ago, Haji Wazir Khan donated land for construction of Water Tank at village Darsamand, District Hangu and got appointment as Valve Man. Later on, the said post was vacated due to the death of Haji Wazir Khan. It is on record of the Public Body that the said post was advertised and some other person was recruited against the said post. It is the contention of the complainant that as per agreement after the death of Mr. Wazir Khan, his son has to be appointed instead of any third person. The representative is directed to locate the agreement which was executed between the parties and also locate the payrolls.

The representative undertakes to locate all the documents for which he is given time till **Monday, the 18<sup>th</sup> of January, 2016.**

  
Commissioner-I

  
Commissioner-II



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No: RTIC/AR/1-1226/15  
Dated: 13<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01226)**

REF: MR. NADIR KHAN VS. ADMINISTRATION DEPARTMENT, PESHAWAR.

**PROCEEDINGS**

Mr. Nadir Khan (Complainant) in person present. Mr. Minhas ud Din, Estate Officer, Administration Department, Peshawar also present.

The Estate Officer stated that he has already provided the information sought under para (1) to the complainant. The information regarding para (2) and (3) have been discussed with the parties. The Estate Officer seeks time in this regard for the compilation of information which was granted. The complainant is directed to specify/identify the information to the Estate Officer which he needs.

The Estate Officer undertook to provide the information on or before Thursday, 21<sup>st</sup> January, 2016.

Commissioner-I

Commissioner-II





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No: RTIC/AR/1-1291/15  
Dated: 13<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01291)**

REF: MR. NADIR KHAN VS. ADMINISTRATION DEPARTMENT, PESHAWAR.

### **PROCEEDINGS**

Mr. Nadir Khan (Complainant) in person present. Mr. Farrul Saqlain, Additional Secretary (HRD)/PIO, Establishment Department, Peshawar also present.

The case was discussed in detail with the parties. The PIO informed that he has not received a copy of the request and complaint, hence he showed ignorance as to what information is needed by the complainant. The complainant informed that he had addressed a request letter to Secretary Administration directly. A copy of original request and complaint was given to the PIO who undertakes to convey the same to Manager, Civil Officers Mess, Peshawar and the said Manager will be directed to provide the information to the complainant under intimation to this Commission. A copy of these Proceedings will also be sent to the said Manager. He is directed to provide information within a stipulated time.

  
Commissioner-I

  
Commissioner-II



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No: RTIC/AR/1-646/15

Dated: 13<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 00646)**

REF: MR. NAEEM SADIQ VS. ESTABLISHMENT DEPARTMENT, PESHAWAR.

### **PROCEEDINGS**

Mr. Naeem Sadiq (Complainant) is not in attendance. Mr. Shah Nawaz Khan, Taxation Analyst, Excise & Taxation Department, Peshawar is present.

The representative of the Public Body has brought some information in this case which will be delivered to the complainant and a copy be placed on the file of this Commission. The complainant is directed to confirm in writing as to whether he is satisfied or not, within seven working days of the receipt of these Proceedings failing which this case will be closed.

  
Commissioner-I

  
Commissioner-II





GOVERNMENT OF KHYBER PAKHTUNKHWA  
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No: RTIC/AR/1-1067/15  
Dated: 14<sup>th</sup> Jan., 2016

(COMPLAINT NO. 01067)

REF: MR. SAADAT KHAN VS. EDWARDES COLLEGE, PESHAWAR.

### **PROCEEDINGS**

Mr. Saadat Khan (Complainant) in person present. Mr. Shah Mehmood Khan, Administrative Officer, Edwardes College, Peshawar also present.

The case was discussed in detail with the parties. The representative of the Public Body stated that the promotion of the Vice Principals has not yet been finalized. The PIO is directed that when these promotion cases are finalized, the copies of the same should be provided to the complainant. This case is closed.

  
Commissioner-I

  
Commissioner-II



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317

No: RTIC/AR/1-1066/15  
Dated: 14<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 01066)**

REF: MR. SAADAT KHAN VS. EDWARDES COLLEGE, PESHAWAR.

### **PROCEEDINGS**

Mr. Saadat Khan (Complainant) in person present. Mr. Shah Mehmood Khan, Administrative Officer, Edwardes College, Peshawar also present.

The case was discussed in detail with the parties. The complainant admitted the receipt of information hence, this case is closed.

  
Commissioner-I

  
Commissioner-II





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*Q/c*

No: RTIC/AR/1-1206/15  
Dated: 18<sup>th</sup> Jan., 2016

*186-98*

**(COMPLAINT NO. 01206)**

Ref: MR. JANAB GUL VS. PHED, KOHAT.

**PROCEEDINGS**

Mr. Janab Gul (Complainant) in person present. Engr. Iftikhar Azeem, SDO, Public Health Engineering Department, Kohat also present.

The case was discussed in detail with the parties. This case pertains to the recruitment in lieu of donation of land for Water Tank at Village Darsamand, District Hangu. The original employee Haji Wazir Khan has died. This Commission wanted to go through the agreement through which the land was donated and the Service Book of Haji Wazir Khan but the same could not be located in the office of Public Health Engineering Department, Kohat who has now informed in writing that the Service Book, after his retirement, was forwarded to District Accounts Office, Kohat. This Commission will issue the direction to the District Accounts Office, Kohat for the provision of Service Book and pension record of Haji Wazir Khan.

