



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

**REF:- MS. SADIA MAZHAR VS. DISTRICT HEALTH OFFICER, PESHAWAR**  
**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 10438)**

(1<sup>st</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

i. Brief facts of the case are that a citizen/ complainant namely Ms. Sadia Mazhar sought information from the District Health Officer, Peshawar here after referred regarding BHU as below:

- 1) List of Basic Health Units (BHU) in District Peshawar.
- 2) List of BHU's of that are not operational in District Peshawar.
- 3) Total sanctioned posts in each BHU.
- 4) Total Number of vacant Post of each BHU.
- 5) Total budget allocated for the purchase of medicine for each BHU from January 2020, to date.
- 6) Total budget allocated for the development/repair /maintenance for each BHU from January 2020 to date.

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. A series of correspondence were made between the Public Body and the Commission but to no avail. This warranted the Commission to issue personal hearing notice to the DHO, Peshawar to attend the commission and explain the factual position.





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- iii. Incompliance, Deputy DHO (Litigation)/ representative of the Public Body attended the Commission and submitted the requisite information vide Diary No. 10867 Dated: 01-11-2023.
- iv. The Commission also observed that all the information sought was covered under section 5 of the KP RTI Act, 2013 and required to be proactively disclosed.

## 2. DECISION:

- i. In view of the above, the Commission after examination of the requisite information decided to share the same with the complainant and dispose of the instant complaint accordingly.
- ii. The Commission also decided to take up the matter of improvement in proactive disclosure at the district level with Secretary Health.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10438/2023/ 22049-54 dated: 13 November 2023

- 1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
- 2. Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar
- 3. Deputy District Health Officer (LIT), Peshawar.
- 4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
- 5. Deputy Director (Communication), KP Information Commission, Peshawar.
- 6. Ms. Sadia Mazhar (Complainant)

**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF: - MR. SADDAM HUSSAIN VS. UNIVERSITY OF MALAKAND CHAKDARA  
LOWER DIR  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 10145.)**

(02<sup>th</sup> November, 2023)

## **1. FACTS OF THE COMPLAINT**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Saddam Hussain sought information from University of Malakand Chakdara Lowe Dir regarding the following.
  1. Photocopy of service book record sent by UET Peshawar.
  2. Earned leave records in respect of the complainant.
  3. Annual confidential report of UET in respect of complainant.
  4. Provision of rules and regulation on the basis of which two increments have been stopped,
- 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 para wisely to the Commission. However, the Public Body vide their letter No.UOM/Estt/23/713/1541, Dated: 16/06/2023 submitted all the record/information except information contained in para-4. 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 which warranted personal hearing in the instant complaint. Thus; the Commission issued personal hearing notice to the P.I.O to explain the factual position.
- iii. Incompliance the Assistant Registrar University of Malakand attended the Commission on behalf of the P.I.O and stated that the information contained in para - 4 regarding the rules of deduction of two increments of the complainant was a case of anomalous nature which was not covered by the University statutes and the matter thereafter sent to the Government of Khyber Pakhtunkhwa Higher Education Department for guidance to settle down the issue. The Department later on clarifies the legal position of the case as the applicant is entitled for the increments.





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- iv. It was further apprised by the P.I.O that, the case under consideration of Grievance and Redressal Committee of the University for final decision.

## 2. DECISION:

In view of the noticeable progress in the matter the Commission directed the P.I.O to submit written status of the case for onward submission to the complainant within **five** working days.


-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date: KPIC/ARP/1-10145/2023/ 21896-21903 dated: 10 Nov October, 2023.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Vice Chancellor, University of Malakand, Malakand.
3. PA to Registrar, University of Malakand, Malakand.
4. The Assistant Registrar (Estt:), University of Malakand, Malakand.
5. The Public Information Officer, University of Malakand, Malakand.
- 6. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
7. Mr. Sadam Hussuain (Complainant).

