



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
Near BRT Abdara Station, Behind Jabar Flats,
Arbab Colony, University Road, Peshawar
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**REF: - DR. KHALID KHAN VS. GOVERNMENT OF KHYBER PAKHTUNKHWA
SCIENCE TECHNOLOGY & INFORMATION TECHNOLOGY DEPARTMENT,
PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10391)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Dr. Khalid Khan sought information from the Department/ Public Body Government of Khyber Pakhtunkhwa Science Technology & Information Technology, Department here after referred as Public Body to submit parawise response to the information as mentioned below:
 - a) Appointment order of Mr. Noman Zaman Assistant Accountant appointed under PR5396 under IT Professional Training, ITEC project.
 - b) Advertisement in which the Assistant Accountant post was advertised.
 - c) Documents and grounds showing upgradation of the post from BPS-14 to BPS-16.
 - d) PC-1 of the project
 - e) Mr. Noman Zaman credentials including his certificates, degrees, experience certificates, etc. in short all that were considered for his appointment.
- ii. 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



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for the provision of information but the public body failed to present any plausible reply which warranted the Personal Hearing in the instant case. Thus; the Commission issued Personal Hearing notice to the Assistant Director (IT)/PIO to explain the factual decision which was attended by the Assistant Director/PIO of the ST & IT; Peshawar.

- iii. The Public Information Officer (PIO) of the Public Body apprised the Commission that the information sought by the complainant pertains to the then Directorate of IT which was dissolved and the assets were handed over to the Directorate General of Science and Technology Peshawar, & KP IT Board Peshawar, therefore, the same may be requisitioned from the quarter(s) concerned.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought by the complainant comes within the purview of Section 5 of the KP RTI Act, 2013, and thus liable for provision to the complaint as well as proactively disclosed under the Act *ibid.* within five working days positively.



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3. DECISION:

- i. The Commission decided to refer the matter to Secretary ST & IT being the administrative department of both the Directorate of Science and Technology and KPIT Board the responsibility vests on the Secretary Science and Technology Department Peshawar to get the information from the quarter concerned and submit parawisely to the Commission within **five** working days in a professional and up to date manner to decide the complaint under the Act ibid..
- ii. The Commission also decided to direct the instant public body to make available the above referred information on the Official Website of the public body concerned.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10391/2023/ 21400-06 dated: 23 October 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Science Technology & Information Technology (ST&IT) Department, Peshawar
3. Assistant Director (IT)/PIO, Directorate General Science & Technology, Peshawar
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Dr. Khalid Khan (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. WAQAR AHMED VS. DISTRICT EDUCATION OFFICER (FEMALE)
CHARSADDA
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9467)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Waqar Ahmed sought information from District Education Officer (Female) Charsadda here after referred as Public Body as below:
 - a. List of Employment Exchange forwarded to your office for recruitment of class IV.
 - b. Copy of the minutes of the meeting regarding the recruitment of class IV
 - c. Copy of appointment orders of the selected candidates of the employment exchange cards.
 - d. List of applicant who applied in the said post in your office.
- ii. The complaint was examined vis-à-vis the various provisions/sections in the KP RTI Act, 2013 and the Public Body was directed to provide the same to the complainant as well as proactively disclose the same as mandated by section 5 of the Act *ibid*. A series of correspondence were made between the Commission and the Public Body regarding the provision of information to the complainant. However the Public Body vide their letter No.27978 Dated: 03-11-2022 informed the commission that the recruitment is under process. Consequently, the Commission disposed of the case sine die till the



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finalization of the process of recruitment. The Commission again took the matter with the public body through a set of correspondence once the process got finalized but the Public Body did not respond to the directions of the commission despite repeated notices from the commission as well as the office of their administrative Secretary. This warranted the Commission to proceed further in the matter and issue personal hearing notice to the DEO-(Female)/PIO concerned to explain the factual position.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the DEO concerned failed to attend the personal hearing or comply with the directions of the Commission which warranted the recommendation of an inquiry against the DEO concerned for willful non-compliance of the Commission directions to the administrative Secretary i.e. Secretary Elementary Education as mandated under section 25 (4) of the Act *ibid*.
- ii. The Commission also observed that the information sought by the complainant comes within the purview of section 5 of the Act *ibid*. and needs to be proactively disclosed by the public body concerned.

3. DECISION:

- i. In view of the above the Commission decided to recommend a formal inquiry against the DEO-F concerned to the Secretary Elementary & Secondary Education as mandated by section 25 (3) (b) of the KP RTI Act, 2013 for willful non-compliance.



