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No: RTIC/AR/1-1080/15
Dated: 19th July, 2016

(COMPLAINT NO. 01080)

Ref: MR. KHADIMULLAH VS. KHYBER PAKHTUNKHWA PROVINCIAL ASSEMBLY, PESHAWAR.


PROCEEDINGS

Mr. Khadimullah, complainant, is not in attendance. Mr. Atta Ullah, Special Secretary/PIO, Khyber Pakhtunkhwa Provincial Assembly, Peshawar is present.

The complainant is seeking information regarding the recruitment process as back as September, 2015. This Commission has directed the Public Body to provide the requisite information to the complainant. Instead of providing the information, this Commission received a letter dated: 11th May, 2016, whereby two reasons were quoted for non-supply of information. The reasons are that the recruitment process has been cancelled and the matter is subjudice. Both the grounds were discussed with the PIO of the Public Body in detail. This Commission is of the view that being subjudice is no hindrance in the way of supply of information because all the court papers are transparent and available for obtaining copies as provided under the High Court Rules & Orders, 1901.

As far as cancellation of the process is concerned, the same is also not a ground for the refusal of information because cancellation of process means that the process has been completed in whatever shape.

The complainant has requested for test result of all the candidates who appeared in test for the post of Assistant (BS-16). He has also requested for the answer sheets/papers of top three candidates and reason for the cancellation of the process. Out of the three, the complainant is not entitled to receive the answer sheets/papers of any candidate other than himself. He should be provided the result of all the candidates who appeared in test and the reason for the cancellation of the process. The PIO of the Public Body undertakes to provide the requisite information to the complainant and to this Commission on or before 28th July, 2016.


Chief Information Commissioner


Commissioner-I


Commissioner-II

DHO, Nowshera
0923-80159
DHO Nowshera



GOVERNMENT OF KHYBER PAKHTUNKHWA
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No: RTIC/AR/1-2215/16
Dated: 19th July, 2016

(COMPLAINT NO. 02215)

REF: MR. MIR ALAM KHAN VS. PESHAWAR FLYING CLUB, PESHAWAR.

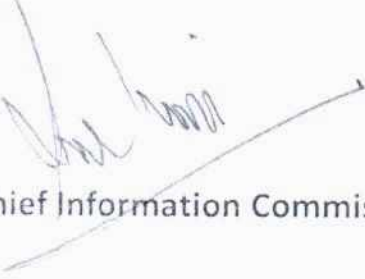
PROCEEDINGS

Mr. Mir Alam Khan, complainant, in person present. Miss Laiqa, Manager (Finance & Administration), Peshawar Flying Club, Peshawar also present.

The case was discussed in detail with the parties. It is admitted that Peshawar Flying Club has been receiving funds from the Government of NWFP/Khyber Pakhtunkhwa and as such the Club is covered by the definition of the Public Body under the Right to Information Act, 2013.

In this background, all the information in respect of Club, shall not only be provided to the complainant but shall also be uploaded on the official website of the Public Body for promoting transparency in the working of the Public Body.

The Public Body is directed to provide the requisite information to the complainant within **fifteen** working days under intimation to this Commission failing which punitive action will be taken under Section 26 of the Right to Information Act, 2013.


Chief Information Commissioner


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2176/16
Dated: 20th July, 2016

(COMPLAINT NO. 02176)

Ref: MUHAMMAD NAVEED ALI VS. HED, PESHAWAR.

PROCEEDINGS

Mr. Muhammad Naveed Ali, complainant, is not in attendance. Mr. Muhammad Hayat, Deputy Secretary (Admn) and Mr. Jehangir Khan, Section Officer, Higher Education Department, Peshawar are present.

The complainant had asked information regarding the Terms of References (TORs) mentioned at clause "A" to "D" and inquiry pending in respect of Edwardes College, Peshawar. The Section Officer has informed this Commission that the inquiry has not yet been finalized, therefore, the information cannot be provided unless it takes its final shape. This case is closed.