  
**Assistant Registrar,**  
KP Information Commission,  
Divisional Office Peshawar.  
Peshawar.





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**REF:- MR. HAMMAD AHMED VS. PRINCIPAL OF SAIDU COLLEGE OF  
DENTISTRY, SAIDU SHARIF, SWAT  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 9035)**

(26<sup>th</sup> October, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Hammad Ahmed sought information from the Principal Saidu College of Dentistry, Saidu Sharif, Swat regarding the following documents of selected candidates for the post of CT dental BPS-12.
  - 1) Academic Record.
  - 2) Experience Certificate.
  - 3) Office order of selected candidates.
  - 4) Method of 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 para wisely to the Commission. However, the Public Body vide their letter No. 4748/SCD, dated: 18-06-2022 submitted information pertaining to para-1 and 4 to the Commission, However the information contained in para-2 and 3 has not been provided. A series of correspondence were made between the Commission and the Public Body for the provision of the remaining information, However, the Public Body failed to respond. which warranted personal hearing in the instant complaint. Thus; the Commission issued personal hearing notice to the Principal/P.I.O to explain the factual position.
- iii. Incompliance, a junior clerk attended on behalf of P.I.O and submitted only covering letter before the Commission.





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## 2. OBSERVATIONS OF THE COMMISSION:

After going through the record and hearing the representative of the Public Body the Commission observed the following;

1. Instead of providing the record/information requested by the complainant, the Public Body representative only submitted a covering letter.
2. A junior official was nominated to attend the personal hearing as the Public Body has failed to notify P.I.O which is a clear violation of RTI Act 2013.

## 3. DECISION:

- i. In view of the above, the Commission strictly directed the Public Body to,
  1. Submit complete record as desired by the complainant within 7 working days
  2. To notify a BPS-17 Officer as P.I.O for properly dealing with RTI requests as laid down in RTI Act 2013.
- ii. The Commission also decided to take up the matter with Secretary Health Khyber Pakhtunkhwa for action for considerable delay on the part of Public Body in provision of the records and failure to notify P.I.O.


-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date: KPIC/DEM/1-9035/2023/ 21889-95 dated: 10 <sup>Nov</sup> October, 2023.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Secretary Health, Khyber Pakhtunkwa, Peshawar.
3. PS to Director General Health, Health Department, Khyber Pakhtunkwa, Peshawar.
4. The Principal/PIO, Said College of Dentistry, Saidu Sharif Swat.
- 5. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Mr. Hammad Ahmad (Complainant).

  
**Assistant Registrar,**  
KP Information Commission,  
Divisional Office Peshawar.  
Peshawar.





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**REF: - MR. ARBAB ZIA UR REHMAN VS. HIGHER EDUCATION REGULATORY  
AUTHORITY, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 10144)**

(1<sup>st</sup> November 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Arbab Zia Ur Rehman sought information from the Higher Education Regulatory Authority, Government of Khyber Pakhtunkhwa, Peshawar here after referred as Public Body regarding the Documents as below:
  - i. Minimum requirements of Secretary HERA Post.
  - ii. Qualification and Experience of Sajid Inam the Secretary HERA before appointment.
  - iii. Appointments of different personal in HERA during his tenure.
  - iv. Name of Institute which have been given affiliation and recognition in his tenure.
  - v. Name of Students who have been given admissions and scholarships through Secretary HERA.
  - vi. File and details of complaint launched against the complaint on 01-01-2023.
  - vii. Further, complaint an inquiry by Secretary HERA against the complainant.
  - viii. Relation of Secretary HERA with Mr. Amin Jan.
  - ix. Any correspondence from Secretary HERA to RMI for admission as scholarship process regarding Mr. Amin Jan's family.





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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 that to respond parawisely to the Commission except para VI. VII IX wherein appointment order of Secretary HERA and the concerned inquiry report be sent to the Commission for examination and decision.
- iii. A series of correspondence were made between the Chairman of the Public Body and the Commission but to no avail.
- iv. Suffice to add that unnecessary correspondence were made on the part of the Public Body rather than complying the directions of the Commission in letter and spirit.
- v. This warranted the Commission to issue personal hearing notice to the Deputy Director/PIO, Higher Education Regulatory Authority, Peshawar to attend the commission and explain the factual position. In compliance the representative of the Public Body attended the Commission and upheld their previous stance that the complainant is not entitled to the information on the basis of his previous conduct.

## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission also observed that non-designation of the Public Information Officer (PIO), on the part of the Public Body shows weak implementation of the KP RTI Act, 2013, in the Public Body.
- ii. The Commission observed that Para I, II, III falls within the purview of Section 5 of the KP RTI Act, 2013 and shall be proactively disclosed on the official website of the Public Body.
- iii. The commission showed displeasure to the letter vide No. HERA/RTI/COMP.RMI.ARB.ZIA/07/2023/3134-37 Dated: 21-07-2023 received from the Chairman of the Public Body.