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- ii. The Commission also directs the DEO concerned to make available all the record/information parawisely to the Commission within **five** working days to avoid penal action under section 26 (3) (b) and 28 of the Act ibid.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9467/2023/ 21366-71 dated: 23 October 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar
3. District Education Officer (Female), Charsadda
4. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Waqar Ahmed (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. DILDAR ALAM VS. PESHAWAR DEVELOPMENT AUTHORITY,
PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10398)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- a) Brief facts of the case are that a citizen/ complainant namely Mr. Dildar Alam sought information from the Director General Peshawar Development Authority, Peshawar here after referred as Public Body regarding transfer deed of the plot concerned.
- b) The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and the Commission decided to direct the public body to respond under section 10 of the KP RTI Act, 2013. The public Body vide letter No.03-02-02/DD-PIO/PDAH-945-947 Dated: 23-06-2023 responded to the directives of the commission. However, after perusal of record the Commission decided to proceed further in the matter by according audiences to both the public body and the complainant to decide the instant complaint as mandated by various provisions of the Act *ibid*. Thus; the Commission issued Personal Hearing notice to the PIO concerned to explain the factual position which was attended by the Housing Officer of the public body concerned.
- c) The representative of the Public Body appraised the Commission that the information sought by the complainant pertains to the transfer deed of the plot of a lady. The



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complainant explained the commission that he only needs copy of the affidavit which was submitted on his name.

2. DECISION:

Hence; in view of the above the Commission decided to share a copy of the Affidavit only with the complainant as it contains the signatures of the complainant.

With these remarks the instant complaint is filed.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-8916/2023/ 21325-28 dated: 19 ^{oct} July, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Housing Officer, Peshawar Development Authority, Peshawar
3. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
4. Mr. Dildar Alam (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar



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**REF: - MR. DILDAR ALAM VS. PESHAWAR DEVELOPMENT AUTHORITY,
PESHAWAR**
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10398)

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- a) Brief facts of the case are that a citizen/ complainant namely Mr. Dildar Alam sought information from the Director General Peshawar Development Authority, Peshawar here after referred as Public Body regarding transfer deed of the plot concerned.
- b) The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and the Commission decided to direct the public body to respond under section 10 of the KP RTI Act, 2013. The public Body vide letter No.03-02-02/DD-PIO/PDAH-945-947 Dated: 23-06-2023 responded to the directives of the commission. However, after perusal of record the Commission decided to proceed further in the matter by according audiences to both the public body and the complainant to decide the instant complaint as mandated by various provisions of the Act *ibid*. Thus; the Commission issued Personal Hearing notice to the PIO concerned to explain the factual position which was attended by the Housing Officer of the public body concerned.
- c) The representative of the Public Body appraised the Commission that the information sought by the complainant pertains to the transfer deed of the plot of a lady. The



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complainant explained the commission that he only needs copy of the affidavit which was submitted on his name.

2. DECISION:

Hence; in view of the above the Commission decided to share a copy of the Affidavit only with the complainant as it contains the signatures of the complainant.

With these remarks the instant complaint is filed.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-8916/2023/ 21325-28 dated: 19 06 July, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Housing Officer, Peshawar Development Authority, Peshawar
3. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
4. Mr. Dildar Alam (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar



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**REF: - DR. KHALID KHAN VS. KHYBER PAKHTUNKHWA DIRECTORATE
GENERAL OF SCIENCE AND TECHNOLOGY, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9973)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Dr. Khalid Khan sought information from the Department/ Public Body Khyber Pakhtunkhwa Directorate General of Science & Technology, Peshawar here after referred as Public Body sought information about the contact details and addresses of the houses of the then Director Mr. Sajjad Hussain Shah.
- ii. 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 provide asset declaration form of the officer concerned 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 present any plausible reply which warranted the Personal Hearing in the instant case. Thus; the Commission issued Personal Hearing notice to the Assistant Director (M&E)/PIO to explain the factual position which was attended by the PIO concerned of the public body.
- iii. The Public Information Officer (PIO) of the Public Body appraised the Commission that the matter has already been taken up with the DG concerned being the head of the directorate who has responded that the information is exempted under the Section 16 of the KP RTI Act, 2013.



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2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the plea of the public body that the information sought by the complainant comes within the purview of Section 19 of the KP RTI Act, 2013 is not maintainable.
- ii. The Commission also observed that since there is a direct conflict of interest of the DG concerned with the information sought by the complainant as the information pertains to his asset declaration forms therefore; the public body failed to comply the direction of the Commission.

3. DECISION:

- i. Hence; in view of the above, the Commission decided to forward the case of non-compliance to the Secretary ST&IT Department to intervene into the matter as being the Administrative Secretary the responsibility vests on the Secretary concerned to obtain the requisite information from the quarter concerned and submit to the Commission for examination and decision within seven working days positively.



