



AT  
of

GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION COMMISSION  
Near BRT Abdara Station, Behind Jabar Flats, Arbab Colony  
University Road, Peshawar  
Email: [complaints.kprti@kp.gov.pk](mailto:complaints.kprti@kp.gov.pk)  
Ph: +92-91-9216557  
Fax: +92-91-9216561

**MR. GUL MARJAN, CEO Marwat Enterprises ..... (Complainant)**

**Vs.**

**Peshawar Development Authority, Peshawar. (Public Body)**

**(COMPLAINT NO. 6340)**

### **PENAL ORDER**

Brief facts of the instant complaint are that the complainant/ requester Mr. Gul Marjan submitted an application/request for provision of information/record i.e. attested copies of file regarding the plot measuring 463x215 situated near civic center Phase –II Hayatabad, Peshawar. The said request of the complainant/ requester was not honored by the concerned Deputy Director, Public information Officer (PIO) namely Syed Khalid Amin Shah as per the time line laid down in section 11 of the KP RTI Act, 2013. Hence being aggrieved filed complaint no. 6340 dated: 23-10-2019 U/S 23 (1) of RTI Act, 2013 in this Commission against the said PIO.

After fulfillment of the codal formalities, the Commission vide letter No. KPIC/AR/1-6340/19/8502-03 dated: 30-10-2019 followed by the reminders dated: 20-11-2019 and 30-12-2020 whereby Mr. Khalid Amin Shah, Deputy Director in the capacity of the Public Information Officer (PIO) was directed to respond the complaint, but the same turned out in futility. Subsequently the Commission vide letters No. KPIC/AR/1-6340/19/853-54 dated: 07-02-2020 and KPIC/AR/1-6340/2020/4357-59, directed the PIO to attend the Commission for hearing on the date fixed i.e. 12-02-2020 but the said official of public body did not attend the Commission to explain the factual position of the case. Despite directions of the Commission to appear on 12-02-2020 another opportunity was given to him to appear before the Commission on 1-09-2020 but was of no avail.

Resultantly, during the proceeding a show cause notice dated: 09-09-2020 was served upon the said Deputy Director (Syed Khalid Amin Shah) being the Public Information Officer with the direction to explain/show the cause as to why action should not be initiated against you U/C 26 (3) (b) of the KP RTI Act, 2013. In response to the show cause notice the reply of the public information Officer vide letter No. 085/10/2020 is not





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satisfactory. The act/omission on the part said public information officer amounts to denial of the vested right of the requester/complainant.

Resultantly, in exercise of the powers conferred by Section 26 (3)(b) of the Right to Information Act, 2013, a fine of Rs. **15000/-** ( Fifteen Thousand Only) is imposed upon **Mr. Syed Khalid Amin Shah** Dy. Director (IT), PDA, Peshawar for his non-compliance of the mandatory provision KP RTI Act, 2013. The fine amount shall be deducted by the DG PDA (Head of Public Body) from the salary of **Mr. Syed Khalid Amin Shah** DD (IT), PDA and shall be deposited in Provincial Government Treasury under Account No. **C 03841** with intimation to this Commission. It is further directed that the requested information be provided to the complainant within ten days of the issuance of this order, failing which penal proceedings under section 28 of the Act ibid would be initiated against the PIO.

RO & AC

Dated: \_\_\_\_/November, 2020.

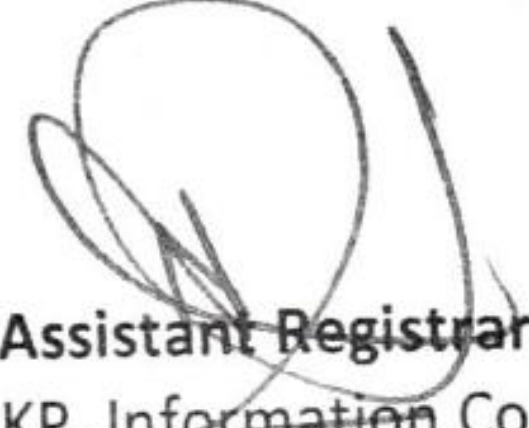
-Sd-  
Chief Information Commissioner

-Sd-  
Information Commissioner -II

Endst No. & Date: KPIC/AR/1-6340/19/ 7226-28 dated: 07 December, 2020

Copy to:

1. Ps to Director General, Peshawar Development Authority, Peshawar.
2. Syed Khalid Amin Shah, Deputy Director (IT), Peshawar Development Authority, Peshawar.
3. Mr. Gul Marjan (Complainant).

  
Assistant Registrar,  
KP. Information Commission,  
Peshawar