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**3. DECISION:**

- i. In view of the above, the Commission decided to direct the Chairman of the Public Body to designate an Officer of BPS-17 or above as PIO in the Public Body as mandated by Section 6 of the KP RTI Act, 2013.
- ii. Furthermore, the Commission directs the Chairman of the Public Body to proactively disclose the information sought by the complainant from para (i) to para (iii) as mandated by Section 5 of the Act *ibid*.
- iii. The Commission also decided to direct the Public Body to respond parawisely to the Commission along with the requisite information from para (i) to para (v) as well as copy of the appointment order of the concerned Secretary HERA and along with the inquiry report regarding the complainant (if any) to the Commission within seven working days positively.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**





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Endst No. & date RTIC/AR/1-10144/2023/\_\_\_\_\_ dated: \_\_\_\_\_ November, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Chairman, Higher Education Regulatory Authority, Peshawar.
3. Deputy Director (Admin), Higher Education Regulatory Authority, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Mr. Arbab Zia Ur Rehman (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
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**REF: - MR. ARBAB ZIA UR REHMAN VS. HIGHER EDUCATION REGULATORY  
AUTHORITY, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 10144)**

(1<sup>st</sup> November 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Arbab Zia Ur Rehman sought information from the Higher Education Regulatory Authority, Government of Khyber Pakhtunkhwa, Peshawar here after referred as Public Body regarding the Documents as below:
  - i. Minimum requirements of Secretary HERA Post.
  - ii. Qualification and Experience of Sajid Inam the Secretary HERA before appointment.
  - iii. Appointments of different personal in HERA during his tenure.
  - iv. Name of Institute which have been given affiliation and recognition in his tenure.
  - v. Name of Students who have been given admissions and scholarships through Secretary HERA.
  - vi. File and details of complaint launched against the complainant on 01-01-2023.
  - vii. Further, complaint an inquiry by Secretary HERA against the complainant.
  - viii. Relation of Secretary HERA with Mr. Amin Jan.
  - ix. Any correspondence from Secretary HERA to RMI for admission as scholarship process regarding Mr. Amin Jan's family.





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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 that to respond parawisely to the Commission except para VI. VII IX wherein appointment order of Secretary HERA and the concerned inquiry report be sent to the Commission for examination and decision.
- iii. A series of correspondence were made between the Chairman of the Public Body and the Commission but to no avail.
- iv. Suffice to add that unnecessary correspondence were made on the part of the Public Body rather than complying the directions of the Commission in letter and spirit.
- v. This warranted the Commission to issue personal hearing notice to the Deputy Director/PIO, Higher Education Regulatory Authority, Peshawar to attend the commission and explain the factual position. In compliance the representative of the Public Body attended the Commission and upheld their previous stance that the complainant is not entitled to the information on the basis of his previous conduct.

## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission also observed that non-designation of the Public Information Officer (PIO), on the part of the Public Body shows weak implementation of the KP RTI Act, 2013, in the Public Body.
- ii. The Commission observed that Para I, II, III falls within the purview of Section 5 of the KP RTI Act, 2013 and shall be proactively disclosed on the official website of the Public Body.
- iii. The commission showed displeasure to the letter vide No. HERA/RTI/COMP.RMI.ARB.ZIA/07/2023/3134-37 Dated: 21-07-2023 received from the Chairman of the Public Body.





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### 3. DECISION:

- i. In view of the above, the Commission decided to direct the Chairman of the Public Body to designate an Officer of BPS-17 or above as PIO in the Public Body as mandated by Section 6 of the KP RTI Act, 2013.
- ii. Furthermore, the Commission directs the Chairman of the Public Body to proactively disclose the information sought by the complainant from para (i) to para (iii) as mandated by Section 5 of the Act *ibid*.
- iii. The Commission also decided to direct the Public Body to respond parawisely to the Commission along with the requisite information from para (i) to para (v) as well as copy of the appointment order of the concerned Secretary HERA and along with the inquiry report regarding the complainant (if any) to the Commission within seven working days positively.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**