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Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9973/2023/ 21332-37 dated: 23 October 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Science Technology & Information Technology (ST&IT) Department, Peshawar
3. Assistant Director (M&E)/PIO, Directorate General Science & Technology, Peshawar
4. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Dr. Khalid Khan (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MS. NADIA JADOON VS. KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10334)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Ms. Nadia Jadoon sought information from the Department/ Public Khyber Pakhtunkhwa Public Service Commission, Peshawar here after referred as Public Body documents regarding the post of Assistant Drafting Officer: as below
 - a. Mark Sheet of each members of Interview.
 - b. Final Interview Aggregate
 - c. Final Merit List
- ii. 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. The public body vide their letter No. PSC/IT/P.IO/013122 Dated: 06-06-2023 informed vide their office letter No. PSC/IT/P.I.O/ 007644 Dated: 20-03-2023 as per KPPSC Regulation 2017, Section 3(f) "interview proceeding is confidential and cannot be challenged". Therefore, the interview mark sheet of all the candidates who appeared cannot be shared in accordance with KP RTI Act, 2013. Thus; the Commission issued Personal Hearing notice to the Assistant Director (IT)/PIO, of the public body to attend the Commission on 12-10-2023 to explain the factual position about the instant complaint. The PIO Attended the Commission and reiterated his above stance.



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2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that Para 1 of the RTI request of the complainant is not maintainable being hit by the exempted category under the Act *ibid*.
- ii. The commission also observed that the complainant being a citizen is entitled to her own descriptive mark sheet as well as final merit list of the all the selected candidates.

3. DECISION:

- i. Hence; in view of the above, the Commission decided to direct the Public Body to make available certified consolidated descriptive mark sheet of the complainant as well as final merit list of the said position to the Commission within **three** working days positively

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Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10334/2023/ 21338-43 dated: 23 October 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
3. Assistant Director (IT)/PIO, Khyber Pakhtunkhwa Public Service Commission, Peshawar
4. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Ms. Nadia Jadoon (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - DR. KHALID KHAN VS. UNIVERSITY OF ENGINEERING AND APPLIED
SCIENCES, SWAT AT KABAL
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 8897)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Dr. Khalid Khan sought information from the University of Engineering & Applied Sciences, District Swat, and here after referred as Public Body to submit parawise response to the information sought from Para 1 to Para 15; some of which are mentioned below:
- 1) Act, Statutes, rules, regulations, Policies under which the University is being governed.
 - 2) Attested copy of the change of name of the university from University of Engineering and Technology Swat to University of engineering and Applied Science Swat.
 - 3) The Law/Authority under which contract agreement signed with Dr. Faisal AP has been approved.
 - 4) Attested copy of the advertisement of the posts including the post over which Dr. Faisal has been appointed as Assistant Professor (AP).
 - 5) Appointment notification/order of Dr. Faisal as AP
 - 6) Attested copy of the notification No. SO(Policy)/E&AD/1-2512007 dated 09-12-2017 referred to in the notification of additional charge of Dr. Faisal and the authority that approved the adoption/ application of this notification.
 - 7) As per terms and conditions No 4 of the offer letter "You will have to provide verified copies of all certificate/Degrees



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from the respective Boards/Universities” so please provide attested copies of

- i. HEC verified transcripts of MPhil and PhD degrees of Dr. Faisal AP
 - ii. HEC verified MPhil and PhD degrees of Dr. Faisal AP
 - iii. HEC issued equivalence of Dr. Faisal AP MPhil and PhD degrees etc.”
- ii. 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 however, the Public Body failed to respond to Para 1, 2, 11, 12, 13 & 14 which warranted Personal Hearing in the instant case. Thus; the Commission issued Personal Hearing notice to the Additional Director Operations/PIO to explain the factual position.
- iii. The Public Information Officer (PIO) of the Public Body appraised the Commission that the Statues of the Public Body are yet to be approved and will be uploaded on the website once approved. The PIO further informed the Commission that the information sought in Para 14 i.e. PC-1 has already been uploaded on the website. Furthermore, the information sought of the Assistant Professor (AP) concerned may be retrieved from his personal files and submit to the Commission.



2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought by the complainant in Para 1, 2, 3, 4, 5, 6, 10, 11, 14 comes within the purview of section 5 of the KP RTI Act, 2013 and needs to be proactively disclosed on the website.
- ii. The Commission also questioned the appointment is made in the Public Body in the absence of the University Statutes.

3. DECISION:

- iv. Hence; in view of the above, the Commission decided to direct the instant Public Body to make available the information sought in Para 1, 2, 3, 4, 5, 6, 10, 11, and 14 on the Official Website of the Public Body concerned within **three** working days under intimation to the Commission.
- v. Furthermore; the Commission directs the Public Body/PIO to provide the remaining information i.e. Para 1, 7, 11, 12, 13, & 14 to the Commission within **three** working days in a professional and up to date manner to decide the complaint and avoid penal action under the Act *ibid*.