Chief Information Commissioner

Commissioner-I

Commissioner-II



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No: RTIC/AR/1-1105/15
Dated: 20th July, 2016

(COMPLAINT NO. 01105)

Ref: MISS ASMA BIBI VS. DEO (F), MANSEHRA.

PROCEEDINGS

Miss Asma Bibi, complainant, is not in attendance. Mr. Muhammad Fayaz, Superintendent, District Education Officer (F), Mansehra is present.

The representative of the Public Body brought certain information in respect of this case, copy of which will be dispatched to the complainant on her postal address. This case is closed.

Chief Information Commissioner

Commissioner-I

Commissioner-II



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No: RTIC/AR/1-2079/16
Dated: 20th July, 2016

(COMPLAINT NO. 02079)

Ref: MR. ZAMAN GUL VS. DEO (M), PESHAWAR.

PROCEEDINGS

Mr. Zaman Gul, complainant, in person present. Mr. Bismillah Jan, ADEO (M), Office of the District Education Officer (M), Peshawar also present.

The requisite information has already been provided to the complainant, hence this case is closed.


Chief Information Commissioner


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2240/16
Dated: 20th July, 2016

(COMPLAINT NO. 02240)

Ref: MR. ZAHEER UD DIN VS. HED, PESHAWAR.

PROCEEDINGS

Mr. Zaheer ud Din, complainant, is not in attendance. Mr. Muhammad Hayat, Deputy Secretary (Admn) and Mr. Jehangir Khan, Section Officer, Higher Education Department, Peshawar are present.

The representatives of the Public Body stated that they have provided the requisite information to the complainant. This case is closed.

Chief Information Commissioner

Commissioner-I

Commissioner-II



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No: RTIC/AR/1-2231/16
Dated: 20th July, 2016

(COMPLAINT NO. 02231)

Ref: PROF. YASEEN IQBAL VS. HED, PESHAWAR.

PROCEEDINGS

Prof. Yaseen Iqbal, complainant, in person present. Mr. Muhammad Hayat, Deputy Secretary (Admn) and Mr. Jehangir Khan, Section Officer, Higher Education Department, Peshawar also present.

The complainant had sought information under five heads. Each head was discussed in detail with the parties. The Public Body is ready to provide the complete list of the applicants who submitted their applications, list of shortlisted candidates for interview and shortlisting criteria. Since the process of recruitment has not yet been finalized, therefore, information under head 3 to 5 cannot be provided unless it takes its final shape. This case is closed.

Chief Information Commissioner

Commissioner-I

Commissioner-II



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No: RTIC/AR/1-2085/16

Dated: 20th July, 2016

(COMPLAINT NO. 02085)


Ref: MRS. IFFAT SHAHEEN VS. HED, PESHAWAR.


PROCEEDINGS

Mrs. Iffat Shaheen, complainant, is not in attendance. Mr. Muhammad Hayat, Deputy Secretary (Admn) and Mr. Jehangir Khan, Section Officer, Higher Education Department, Peshawar are present.

Perusal of the request shows that the complainant wants the original transfer/posting proposal. It is to be noted that the proposal constitute deliberative process within the Public Body which is exempt under Section 18 of the Right to Information Act, 2013. It must also be appreciated that the proposal was finalized in the shape of transfer order which has been issued. In this background, the request for copy of original proposal cannot be acceded to. This case is closed.


Chief Information Commissioner


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1974/16
Dated: 21st July, 2016

(COMPLAINT NO. 01974)

REF: MR. MUHAMMAD SHER VS. LRH, PESHAWAR.

PROCEEDINGS

Mr. Muhammad Sher, complainant, is not in attendance. Dr. Amer Hamid, DMS Litigation/PIO, Lady Reading Hospital, Peshawar is present.

As per statement of the PIO of the Public Body, he has not received the original request as well as the complaint filed by the complainant. A copy of the request and complaint of the complainant was provided to the PIO and he undertakes to finalize the case within ten days under intimation to this Commission. The complainant is directed to visit the office of the PIO within seven days for further clarification in this regard.