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Endst No. & date RTIC/AR/1-10144/2023/ 22055-61 dated: 13 November, 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Chairman, Higher Education Regulatory Authority, Peshawar.
3. Deputy Director (Admin), Higher Education Regulatory Authority, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Mr. Arbab Zia Ur Rehman (Complainant)

  
Deputy Registrar,  
KP Information Commission,  
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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. 9976)**

(25<sup>th</sup> 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 Directorate General of Science & Technology, Khyber Pakhtunkhwa, Peshawar here after referred as Public Body as below.
  - 1) Copies of all appointment orders issued after 6<sup>th</sup> August 2021 on vacancies under various developmental projects.
  - 2) Copy of all appointment orders issued of employees in BPS-1 to 16 on the regular post in the Directorate General of Science and Technology.
  - 3) Copies of appointment orders of BPS-1 to BPS-16 of erstwhile DoIT staff issued till April 2018.
- 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 respond parawisely to the Commission along with the relevant record/information. A series of correspondence were made between the Commission and the public body for the provision of information but the public body was adamant on their plea that the complainant has been asked several times to attend a meeting with the Director General of Science and Technology to discuss the issues and





also handing over his requisite record. This warranted the Commission to issue personal hearing notice to the Assistant Director (M&E)/PIO to explain the factual position which was attended by a representative of the public body.

iii. The representative of the Public Body upheld the plea that the complainant was time and again requested to attend a meeting with the Director General of the Public Body to discuss the issue.

iv. 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.

## **2. OBSERVATIONS OF THE COMMISSION:**

i. The Commission observed that the plea of the Public Body is not maintainable as the information sought by the complainant falls within the purview of Section 5 of the KP RTI Act, 2013 and shall be proactively disclosed on their official website.

ii. The Commission also observed that the head of the Public Body in the instant case has not worked in accordance with the various provisions of the Act *ibid*.





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### 3. DECISION:

- i. In view of the above, the Commission decided to direct the Director General of the Public Body concerned to proactively disclose the information sought by the complainant on their official website within seven working days positively under intimation to the Commission.
- ii. The Commission also decided to take up the matter with the Administrative Secretary i.e. Secretary Science Technology & Information Technology Department to retrieve the requisite information from the Public Body and share the same with the Commission within seven working days positively.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9976/2023/22041-48 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Science Technology & Information Technology Department, Peshawar
3. Director General, Science Technology & Information Technology 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. Assistant Director (IT), Science Technology & Information Technology Department, Peshawar
7. Dr. Khalid Khan (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
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(COMPLAINT NO. 9976)**

(25<sup>th</sup> 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 Directorate General of Science & Technology, Khyber Pakhtunkhwa, Peshawar here after referred as Public Body as below.
  - 1) Copies of all appointment orders issued after 6<sup>th</sup> August 2021 on vacancies under various developmental projects.
  - 2) Copy of all appointment orders issued of employees in BPS-1 to 16 on the regular post in the Directorate General of Science and Technology.
  - 3) Copies of appointment orders of BPS-1 to BPS-16 of erstwhile DoIT staff issued till April 2018.
- 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 respond parawisely to the Commission along with the relevant record/information. A series of correspondence were made between the Commission and the public body for the provision of information but the public body was adamant on their plea that the complainant has been asked several times to attend a meeting with the Director General of Science and Technology to discuss the issues and





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also handing over his requisite record. This warranted the Commission to issue personal hearing notice to the Assistant Director (M&E)/PIO to explain the factual position which was attended by a representative of the public body.

- iii. The representative of the Public Body upheld the plea that the complainant was time and again requested to attend a meeting with the Director General of the Public Body to discuss the issue.
- iv. 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.

## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission observed that the plea of the Public Body is not maintainable as the information sought by the complainant falls within the purview of Section 5 of the KP RTI Act, 2013 and shall be proactively disclosed on their official website.
- ii. The Commission also observed that the head of the Public Body in the instant case has not worked in accordance with the various provisions of the Act *ibid*.