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Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-8897/2023/ 21347-53 dated: 23, October, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Archives & Libraries Department, Peshawar
3. Project Director, University of Engineering and Applied Sciences, Swat
4. Additional Director Operations/PIO, University of Engineering , and Applied Sciences, Swat
5. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Dr. Khalid Khan (Complainant)

Deputy Registrar,
KP Information Commission,
Peshawar



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**REF: - MR. HAYAT ULLAH VS. DISTRICT HEALTH OFFICER LAKKI MARWAT
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10255)**

(12th October, 2023)

1. FACTS OF THE COMPLAINT:

Brief facts of the case are that a citizen/ complainant namely Mr. Hayat Ullah sought information from District Health Officer (DHO) Lakki Marwat here after referred as public body regarding

- a) "Advertisement for the job filled for the last 12 months.
- b) List of Employment Exchange for filling the said job/vacancies.
- c) Copies of Appointment Orders made in this regard."

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 was made between the Commission and the public body for the provision of information but the public body failed to provide any plausible reply which warranted the Personal Hearing in the instant case. Thus, the Commission issued Personal Hearing notice to DHO/PIO of the public body to explain the factual position which was attended by which was attended by the Representative of the public body.

The representatives of the public body stated that the requisite information was provided to the complainant. Therefore, the complainant maybe advised to approach the public body concerned to get the same from the public body concern.

The complainant telephonically informed the commission that the information provided were inadequate; meager and incomplete as per his RTI request.



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2. OBSERVATIONS OF THE COMMISSION:

The Commission observed that sending a representative below the rank of the gazetted officer/ADHO is totally unwarranted on the part of the public body and such systemic failures on the part of the public body maybe brought into the notice of Director General Health Services, Peshawar.

3. DECISION:

- i. Thus, in view of the above the Commission directs the public body to provide parawise reply along with the requisite information to the Commission within **three** working days positively to decide the complaint accordingly.
- ii. The commission also decided to recommend to the Director General Health Services for proper inquiry for non-compliance and systematic failure of directions of the commission by the above referred public body as mandated by the KP RTI Act, 2013.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10255/2023/ 21372-77 dated: 23 July, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Director General, Directorate General of Health Services, Peshawar
3. District Health Officer/PIO, Lakki Marwat
4. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Hayat Ullah (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MS. SYEDA ROZINA KAUSAR VS. DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10360)**

(25th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Ms. Syeda Rozina Kausar sought information regarding copy of the Merit List of the Female SST of all zones of KP issued on July 12 1999 from the Directorate of Elementary & Secondary Education, Peshawar here after referred as Public Body.
- ii. 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 provide copy of the concerned merit list to the complainant under intimation to the Commission. A series of correspondence was made between the Commission and the Public Body for the provision of information however, the Public Body vide there letter No. 3750/File:555/RTI/P.F.Syeda Rozina Kausar/Peshawar/2023 Dated: 06-09-2023 informed the commission the desire information is not available in the Public Body which warranted the Commission to issue personal hearing notice to the Assistant Director (RTI & Ombudsman)/PIO to explain the factual position.
- iii. The Assistant Director / representative of the Public Body attended the Commission and upheld the same plea as highlighted in the above referred letter.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought by the complainant comes within the purview of section 5 of the KP RTI Act, 2013 and needs to be proactively disclosed on the official website of the Public Body.
- ii. The Commission also questioned why appointment related record did not exist within the Public Body despite the fact that there is a likelihood of a number of officials to be promoted on the seniority lists originated from the Merit List concerned.

3. DECISION:

- i. The Commission directed the PIO of the Elementary & Secondary Education Department to check the instant record in the Directorate of Elementary & Secondary Education and provide the same to the complainant within ten working days under intimation to the Commission.
- ii. The Commission decided also to recommend a formal inquiry as mandated by section 25 (3) (b) of the Act *ibid.* to the Administrative Secretary i.e. Secretary Elementary & Secondary Education of the Public Body concerned within 15 working days under intimation to the Commission and in case the record was not traced.