Chief Information Commissioner


Commissioner-I



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No: RTIC/AR/1-1998/16
Dated: 21st July, 2016

(COMPLAINT NO. 01998)

REF: MR. AQIL MUHAMMAD VS. TMA, SWABI.

PROCEEDINGS

Mr. Aqil Muhammad, complainant, is not in attendance. Mr. Waqas Ali Shah, Tehsil Municipal Officer, Tehsil Municipal Administration Razar, Swabi is present.

The PIO brought certain information in respect of this case, copy of which will be dispatched to the complainant on his postal address. The complainant is directed to inform this Commission in writing regarding the receipt of complete and relevant information or otherwise, within seven working days of the receipt of this letter failing which this case will be closed.


Chief Information Commissioner


Commissioner-I



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No: RTIC/AR/1-2022/16

Dated: 21st July, 2016

(COMPLAINT NO. 02022)

REF: MR. MUHAMMAD HAROON VS. DG PDMA, PESHAWAR.

PROCEEDINGS

Mr. Muhammad Haroon, complainant, in person present. Miss Robina Haider, Deputy Director/PIO and Mr. Tajdar Khan, Assistant Director (MIS), DG Provincial Disastrous Management Authority, Peshawar also present.

The case was discussed in detail with the parties. The representatives of the Public Body brought the original record which shows that the case is still under process. The case is under deliberation to decide as to whether weightage be given to the NTS test and if so how much to be given. It is to be mentioned that nothing was given in the advertisement in respect of weightage while inviting applications from the applicants.

In view of this Commission, it must have created uncertainty in the minds of the candidates at the time of applying for the posts. It is desirable that clear cut policy is mentioned in the advertisement regarding the weightage to be given to the NTS test. However, according to the statement of the representatives of the Public Body, the recruitment is under process, therefore, the complainant is directed to wait for the same so that it takes its final shape.

It is a bitter fact that the case is pending for more than two years and the bureaucracy is unable to decide a minor issue. The cruel joke is that the process was to recruit a person on contract for a period of three years and two years have been consumed to recruit the person. The Public Body, and the powers to be, may take a look at this factual mirror and opine where the fault lies. This case is closed.


Chief Information Commissioner


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No: RTIC/AR/1-2000/16
Dated: 26th July, 2016

(COMPLAINT NO. 02000)

REF: MR. LAL BAHADUR VS. DISTRICT ACCOUNTS OFFICER, KARAK.

PROCEEDINGS

Mr. Lal Bahadur, complainant, is not in attendance. Mr. Muhammad Rehman, Senior Auditor, Office of the District Accounts Officer, District Karak is present.

The representative of the Public Body brought certain information regarding pension papers as well as complete Service Book to this Commission. A copy of which was obtained from the representative and the same will be sent to the complainant on his postal address. This case is closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2001/16
Dated: 26th July, 2016

(COMPLAINT NO. 02001)

REF: MR. LAL BAHADUR VS. DG SOIL CONSERVATION, PESHAWAR.

PROCEEDINGS

Mr. Lal Bahadur, complainant, is not in attendance. Mr. Hafeez ur Rehman, Deputy Director (P), Directorate General Soil Conservation, Peshawar is present.

The case was discussed in detail with the representative of the Public Body. The complainant has sought information for six years from 2009-10 to 2015-16 but the Public Body informs that the total life of the project was two years i.e. 2013-14 and 2014-15. The information regarding these two years has been provided to the complainant vide their letter No. 1714/DGSC, dated: 21st April, 2016. A copy of the same letter has been obtained from the Public Body for the purpose of record on the file of this Commission. This case is closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2212/16
Dated: 26th July, 2016

(COMPLAINT NO. 02212)

REF: MR. SHEHBAZ GUL VS. TMA, KOHAT.

PROCEEDINGS

Mr. Shehbaz Gul, complainant, is not in attendance. Mr. Farzand Ali Kayani, Tax Superintendent, Tehsil Municipal Administration, Kohat is present.