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### 3. DECISION:


- i. In view of the above, the Commission decided to direct the Director General of the Public Body concerned to proactively disclose the information sought by the complainant on their official website within seven working days positively under intimation to the Commission.
- ii. The Commission also decided to take up the matter with the Administrative Secretary i.e. Secretary Science Technology & Information Technology Department to retrieve the requisite information from the Public Body and share the same with the Commission within seven working days positively.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9976/2023/22041-48 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Science Technology & Information Technology Department, Peshawar
3. Director General, Science Technology & Information Technology 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. Assistant Director (IT), Science Technology & Information Technology Department, Peshawar
7. Dr. Khalid Khan (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF:- MS. MUSARRAT JABIN VS. DISTRICT EDUCATION OFFICER (FEMALE),  
NOWSHERA  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 10516)**

(1<sup>st</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Ms. Musarrat Jabin sought information from the District Education Officer (Female), Nowshera here after referred as Public Body regarding appointment record as below:
  - 1) Educational Documents of PST Teacher Namely Saddam Rasheed in BPS-12.
  - 2) Details record of Appointment in UC-Nizampur Nowshera of PST Teachers.
  - 3) Termination Order of PST Teacher Namely Ambreen.
- 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 were made between the Public Body and the Commission but to no avail. This warranted the Commission to issue personal hearing notice to the DEO concerned of the Public Body to attend the commission and explain the factual position.
- iii. Incompliance, DEO Female), Nowshera attended the Commission and submitted the requisite information vide Diary No. 10866 Dated: 01-11-2023.





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## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that there is no PIO designated by the Public Body.
- ii. The Commission also observed that para 2 of the instant complaint is not specific.

## 3. DECISION:

In view of the above, the Commission after examination decided to share only those information as referred above and dispose of the instant complaint accordingly.

The Commission also directs the DEO concerned to nominate a BPS-17 officer or above as Public Information Officer (PIO) of the Public Body as mandated by the Act *ibid*.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10516/2023/ 22035-40 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. District Education Officer (Female), Nowshera.
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Ms. Musarrat Jabin (Complainant)

**Deputy Registrar,**  
**KP Information Commission,**  
**Peshawar.**





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**REF:-MR. JAVED ULLAH VS. PUBLIC HEALTH ENGINEERING DEPARTMENT,  
PESHAWAR**

**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 9808)**

(1<sup>st</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Javed Ullah sought information from the Public Health Engineering, Department, Peshawar here after referred as Public Body regarding sub-engineer BPS-12 Post of Zone-I the details of RTI complaint are as 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) Office orders of the selected candidate.
  - 6) Attendance sheet of the interview for the said post.
  - 7) 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 Commission. A





series of correspondences were made between the Public Body and the Commission but to no avail. This warranted the Commission to issue personal hearing notice to the Chief Engineer (Water) of the Public Body to attend the commission and explain the factual position.

- iii. Incompliance, Admin Officer/representatives of the Public body attended the Commission and placed reliance on the letter vide their No. 16/CE/PA/11/10 dated 26.08.2017 that some of the information sought has already been submitted in the Hon'ble Peshawar High Court Peshawar in the Writ Petition No. 2511-P/2017.
- iv. However, the HO stated that pursuant reply to this notice will be submitted within three working days.
- v. Incompliance, the HO submitted the requisite information vide their letter No. 16/CE/PA/11/10 dated 26.08.2017.

## 2. DECISION:

In view of the above, the Commission decided to transmit the information as received from the Public Body to the complainant and dispose of the instant complaint accordingly.





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**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9808/2023/22029-34 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Admin Officer (Center), Office of the Chief Engineer (Center), Public Health Engineering Department, 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. Javed Ullah (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF:- MS. SADIA MAZHAR VS. ENVIORNMENTAL PROCTECTION AGENCY,  
PESHAWAR**

**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 10439)**

(1<sup>st</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

i. Brief facts of the case are that a citizen/ complainant namely Ms. Sadia Mazhar sought information from the Environmental Protection Agency, Peshawar here after referred as below:

- 1) Total sanctioned strength of department along with the details of the vacant posts. (Gender and pay scale wise breakup).
- 2) Total budget allocated in FY 2020-21, FY 2021-22 and FY 2022-23, provide the budget documents having head wise breakup of the allocated budget.
- 3) Whether the department has conducted survey/research reports(s) about the under-ground level of water goes down in Peshawar and other cities of Khyber Pakhtunkhwa from Jan 2015 to date. If so, please provide copies of the said report.
- 4) List of the premises/ factories or any other organization which are fined for violating the environmental laws/regulation from Jan 2015 to date, along with the following details.
  - a. Total fine imposed
  - b. Fine received by the department. Yes/No.