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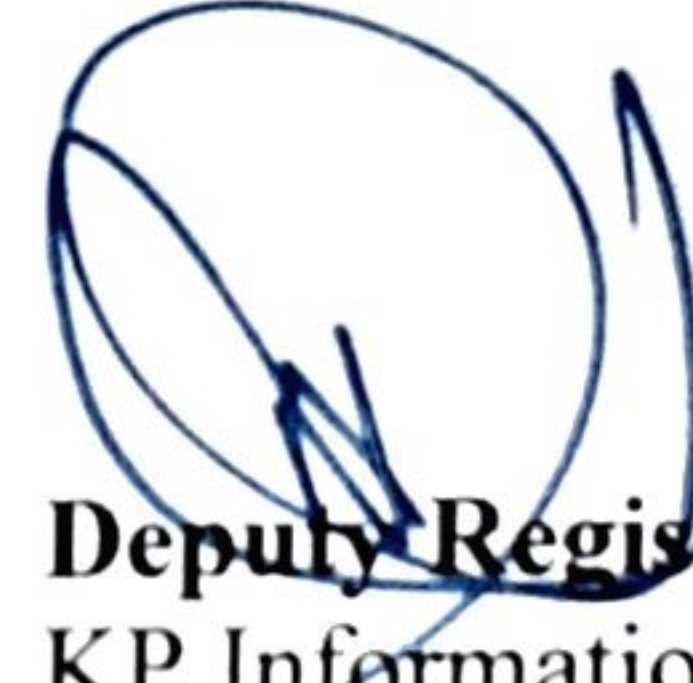
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-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10360/2023/ 21778-84 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Department, Peshawar
3. Assistant Director (RTI & Ombudsman)/PIO, Directorate of Elementary & Secondary Education, Peshawar.
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Ms. Syeda Rozina Kausar (Complainant)



Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. SYED ALI ABBAS VS. DIRECTORATE GENERAL (EXTENSION),
LIVESTOCK & DAIRY DEVELOPMENT, DEPARTMENT, BACHA KHAN CHOWK,
PESHAWAR.**

**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9815)**

(25th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Syed Ali Abbas sought information from the Directorate General (Extension), Livestock & Dairy Development, Department, Bacha Khan Chowk, Peshawar and here after referred as Public Body to submit parawise response to the information sought from Para 1 to Para 8; some of which are mentioned below:

- 1) Advertisement post.
- 2) Merit calculation formula.
- 3) Final merit list having test marks, academics marks, higher qualification marks, experience marks and Interview marks of the above post.
- 4) Educational, experience, domicile and disabled certificates of the selected candidate of the above post.
- 5) CNIC copy of the disabled selected candidates.
- 6) Office orders of the selected candidate.
- 7) Attendance sheet of the interview for the said post.
- 8) Recruitment committee members name and designation along with the minutes of meeting of the said post recruitment.



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- ii. 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 however, the Public Body failed to respond to the Commission directions. Thus; the Commission issued Personal Hearing notice to the Director (HQ)/PIO to explain the factual position.
- iii. The Veternity Officer/ representative of the Public Body attended the Commission and stated that the complainant failed in the test and submitted a copy of the concerned test result.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought by the complainant in Paras 1, 2, 3, and 6 comes within the purview of section 5 of the KP RTI Act, 2013 and needs to be proactively disclosed on the website of the Public Body.
- ii. The Commission also observed that despite a lapse of considerable period the Public Body did not respond to the Commission as per RTI request which is not justifiable.



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3. DECISION:

- i. In view of the above, the Commission decided to direct the instant Public Body to make available the information sought in Paras 1, 2, 3, and 6 on the official website of the Public Body within **five** working days positively in a professional and up to date manner.
- ii. Furthermore; the Commission directed the Public Body/PIO to provide the parawise reply along with the requisite information to the Commission within **five** working days positively to avoid penal action under the Act *ibid*.
- iii. It was further decided that an inquiry may be conducted by DG concerned for non-compliance of the Commission directions despite a lapse of considerable time.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9815/2023/ 21746-52 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Director General, Directorate General (Extension), Livestock & Dairy Development, Department, Bacha Khan Chowk, Peshawar.
3. The Director (HQ)/PIO, Directorate General (Extension), Livestock & Dairy Development, Department, Bacha Khan Chowk, Peshawar.
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. ~~Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.~~
6. Mr. Syed Ali Abbas (Complainant)

Deputy Registrar,
KP Information Commission,
Peshawar.



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REF: - MR. MUHAMMAD WASIM VS DISTRICT SPORTS OFFICER, TANK
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10307)

(25th October, 2023)

1. FACTS OF THE COMPLAINT:

i. Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Wasim sought information from District Sports Officer as below:

- 1) How much Budget has been released from Sports Department of Tank and its quarter wise detail for the year 2021-2022 and 2022 to 2023.
- 2) How much fund has been utilized for the salaries of the employees.
- 3) How much players are getting monthly stipend from sports Department Tank
- 4) How much of the fund have been used for the purchase of sports items
- 5) Details and price list of the Para 4
- 6) How many employees are working in the department and their nature of employment
- 7) Criteria and recruitment of the employees.

ii. 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 parawisely to the Commission. A series of correspondence was made between the Commission and the Public Body for the provision of information however, the



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Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint.