The representative of the Public Body brought certain information in respect of this complaint to this Commission. Copy of which was placed on the file of this Commission and a copy of the same will be sent to the complainant with the direction to inform this Commission regarding the receipt of complete information or otherwise, within seven working days of the receipt of these Proceedings failing which this case will be closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2264/16
Dated: 26th July, 2016

(COMPLAINT NO. 02264)

REF: MR. MUHAMMAD FARMAN ALI VS. UST, BANNU.

PROCEEDINGS

Mr. Muhammad Farman Ali, complainant, is not in attendance. Dr. Sultan Mehmood, Registrar and Mr. Bashir Ahmad, Public Relation Officer/PIO, University of Science & Tels present.

The case was discussed in detail with the representatives of the University. The complainant had sought information under five heads, out of which information under four heads has already been provided to the complainant. A letter upon which the complainant has received this information has been placed on the file of this Commission.

As regards information regarding No Objection Certificate (NOC) obtained by those students who are already in Government Service for admission in M. Phil (Chemistry), the representative of the University stated that he has some reservations regarding this information but it was clarified to him that everything in respect of a Government Servant is a public document on the simple ground that he receives pay and allowances from the Government Exchequer. He undertakes to provide this information to the complainant within seven days under intimation to this Commission. The complainant is also directed to inform this Commission regarding the receipt of information or otherwise within seven to ten days whereafter this case will be closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2015/16
Dated: 26th July, 2016

(COMPLAINT NO. 02015)

REF: SYED FAIZAN ALI SHAH VS. TMA, KOHAT.

PROCEEDINGS

Syed Faizan Ali Shah, complainant, is not in attendance. Mr. Farzand Ali Kayani, Tax Superintendent, Tehsil Municipal Administration, Kohat is present.

The case was discussed in detail with the representative of the Public Body. He seeks time to locate the information and will be handed over to the complainant. It was impressed upon him that this is the oldest case in this Commission and needs early disposal. He was given a copy of the request and complaint and he undertook to provide the requisite information within seven working days directly to the complainant under intimation to this Commission. The complainant is also directed to inform this Commission regarding the receipt or otherwise within seven to ten working days whereafter this case will be closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1984/16

Dated: 27th July, 2016

(COMPLAINT NO. 01984)

REF: ENGR. KHANZEB KHAN VS. PHED, PESHAWAR.

PROCEEDINGS

Engr. Khanzeb Khan, complainant, is not in attendance. Mr. Muhammad Ali, Superintendent, Establishment Section, Public Health Engineering Department, Peshawar is present.

The complainant had visited this office yesterday and had requested for the supply of copies of proforma, synopsis alongwith the annexures and attested copies of all the information required by him. The representative of the Public Body undertakes to provide the information to the complainant by Friday i.e. 29th July, 2016, under intimation to this Commission.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1986/16

Dated: 27th July, 2016

(COMPLAINT NO. 01986)

REF: ARBAB ALI AHMAD VS. ISLAMIA COLLEGE UNIVERSITY, PESHAWAR.

PROCEEDINGS

Arbab Ali Ahmad, complainant, is not in attendance. Mr. Ali Abbas, Litigation Officer/PIO, Islamia College University, Peshawar is present.

Partial information has been provided to the complainant. The rest of the information, spreading over the last eight years, is being collected. The Public Information Officer is directed to send us the weekly report in respect of this complaint by every Friday.


Commissioner-I


Commissioner-II



GOVERNMENT OF KHYBER PAKHTUNKHWA

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No: RTIC/AR/1-1987/16

Dated: 27th July, 2016

(COMPLAINT NO. 01987)

REF: ARBAB ALI AHMAD VS. ISLAMIA COLLEGE UNIVERSITY, PESHAWAR.

PROCEEDINGS

Arbab Ali Ahmad, complainant, is not in attendance. Mr. Ali Abbas, Litigation Officer/PIO, Islamia College University, Peshawar is present.