Since the case pertains to Public Health Engineering Department, Hangu so the concerned SDO, Public Health Engineering Department, Hangu be summoned for Tuesday, the 26<sup>th</sup> of January, 2016, alongwith the relevant record in this case.

sd/-  
Chief Information Commissioner

sd/-  
Commissioner-I

Copy to:-

1. Engr. Iftkhar Azeem, SDO, Public Health Engineering Department, Kohat.
2. The SDO, Public Health Engineering Department, Hangu.
3. Mr. Janab Gul (Complainant)

Assistant Registrar  
RTI Commission, KPK

Assistant Registrar  
Public Information Commission

No: RTIC/AR/1-1243/15  
Dated: 20<sup>th</sup> Jan., 2016


(COMPLAINT NO. 01243)

Ref: MR. AMIR SHEHZAD VS. TMA-I, PESHAWAR.

## PROCEEDINGS

Mr. Amir Shehzad (Complainant) is not in attendance. Mr. Ishraq Ahmad, ATO (I&S) and Mr. Khuday Nazar, Admin Officer, Tehsil Municipal Administration, Town-I, Peshawar are present.

The case was discussed in detail with the representatives of the Public Body. Most of the information sought by the complainant is available with the Department in hard form. The representative has stated that the information consists of more than twenty pages. The PIO was informed to get in touch with the complainant on telephone and inform him about the total number of pages and the total charges. The PIO is also directed to inform this Commission in writing regarding the total number of pages and the total charges. In reference to their letter, this Commission will issue directions to the complainant to deposit the photostate charges in the concerned Section of the Public Body, whereafter the case will be closed.



Chief Information Commissioner



Commissioner-II





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No: RTIC/AR/1-1111/15  
Dated: 21<sup>st</sup> Jan., 2016

**(COMPLAINT NO. 01111)**

REF: MR. AZIZ UR REHMAN VS. UNIVERSITY OF PESHAWAR.

### **PROCEEDINGS**

Mr. Aziz ur Rehman, complainant, in person present. Mr. Aimal Khan, Assistant Registrar/PIO, University of Peshawar also present.

The case was discussed in detail with the parties. The PIO has brought a copy of the details of the projects which were provided to the complainant but he showed dissatisfaction regarding the same. He stated that he wanted information of the projects as per his original request. The PIO showed ignorance regarding the said projects. The PIO stated that the said projects are being dealt with by the Director P&D, University of Peshawar, therefore, both the PIO and the Director P&D be summoned for 03<sup>rd</sup> February, 2016 alongwith complete details of the cases requested for by the complainant.

  
Chief Information Commissioner

Commissioner-II



GOVERNMENT OF KHYBER PAKHTUNKHWA  
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No: RTIC/AR/1529/16  
Dated: 25<sup>th</sup> Jan., 2016

Ref: DR. SHERAZ AHMAD KHAN VS. PARAPLEGIC CENTER, PESHAWAR.

### **PROCEEDINGS**

Dr. Sheraz Ahmad Khan (Complainant) in person present. Mr. Muhammad Ilyas, Chief Executive and Mr. Asad Iqbal, Director Finance, Paraplegic Center, Peshawar also present.

The case was discussed in detail with the parties. This petition is for receiving the copy of inquiry report which was conducted on the direction of the Board of Governors. The Chief Executive informed that the BOG has declared the inquiry report as "classified", therefore, the same was not provided to the complainant. His attention was invited to Section 3 of the Right to Information Act, 2013, wherein, no requester can be denied access to any information or record and the Act has to be interpreted so as to facilitate and encourage the disclosure of information. Since the Right to Information Act, 2013, has got an overriding effect under Section 3(2), therefore, declaring the inquiry report as "classified" is illegal and not binding.

The Chief Executive undertakes to provide an attested copy of the inquiry report alongwith attested copies of all the documents used against the complainant today to the complainant before the end of working hours. This case is closed.

Chief Information Commissioner

Commissioner-I

Commissioner-II





GOVERNMENT OF KHYBER PAKHTUNKHWA  
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No: RTIC/AR/1-1175/15  
Dated: 26<sup>th</sup> Jan., 2016

(COMPLAINT NO. 01175)


REF: MR. SADAQAT ALI VS. SRSP, PESHAWAR.

### PROCEEDINGS

The complainant Mr. Sadaqat Ali is not in attendance. The PIO of Sarhad Rural Support Program, Peshawar also absent.

The complainant informed telephonically that he has received the requisite information from the Public Body. Hence, this case is closed.

  
Chief Information Commissioner

  
Commissioner-I



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No: RTIC/AR/1-612/15  
Dated: 28<sup>th</sup> Jan., 2016

**(COMPLAINT NO. 00612)**

REF: MR. M. NOMAN KHAN VS. DIRECTORATE OF E&SE, PESHAWAR.

### **PROCEEDINGS**

Mr. M. Noman Khan, complainant, in person present. Mr. Hameed ur Rehman, ADEO/PIO, Directorate of Elementary & Secondary Education, Peshawar also present.

In the last Proceedings, recorded on 17/11/2015, the PIO had stated that the Public Body is ready to provide the information to the complainant on payment of fee as notified by this Commission. The complainant was thus, directed to visit the office of the PIO and receive the information. But as per the statement of the complainant, he visited the office of the PIO many times for the collection of information but was not supplied so far.

Taking this into account, the PIO of the Public Body committed to provide the documents/papers today upto 03:00 pm. If he failed to supply the information, Show Cause Notice will be issued to him.

Later on, the complainant informed telephonically that the information consists of a lot of pages, the PIO requested for some time for the preparing copies of the information and the complainant agreed. Further, the complainant stated that he will receive the information on Monday, 01<sup>st</sup> February, 2016, whereafter the complainant will inform this Commission in writing the collection of information. *Whereafter the case shall be closed.*

*regarding*  
  
Chief Information Commissioner

  
Commissioner-I