- iii. The District Sport Officer attended the Commission and submitted the reply vide letter No. 1177-79/DSO/TK Dated 19-10-2023 that the requisite information has already been provided to the complainant and an acknowledgement receipt to this affect has been taken from the complainant.

2. DECISION:

In view of the above, the instant complaint stands dispose of.

-sd-

Farah Hamid Khan

Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10307/2023/ 21753-58 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. District Sport Officer, District Tank
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. ~~Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.~~
5. Mr. Muhammad Wasim (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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REF: - MR. AHMAD FOUAD AZEEM VS. BANK OF KHYBER, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10265)

(25th October, 2023)

1. FACTS OF THE COMPLAINT:

i. Brief facts of the case are that a citizen/ complainant namely Mr. Ahmad Fouad Azeem sought information from the Bank of Khyber, Peshawar, here after referred as Public Body as below:

- 1) Provide with True Accounts reflecting the actual benefits including Salary, Bonus, Gratuity and Provident Fund, due as of today, payable to Mr. Ahmad Fouad Azeem, PP NO.622/AVP-I by Bank of Khyber Johar Town Branch Lahore, on account of his employment?
- 2) Provide True Accournts regarding the outstanding House Building Loan Amount disbursed/ adjusted till date, which was received by Mr. Ahmad Fouad Azeem, PP No. 622/AVP-I from Bank of Khyber.
- 3) Provided Service Rules and HR Manual & policy of Bank of Khyber, regulating the service of the employee?
- 4) Provide copies of guarantees and renewals extended to clients; M/s Nexus Builders, NEIE-LAC (JV) & M/s LAC-A&C (JV) which were made basis to terminate the services of our client.
- 5) Whether while issuing guarantees to M/s Nexus Builders, NEIC-LAC (JV) & M/s LAC-A&C



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(JV), any Approval was received from BOK Head Quarter, if yes, please provide Approval Letter.

- 6) Whether the Guarantees discussed above were encashed by M/s Nexus Builders, NEIE-LAC (JV) & M/s LAC-A&C (JV), any time after the guarantees were issued and renewals were extended? Provide proof?
- 7) Confirm the present status of guarantees issued to M/s Nexus Builders, NEIE-LAC (JV) & M/s LAC-A&C (JV)? IF such guarantees were called-off, whether any NOC was Development Authority? If so, please provide copies of NOCs.
- 8) Provide the Complaint/Application initiated with FIA Lahore together with fresh Status of the Application moved against Mr. Ahmad Fouad Azeem, PP No. 622/AVP-I? Also provide comments/ report prepared by FIA in the complaint/allocation filed by Bank of Khyber.

- ii. 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 parawisely to the Commission. A series of correspondence was made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission time and again put reliance on section 16 of the Act ibid. vide their letter Nos.



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BOK/HO/HRM/2023/05-172 Dated: 23-05-2023
BOK/HO/HRM/2023/07-144 Dated: 18-07-2023 and
BOK/HO/HRM/2023/09-170 Dated: 27-09-2023 which warranted
personal hearing in the instant case. Thus; the Commission issued
Personal Hearing notice to the Group Head (HRDG)/PIO to explain
the factual position.

- iii. The Public Information Officer (PIO) of the Public Body appraised
the Commission that the complainant was an ex-employee of the
Public Body and his services were terminated by imposing a major
penalty by the Public Body for official mal practices. Beside this a
complaint against him has also been launched in the Federal
Investigation Agency (FIA) Lahore.
- iv. Furthermore, the Public Body also filed a Petition under Section 22-
A/22-B of the Code of Criminal Procedure, 1898 before the Sessions
Court Lahore for registration of criminal case against the
complainant which was dismissed vide order dated: 28-02-2023.
Consequently the Bank filed Writ Petition before the Hon'ble
Lahore High Court, Lahore against the order Dated: 28-02-2023.
Therefore, providing information at this stage may affect the
prosecution in the instant case.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the directions of the Commission
to the Public Body in the instant complaint is clear and explicit
i.e. "It is to direct to respond parawisely to the Commission
within seven working days of the receipt of this letter."



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- ii. The Commission also observed that the job of the Information Commission is to balance the provision of information and the Public Body failed to provide any plausible reason nor any express stay order of the Hon'ble Court to this effect.
- iii. Hence, the plea of the Public Body and the observation thereto are not maintainable.