As per the statement of the PIO of the University, the process of appointment has not yet been finalized, therefore, at this stage, it cannot be provided to the complainant. However, the complainant has been informed regarding the pendency of the appointment. The complainant was contacted on phone and he stated that he will wait for the finalization of the recruitment process. When the appointment process is finalized, the information regarding the same will be provided to the complainant. Till that, this case is closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1989/16
Dated: 27th July, 2016

(COMPLAINT NO. 01989)

REF: MIR AKBAR SHAH VS. ISLAMIA COLLEGE UNIVERSITY, PESHAWAR.

PROCEEDINGS

Mir Akbar Shah, complainant, is not in attendance. Mr. Ali Abbas, Litigation Officer/PIO, Islamia College University, Peshawar is present.

The case was discussed in detail with the representative of the Public Body. It looks that the Public Information Officer has really worked very hard in this case and has taken every step to supply the information to the complainant. This Commission appreciates his efforts in this regard and would like to convey this appreciation to the University Authorities.

As far as this complaint is concerned, the majority of the information has already been provided to the complainant. The complainant is directed to visit the office of the PIO of the University within seven working days of the receipt of these Proceedings, to identify the specific information which is still outstanding. The complainant is also directed to inform this Commission regarding the final outcome of the said visit.

Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1990/16
Dated: 27th July, 2016

(COMPLAINT NO. 01990)

REF: MIR AKBAR SHAH VS. ISLAMIA COLLEGE UNIVERSITY, PESHAWAR.

PROCEEDINGS

Mir Akbar Shah, complainant, is not in attendance. Mr. Ali Abbas, Litigation Officer/PIO, Islamia College University, Peshawar is present.

The case was discussed in detail with the representative of the Public Body. It looks that the Public Information Officer has really worked very hard in this case and has taken every step to supply the information to the complainant. This Commission appreciates his efforts in this regard and would like to convey this appreciation to the University Authorities.

As far as this complaint is concerned, the majority of the information has already been provided to the complainant. The complainant is directed to visit the office of the PIO of the University within seven working days of the receipt of these Proceedings, to identify the specific information which is still outstanding. The complainant is also directed to inform this Commission regarding the final outcome of the said visit.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1991/16

Dated: 27th July, 2016

(COMPLAINT NO. 01991)

REF: MR. RIAZ MUHAMMAD VS. ISLAMIA COLLEGE UNIVERSITY, PESHAWAR.

PROCEEDINGS

Mr. Riaz Muhammad, complainant, is not in attendance. Mr. Ali Abbas, Litigation Officer/PIO, Islamia College University, Peshawar is present.

The information has been provided to the complainant, hence, this case is closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2139/16
Dated: 27th July, 2016

(COMPLAINT NO. 02139)

REF: DR. SAMIN JAN VS. ISLAMIA COLLEGE UNIVERSITY, PESHAWAR.

PROCEEDINGS

Dr. Samin Jan, complainant, in person present. Mr. Ali Abbas, Litigation Officer/PIO, Islamia College University, Peshawar also present.

The case was discussed in detail with the parties. Partial information has already been provided to the complainant. For the remaining information, the complainant was directed to file an application giving specific details of the required documents. The application has been filed and has been handed over to the Public Information Officer. The PIO is directed to process his application and provide the information to the complainant under intimation to this Commission.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-2009/16
Dated: 27th July, 2016

(COMPLAINT NO. 02009)

REF: MR. MUHAMMAD ADIL VS. PHED, PESHAWAR.

PROCEEDINGS

Mr. Muhammad Adil, complainant, is not in attendance. Mr. Muhammad Ashiq, SDO, Public Health Engineering Department, Peshawar is present.

The complainant was contacted on phone and he stated that he will visit the Commission within two working days for the collection of information, whereafter this case will be closed.


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1854/16
Dated: 28th July, 2016

(COMPLAINT NO. 01854)

REF: MR. MARIFAT SHAH & MR. AKHLAQ AHMAD VS. DEO (M), NOWSHERA.