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- 5) Total number of the cases sent to Environmental Protection Tribunal from Jan 2020 to date, along with the following details.
  - a. Total number of the cases decided.
  - b. In how many cases the accused is convicted.
  - c. Total number of the cases pending before the Environmental Protection Tribunal.
- 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. A series of correspondence were made between the Public Body and the Commission but to no avail. This warranted the Commission to issue personal hearing notice to the Deputy Director (Admin & Finance), Peshawar to attend the commission and explain the factual position.
- iii. Incompliance, PIO attended the Commission and appraised the Commission that the issue has been taken up with the regional offices once the information is received from them the same may be shared with the Commission.

## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought by the complainant falls 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 the issue may be taken up with the Administrative Secretary to direct all the quarter





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concerned to make available the record/information on their official website.

### 3. DECISION:

- i. In view of the above, the Commission decided to direct both the Public Body and the Chairman on the Environmental Protection Tribunal, to proactively disclose the above referred information on their official website.
- ii. The Commission also decided to take up the matter with the Administrative Secretary i.e. Secretary to Government of Khyber Pakhtunkhwa Forestry, Climate Change and Wildlife Department, Peshawar to direct the Public Body as well as the Environmental Protection Tribunal to make available all the record/information parawisely to the Commission within seven working days positively.





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**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10439/2023/ 22021-28 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Environment, Climate Change, Peshawar
3. Chairman, Environmental Protection Tribunal, Khyber Pakhtunkhwa, Peshawar
4. Director General, Environmental Protection Agency, Khyber Pakhtunkhwa, Peshawar
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
7. Ms. Sadia Mazhar (Complainant)

**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF: - MS. NAZIA QURESHI VS. MTI- KHYBER TEACHING HOSPITAL, PESHAWAR**  
**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 9465)**

(25<sup>th</sup> October, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Ms. Nazia Qureshi sought information from the MTI- Khyber Teaching Hospital, Peshawar, here after referred as Public Body to submit parawise response to the information sought regarding employment status; NOC; Resignation,; Promotion; Contract Agreement, inquiries in various matters regarding the officers Mr. Saud Islam Malik; Dr. Zafar Afridi, Dr. Fazle Raziq from Para 1 to Para 30.
- 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 correspondences were made between the Commission and the Public Body for the provision of information The Public Body vide their letter No. 655/KTH/LIT dated: 28-11-2022 provided parawise reply except para 3, 4, 23, & 25. Consequently, the Commission again took up the matter with the Public Body to which the Public Body vide their letter No. 894/LIT/KTH dated 23-08-2023 informed the Commission that the requisite information/record including Accommodation Committee notification is not traceable Thus the Commission issued personal hearing notice to the Manager (Legal)/PIO, to explain the factual position.





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Incompliance the PIO attended the Commission and appraised the Commission that the information/record sought in para, 3, 4, 23, and 25 is not traceable.

**2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission observed that in the absence of proper Notification of the Accommodation Committee as well as NOC and resignations of the two doctors concerned makes questionable the whole process of appointment and allotments of accommodation to the officials of the Public Body.

**3. DECISION:**

- i. In view of the above, the Commission decided to recommend the Chairman BOG of the MTI Hospital KTH to conduct an inquiry under Section 25 (3)(b) of the KP RTI Act, 2013, to ascertain factual position within 15 working days.
- ii. The results of the inquiry be shared with the Commission to decide the instant complaint as mandated by the Act *ibid*.





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-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9465/2023/ 22014-20 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Chairman, BOG, MTI- Khyber Teaching Hospital, Peshawar.
3. Manager Legal/PIO, Khyber Teaching Hospital, 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. Nazia Qureshi (Complainant)

**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF: - DR. MUSA KALIM VS MUHAMMAD TEACHING HOSPITAL, PESHAWAR  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 10323)**

(1<sup>st</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Dr. Musa Kalim sought information from Muhammad Teaching Hospital, Peshawar here after referred Public Body as below:
  - 1) All Patients record establishing the sum of amount claimed in respect of 110 patients admitted in the name of Dr. Musa Kalim through Sehat Card treatment and information of each and every detail of expenditure incurred on same patients.
- 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 amount received and the expenses incurred in 110 patients of the Sehat Insaf Card 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 turned a deaf ear to the directions of the Commission which warranted personal hearing in the instant complaint to the Managing Director of the Hospital.
- iii. No one from the Public Body attended the Commission in this regard.