3. DECISION:

In view of the above, the Commission reiterates its earlier directions and redirects the Public Body to respond parawisely along with the requisite information to the Commission within seven working days positively for examination and decision under the Act ibid.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10265/2023/ 21759-64 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Group Head (HRDG)/PIO, Bank of Khyber, Peshawar
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Ahmad Fouad Azeem (Complainant)

Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. IMTIAZ JAVID VS. ESTABLISHMENT DEPARTMENT, GOVERNMENT
OF KHYBER PAKHTUNKHWA, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10573)**

(25th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Imtiaz Javid sought information regarding copy of the notification No. SOE-IV(E&AD)12(146)2021 Dated: 13-02-2023 and their respective documents from the Establishment Department, Government of Khyber Pakhtunkhwa here after referred as Public Body.
- ii. 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 complainant under intimation to the Commission, followed by a reminder.
Interestingly complainant informed the Commission vide his email dated 14-09-2023 that the Public Body vide their letter No. SOE.IV (E&AD)1-62/2023 Dated: 11-09-2023 informed the Commission that the subject case is under inquiry and yet to be completed therefore, this department regrets its inability provide the said information. Consequently, the Commission issued personal hearing notice to the Section Officer (HRD-II) to attend the Commission on 25-10-2023 to explain the factual position.
- iii. Incompliance, the Section Officer (HRD-II)/PIO attended and appraised the Commission that the complainant attempted to proceed abroad by visiting the embassy of Turkey through presentation of fake NOC which was objected and sent back to the



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Department. Consequently an inquiry was initiated against the complainant for presenting fake (NOC) to the embassy.

2. OBSERVATIONS OF THE COMMISSION:

The Commission observed that complainant had made an RTI, request for the Provision of the Notification NO. SOE-IV(E&AD)12(146)2021 dated: 12-02-2023 and not the inquiry report.

3. DECISION:

In view of the above, the Commission decided to direct the Public Body to respond to the Commission regarding providing a copy of aforementioned Notification as well as the set of correspondence made between the Public Body and the embassy concerned in this regard within five working days positively.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10573/2023/ 2176570 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Section Officer (HRD-II), Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Intiaz Javaid (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. ROIDAD SHAH VS. ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9971)**

(25th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Roidad Shah sought information from the Elementary & Secondary Education Department, Peshawar as below:
 - 1) List of candidates shortlisted for interview.
 - 2) Educational documents of 25 selected candidates for the post of Naib Qasid including Name, Father Names addresses etc.
 - 3) Appointment order copy of the selected candidates.
- 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 was made between the Commission and the Public Body for the provision of information however, the Public Body failed to provide Appointment Orders of 8 officials their qualification and shortlist which warranted personal hearing in the instant case. Thus; the Commission issued personal hearing notice to the Deputy Secretary (AB)/PIO to explain the factual position.



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- ii. Incompliance Section Officer/(IMP-I) attended the Commission and stated that the remaining information has been submitted to the Commission vide their letter No. SO(IMP-I)/R&I/RTI/Roidad Shah/2078 Dated: 28-09-2023.

2. DECISION:

The Commission examined the reaming record/information provided by the Public Body and found it correct/ complete. The Commission also decided to share the same with the complainant.

In view of the compliance made by the Public Body the instant complaint may be treated as disposed of.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9971/2023/ 21753-58 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Section Officer/ (IMP-I)/PIO, Elementary & Secondary Education Department, Peshawar.
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Roidad Shah (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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REF: - MR. FAISAL KHAN VS. DIRECTORATE GENERAL OF FISHERIES, 2-SHAMI ROAD, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 8747)

(26th October, 2023)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Faisal Khan sought information from the Directorate General of Fisheries, 2-Shami Road, Peshawar as below:
 - 1) Advertisement copy
 - 2) No. of vacant post as per Zone wise in KP
 - 3) No. of recruited person as per vacant post filled
 - 4) Merit calculation formula
 - 5) Final merit list having test marks, academics marks, higher qualification marks, experience marks and Interview marks of the above post.
 - 6) Educational, experience, domicile certificates of the selected candidates of the above post.
 - 7) Office orders of the selected candidates.
 - 8) Attendance Sheet of the interview for the said post
 - 9) Recruitment committee members name and designation along with the minutes of meeting of the said post recruitment.
- ii. 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 parawisely to the complainant



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under intimation to the Commission.. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to comply with the directions of the Commission in letter and spirit. Rather the Public Body was involved in undue correspondence questioning the relevancy of the complaint with the information sought. Suffice to add that the direction of the Commission were clear and explicit and the plea of the Public Body was unwarranted. Thus; the Commission issued personal hearing notice to the Deputy Director/PIO to explain the factual position.

- iii. Incompliance Deputy Director/PIO attended the Commission and appraised the Commission that the information sought pertains to Watcher Post and is subjudice in the Hon'ble Peshawar High Court, Peshawar for decision.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought from Para No. 1,2, 3, 4, 5, & 7 comes within the purview of section 5 of the KP RTI Act, 2013 and needs to be proactively disclosed on the official website of the Public Body.
- ii. The Commission also observed that mere subjudice nature of the post in the Hon'ble Court does not bar the provision of information to any citizen including the complainant.
- iii. Suffice to add that the Public Body themselves confirmed that the appointment has been materialized and the officials are getting salaries from the Public Exchequer on the basis of these posts.



