



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

REF: - MR. KHURRUM IFTEKHAR VS. WATER & SANITATION SERVICES
PESHAWAR (WSSP).
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9043)

(12th July, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Khurram Iftekhar sought information from the Water & Sanitation Services Peshawar (WSSP) here after referred as public body regarding **Work order, BOQ, IPCs and TS copy of Annual M&R Sewerage & Water Supply. Drainage Line in Zone C, WSSP FY2018-19**. The complaint was examined by the Commission vis-à-vis the various provisions/ sections of the KP RTI Act 2013, and decided to direct the public body to respond to the Commission. A series of Correspondence were made between the Commission and the public body for the provision of information but the public body failed to furnish complete and requisite information as **BOQ, IPCs and TS copy of Annual M&R Sewerage & Water Supply. Drainage Line in Zone C, WSSP FY2018-19** are still pending at their end despite repeated requests and bringing the same into the notice of the CEO concerned by the Commission. Suffice to add is that the complaint is pending since 03-06-2022; with no fruitful outcome which is a clear violation of various provisions of the Act ibid on the part on the PIO office as well as the management of the WSSP. Thus, the Commission issued Personal Hearing notice to the Manager (Communication and Media)/PIO of the public body to attend the Commission on 12-07-2023 to explain the factual position about the instant complaint.
- ii. However, neither the PIO nor any of the representative of the public body attended the Commission in the subject complaint.

2. OBSERVATIONS OF THE COMMISSION:

The Commission took a serious notice of the unwarranted behavior on the part on the PIO office in particular and the management of the WSSP for non-compliance of the Section 25 & 26 of the Act ibid.

3. DECISION:

- i. Hence; in view of the above the Commission thus invoking powers under Sections 25 (3) (b) & 26 (3) (c) of the Act ibid decided to recommend to the Secretary to Government of Khyber Pakhtunkhwa Local Government and Rural Development Department, Peshawar to initiate a formal



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inquiry against the PIO office as well as the management of the WSSP for systematic failure as well as non-compliance of the Commission orders/notices under intimation to the Commission.

- ii. The Commission also requests the Secretary to Government of Khyber Pakhtunkhwa Local Government and Rural Development Department, Peshawar to get the requisite information from the WSSP and make available the same to the Commission within **fifteen** working days positively.

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Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9043/2023/ 18698-18704 dated: 26 July, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Local Government & Rural Development Department, Peshawar.
3. Chief Executive Officer (CEO), Water and Sanitation Services, Peshawar (WSSP)
4. Manager (Communication and Media)/PIO, Water and Sanitation Services, Peshawar (WSSP)
5. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Mr. Khurram Iftkhar (Complainant)

Assistant Registrar,
KP Information Commission,
Peshawar



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**REF: - MR. MUHAMMAD FARIDOON VS. PUBLIC HEALTH ENGINEERING
DIVISION, ABBOTABAD.**
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 8097)

(13th July, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Faridoon sought information from Executive Engineering Public Health Engineering Division, Abbottabad here after referred as public body regarding the appointment of 23 officials of the public body. The complaint was examined by the Commission vis-à-vis the various provisions/ sections of the KP RTI Act 2013, and decided to direct the public body to submit parawise response to the Commission. A series of correspondence was made between the Commission and the public body for the provision of information but the public body failed to provide complete and requisite information which warranted Personal Hearing in the instant case. Thus; the Commission issued Personal Hearing notice to the Executive Engineer of the public body to explain the factual decision which was attended by the Executive Engineer of the public body.
- ii. The representative of the public body stated that criteria for appointment as well as appointment orders have already being provided to the complainant through the Commission whereas as far as the academic documents and domiciles are concerned the same is being part of their personal files being held by the Superintendent Engineer of the public body.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission is of the view that it is the responsibility of the PIO office to collect the information from any other office of the same public body.



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- ii. The Commission took a notice of the non-availability of the PIO in the public body concerned.

3. DECISION:

- i. The Commission therefore, directs the Executive Engineer office to notify a designated officer as a Public Information Officer (PIO) as mandated by Section 6 of the KP RTI Act; 2013.
- ii. The Commission also decided to direct the Superintendent Engineer, Abbottabad Division, Abbottabad to make available Domiciles and Academic documents of the 23 officials of the public body concerned to the Executive Engineer office for onward transmission to the Commission within seven working days positively to avoid penal action under the KP RTI Act, 2013.

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Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-8097/2023/ 18705-10 dated: 26 July 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Mr. Zahid Hussain, (XEN), Public Health Engineering Division, Abbottabad.
3. Superintendent Engineer, Public Health Engineering Division, Abbottabad
4. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Muhammad Faridoon (Complainant)


Assistant Registrar,
KP Information Commission,
Peshawar



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**REF: - MR. USMAN SHAH VS. PROVINCIAL OMBUDSMAN SECRETARIAT,
KHYBER PAKHTUNKHWA, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9458)**

(13th July, 2023)

1. FACTS OF THE COMPLAINT:

Brief facts of the case are that a citizen/ complainant namely Mr. Usman Shah sought information from the Department/ Public Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa, Peshawar here after referred as Public Body to submit parawise response to the information mentioned below:

- i. "List of candidates applied for the post of Assistant Director Investigation.
- ii. List of short listed candidates applied for the post of Assistant Director Investigation.
- iii. Individual marks sheets of each member of the selection Committee in respect of candidates interviewed for the post of Assistant Director Investigation.
- iv. Final Merit List of candidates for the post of Assistant Director Investigation has been prepared, duly signed by all member of the selection committee.
- v. Summary for Chief Minister, Khyber Pakhtunkhwa
- vi. Complete Academic Record of candidates appeared in the Test/interview for the post of Assistant Director Investigation.
- vii. Selection Criteria for the post of Assistant Director Investigation.
- viii. Copy of Notification/Appointment Order of the selected Candidate for the post of Assistant Director Investigation.
- ix. Copy of Charge Assumption Report of the selected candidate



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for the post of Assistant Director Investigation.

- i. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the public body to submit parawise response to the Commission. A series of correspondence were made between the Commission and the public body for the provision of information but the public body failed to furnish complete and requisite information to the Commission. Thus; the Commission issued Personal Hearing notice to the Section Officer (Admn)/PIO, Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa, Peshawar of the public body to attend the Commission on 13-07-2023 to explain the factual position about the instant complaint.
- ii. However, neither the PIO nor any of the representative of the public body attended the Commission in the subject complaint.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that Para (i), (ii), (iv), (vii), (viii). of the instant complaint needs to be proactively disclosed on the Official Website by the Public Body.
- ii. The Commission also observed that being a sister organization cooperation between the Commission and the public body is not only important but it will also facilitate the general citizens in the implementation of their rights in general and implementation of Article 19(a) under the Act ibid in particular.



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iii. The Commission also observed that the complainant himself attended the Commission and stated that he had received only merit list via the Commission in the subject complaint.

3. DECISION:

- i. Hence; in view of the above, the Commission decided to direct the Public Body to make available the record/ information as highlighted above on their Official Website being mandatory requirement under section 5 of the Act *ibid*.
- ii. Furthermore; the Commission directs the Public Body/PIO to submit parawise response to the Commission within **seven** working days in a professional and up to date manner along with all the requisite information/record to decide the complaint under the Act *ibid*.

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Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9458/2023/18697-97 dated: 26 ^{July} June, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Deputy Director/PIO, Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa, Peshawar
3. Section Officer (Admn), Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa, Peshawar
4. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Usman Shah (Complainant)


Assistant Registrar,
KP Information Commission,
Peshawar