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## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought by the complainant from the Hospital are Public in nature as it contains the provincial government money incurred on the patients in the form of Sehat Insaf Card which makes the Hospital duty bound to provide the same to the complainant/citizen.
- ii. The Commission also observed that non-cooperation/response on the part of the Hospital/Public Body enables the Commission to proceed further in the matter by asking the Secretary Health to direct the Hospital concerned to provide the requisite information to the Commission.

## 3. DECISION:

In view of the above, the Commission decided to take up the matter with the Secretary Health to direct the Hospital concerned to ensure the provision of the requisite information to the Commission within **ten** working days positively as the information sought are Public in nature and involves the provision of funds from the Provincial Exchequer.





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**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10323/2023 22007-13 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber, Health Department, Peshawar.
3. Managing Director/PIO, Muhammad Teaching Hospital, 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. Musa Kalim (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF:- MR. MOMIN KHAN VS. BOARD OF INTERMEDIATE AND SECONDARY  
EDUCATION, KOHAT.  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 7746)**

(26<sup>th</sup> 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 Board of Intermediate and Secondary Education, Kohat 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) First appointment order of Muhammad Taslim as junior clerk, attested copy of advertisement by which he was recruited, his last pay fixation and last pay salary detail/slip. His last Seniority list in the post of Junior Clerk before promotion to S/C.
- 2) Promotion order of Muhammad Taslim to senior clerk, Minutes of the DPC for his promotion to Senior Clerk, His first pay fixation in the post of Senior Clerk, Detail/slip of his first monthly salary in the post of Senior Clerk. How much was the period of his probation on his promotion to the post of Senior Clerk. DFA/Note sheet of his promotion to Senior Clerk. Attested copy of the Entry of the service book page on his promotion to senior clerk. His last Seniority list in the cadre of Senior Clerk.





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- 3) Promotion order of Muhammad Taslim to Assistant, his first pay fixation in the post of an Assistant, his first monthly salary slip with full detail, how much time was spent between his promotion from senior clerk to Assistant (mention years, months and days etc. if any). DFA/Note sheet of his promotion to Assistant.
- 4) Information with all written record of the whole process on my complaint against Muhammad Taslim Superintendent, for example inquiry report with all annexures, correspondence with the Secretary E&SE with both side letters on the said complaint. Final officer order of the disposing of the said complaint.
- 5) Post qualification experience certificate of Arshid Javed, Account Officer
- 6) How much cash amount was deposited in the board treasury through money order during financial year 2008-09, 2009-10, 2011-12, and 2012-13.
- 7) How much cash amount was deposited in the board treasury through general receipt books during financial year 2008-09, 2009-10, 2011-12.
- 8) Audit Paras of the financial years 2014-15 to 2020-21.
- 9) Full detail of latest install CCTV cameras in the board premises.





**GOVERNMENT OF KHYBER PAKHTUNKHWA  
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- 10) Full detail of Vigo vehicle its standard quotation check for its purchase, minutes of the purchase committee purchase date and current physical status, Registration No. and total cost on its purchase.
  - 11) Full detail of purchase stationary papers answer book and certificate etc. during the financial year 2019-20 and 2020-21 along with the minutes of the purchase committee quotation tender copy and total cost separately on each item.
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, were they summoned earlier. The Commission vide the proceedings Dated: 05-01-2022 issued vide this office letter no. KPIC/AR/1-7746/2021/1280-81 Dated: 27-01-2022 directed the Public Body to provide the information sought to the Commission for examination except para 4, 9, 10 and 11, but to no avail.
  - iii. The issue was taken up with the Chairman of the BISE, Kohat but to no avail.
  - iv. This warranted the Commission to issued personal hearing notice to the Public Body to explain the factual position.





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## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission observed that there are procedural lapses on the part of the Public Body to comply the Commission directions for which the Commission may take the matter with the Administrative Secretary i.e. Secretary Elementary & Secondary Education for systematic failures on the part of the Public Body and to conduct an inquiry to this effect against the Public Body.
- ii. The Commission also observed that non-attendance on the part of the Public Body makes the head of the Public Body responsible for non-compliance on their part.