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3. DECISION:

- i. In view of the above, the Commission decided to direct the instant Public Body to make available the information sought in Paras 1, 2, 3, 4, 5, & 7 on the official website of the Public Body within seven working days positively in a professional and up to date manner.
- ii. Furthermore; the Commission directs the Public Body/PIO to provide the parawise reply along with the requisite information to the Commission within seven working days positively to avoid penal action under the Act ibid.
- iii. It was further decided that an inquiry may conducted by DG concerned for non-compliance of the Commission directions despite a lapse of considerable time.

-sd-

Farah Hamid Khan

Chief Information Commissioner.

Endst No. & date RTIC/AR/1-8747/2023/24771-77 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Director General, Directorate General of Fisheries, 2-Shami Road, Peshawar.
3. Deputy Director/PIO, Directorate General of Fisheries, 2-Shami Road, Peshawar.
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Mr. Faisal Khan (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF:- MR. MOMIN KHAN VS. ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 7464)**

(26th October, 2023)

1. FACTS OF THE COMPLAINT:

i. Brief facts of the case are that a citizen/ complainant namely Mr. Momin Khan sought information from the Elementary & Secondary Education Department, Peshawar here after referred as Public Body regarding the information sought as below:

- 1) Inquiry Report with all enclosures and recorded statements against Principal Abdur Raqib Ex-Chairman BISE, Kohat, Inquiry conducted by Mr. Hashim Khan and Mr. Mehboob Ahmed Shah.
- 2) Final Office order and Inquiry against Principal Abdur Raqib Ex-Chairman BISE, Kohat which was conducted by Mr. Hashim Khan and Mehboob Ahmed Shah and what action was taken on its recommendations.
- 3) Inquiry Report of Papers, Inquiry Conducted in 2019 by Mr. Hameed Ullah Khan Ex-Chairman BISE DI Khan and others.
- 4) Final office order and disposal of the said inquiry of papers out scandal of SSC exams 2019 of BISE, Kohat.
- 5) Inquiry Report conducted by Principal Jahandad.



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
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- 6) Action taken on my complaint against Muhammad Taslim Superintendent BISE Kohat.
- 7) Why Principal Abdur Raqib promoted to BPS-20 by the PSB.
- 8) Why the principal concern was confirmed in BPS-20.
- 9) Note sheet / DFA of the letter No. S/O(B/T)E&SE/14-14/BISE, Kohat Dated: 24-10-2019.
- 10) The letter signed by the employee of BISE Kohat to ban my entry in the Board building.

ii. 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 provide the requested information/record to the complainant. However, the Public Body vide their letter No. MO-I/ESRU/RTI/Momin Khan/2021 Dated: 25-03-2021 that the information sought cannot be provided to the requester under section 14 16(b) and 19 (1a) of the Act *ibid*. Hence the Commission issued summon in the instant case and directed the Public Body vide this office letter No. KPIC/AR/1-7464/2021/62-63 Dated: 04-01-2022 to provide the information at serial No. 1, 2, 3, 5 and 9 to the commission for examination and decision.

iii. Incompliance, the Public Body responded vide their letter No. SO(Imp-I)/R&I/RTI/Momin Khan 2020-21 Dated: 17-12-2021, that the complaint is a habitual complainant and already black listed by this department, and this office may be guide accordingly. The



Commission took the matter with the Administrative Secretary to intervene and make available the record/ information but to no avail. This warranted the Commission to issue personal hearing notice to the Public Body to explain the factual position.

- iv. Consequently, Section Officer/representative of the Public Body attended the Commission and upheld their previous plea by stating that the complainant is involved in character assassination of the above letter official in the social media.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the job of the Commission is to balance the provision of information as mandated by the Act *ibid.* and taking unnecessary opinion instead of provision of record/information from the Commission once the matter is decided by the Commission *vide* above referred proceedings shows non-professional and laxative approach of the Public Body in the disposal of the instant complaint.
- ii. Suffice to add that merely on the basis of presumption the complaint cannot be barred from the provision of information once examined and decided by the Commission.



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3. DECISION:

Hence; in view of the above, the Commission decided to direct the Public Body to respond to para 1, 2, 3, 5 and 9 along with the requisite information to the Commission for examination and further decision within seven working days positively to avoid penal action under the Act ibid.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-7464/2023/ 21739-48 dated: 03 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar.
3. Section Officer, Elementary & Secondary Education Department, Peshawar.
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Mr. Momin Khan (Complainant)

Deputy Registrar,
KP Information Commission,
Peshawar.