PROCEEDINGS

Mr. Marifat Shah, complainant, in person present. Mr. Mehir Gul, Superintendent, Office of the District Education Officer (M), Nowshera also present.

The case was explained in detail by both the parties. The allegations of the complainant's are that those candidates who were selected did not participate in the NTS test for the post of PST held on 21st, 22nd, 28th and 29th November, 2015. The complainant has requested access to the video recording conducted by NTS Authorities at the time of the written test. According to the complainant, the NTS Authorities had informed him on telephone that the video recording can be provided to the complainant only on the request of the DEO (M), Nowshera. The representative of the District Education Officer (M), Nowshera informs that they have already taken up the said matter with the NTS and had requested them for providing the video recording to their office but the NTS Authorities have not yet responded to their letter. They have also issued a reminder in this respect to the NTS Authorities.

This Commission is of the view that the matter is very serious and the allegations, if proved, would bring to the fore great criminal conspiracy not only jeopardizing the careers of many talented candidates but would also undermine the spirit of NTS Process upon which this nation has placed great confidence.

It is in this spirit that by invoking our power under Section 25 of the Right to Information Act, 2013, we request the National Accountability Bureau, Peshawar to probe the matter thoroughly in Public Interest and proceed against the gangs involved in the racket.


Chief Information Commissioner


Commissioner-I


Commissioner-II



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No: RTIC/AR/1-1382/16
Dated: 28th July, 2016

(COMPLAINT NO. 01382)

REF: MR. MUHAMMAD IMRAN VS. CPO, PESHAWAR.

PROCEEDINGS

Mr. Musa Khan, Father of the complainant Mr. Muhammad Imran, in person present. Mr. Alamgir Khan, Reader, Central Police Office, Peshawar also present.

The representative of the Public Body brought the entire file which was shown to the father of the complainant. It so happened that the complainant has topped the NTS test by securing 93 marks. Later on, the complainant was found deficient in height by half an inch. The height was re-measured by a Review Board which consisted of five officers on 04/09/2014. In the Review Board, the complainant was again found deficient in height by half an inch. There are documents available on the file of the Public Body that condonation on height has been stopped except for the sons of the Shuhada Police.

The father of the complainant is a retired Police Constable and is alive, hence according to the Police Department, no condonation can be allowed to the complainant in height. Photocopies were offered to the father of the complainant but he refused receiving the photocopies and also stated that he wanted the remarks of the Inspector General of Police on his son's application. The representative of the Public Body displayed the entire file before the father of the complainant where no information was available regarding the remarks of the IGP, Khyber Pakhtunkhwa. The father of the complainant got furious and stated that the Police Department is concealing the record. He was informed that if the Public Body gives in writing that information is not available with them, this Commission has to believe them. The father of the complainant went away without receiving the photocopies. The same is placed on the file of this Commission. This case is closed.


Chief Information Commissioner


Commissioner-I


Commissioner-II



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
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6th Saddar Road, Peshawar
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No: RTIC/AR/1-1930/16
Dated: 28th July, 2016

(COMPLAINT NO. 01930)

REF: MR. MANSOOR ALI VS. DEO (M), NOWSHERA.

PROCEEDINGS

Mr. Mansoor Ali, complainant, is not in attendance. Mr. Mehir Gul, Superintendent, Office of the District Education Officer (M), Nowshera is present.

The case was discussed in detail with the representative of the Public Body. He stated that all the information regarding PTC fund relevant to their office, has already been provided to the complainant vide letter No. 1195-96, dated: 16th April, 2016.

However, the information regarding PTC fund of female school in Jaloza Circle fall under the jurisdiction of DEO-F, Nowshera. In view of this Commission, the said case regarding PTC fund is referred to DEO -F, Nowshera with the direction to provide the information to the complainant within seven working days failing which punitive proceedings will be initiated under Section 26 of the Right to Information Act, 2013.

A copy of these Proceedings shall be sent to the District Education Officer (F), Nowshera.

Chief Information Commissioner

Commissioner-I

Commissioner-II