## **3. DECISION:**

- i. In view of the above, the Commission decided to recommend an inquiry to the Secretary Elementary & Secondary Education as mandated by Section 25 (3)(b) of the Act *ibid.* for systematic failures and non-compliance of the above Commission directions with a view to fix responsibility for non-provision of record/information. It was further, directed to provide the requisite record within **15** working days. Beside initiate disciplinary action against the employee who failed to attend the summoned on due date.





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**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-7746/2023/ 21999 <sup>22006</sup> dated 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber, Elementary & Secondary Education Department, Peshawar.
3. Chairman, Board of Intermediate and Secondary Education, Kohat.
4. Assistant Secretary/PIO, Board of Intermediate and Secondary Education, Kohat.
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
7. Mr. Momin Khan (Complainant)

**Deputy Registrar,**  
**KP Information Commission,**  
**Peshawar.**





GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION COMMISSION  
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Arbab Colony, University Road, Peshawar  
Email: [complaints.kprti@kp.gov.pk](mailto:complaints.kprti@kp.gov.pk)  
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**REF: - MR. BOOTA IMTIAZ VS. LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT, PESHAWAR  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 9214)**

**(1<sup>st</sup> November, 2023)**

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Boota Imtiaz sought information from the Chief Secretary Office, Government of Khyber Pakhtunkhwa, Peshawar regarding implementation of the order of the Hon'ble Supreme Court of Pakistan in the suo motu Writ Petition No.1/2020 about the protection of the sanitary workers.
- 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 Establishment Department to respond to the complainant. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Establishment Department vide their letter No. SO(HRD-II) informed the Commission that the requisite information does not relate to this department and may be obtained from the PIO of the Local Government Department, Khyber Pakhtunkhwa.
- iii. Consequently, the same was taken up with the Deputy Secretary (Admin)/ PIO to provide the requisite information to the Commission but to no avail. This warranted the Commission to issue personal hearing notice to the Deputy Secretary (Admin)/PIO to explain the factual position.





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- iv. Incompliance, Section Officer (PAC)/representative of the Public Body attended the Commission and appraised that no such implementation order of the Hon'ble Supreme Court of Pakistan in the suo moto Writ Petition No. 1/2020 about the protection of sanitary worker has been received so far.

## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the orders of the Supreme Court are equally applicable on all the government offices in the country pertaining to the protection of sanitary workers.
- ii. Furthermore, there should be a proper SOP for the protection of the sanitary workers during the discharge of their duties.

## 3. DECISION:

- i. In view of the above, the Commission directed the PIO to revisit the Hon'ble Supreme Court orders with reference to the applicability of the directions (if any) either from the Hon'ble Court or from the Provincial Chief Secretary office and inform the Commission within **ten** working days positively.
- ii. It was further directed to the Public Body to share proper SOP issued for the protection of sanitary workers in the province within **ten** working days positively.





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-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9214/2022/ 21993-38 dated: 13 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Section Officer (PAC), Local Government & Rural Development Department, Peshawar.
3. Assistant Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Mr. Boota Imtiaz (Complainant)

**Deputy Registrar,**  
**KP Information Commission,**  
**Peshawar.**





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**REF: - MR. HAMEED ULLAH SHAH, MAJID KHAN AND IMTIAZ HABIB VS.  
DIRECTORATE OF LIVESTOCK AND DAIRY DEPARTMENT MERGED AREAS.  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 8559, 8575 & 8668 )**

(2<sup>nd</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that all the above referred complainants sought information regarding the Districts Orakzai, Khyber, Sub Division Dara Adam Khel, Hassan khel and Tribal Sub Division, Tribal District North Waziristan respectively from Livestock and Dairy Department Merged Areas regarding the following.
  - 1) Number of Cows, Buffalos, Goats, Sheep and Hens are distributed among the peoples of all the above Districts and Sub Divisions.
  - 2) Provide the criteria required of distribution of animals.
  - 3) Provide the list of peoples having name, father name, addresses and contact numbers who have received it.
  - 4) Copy of accelerated implementation program PC-1 of Livestock Department for the newly Merged Districts.
- ii. The complaints were examined by the Commission vis-à-vis and directed the Public Body to respond parawisly to the Commission. However, the Public Body vide their letter No. SO(Admn)/LFC/1-22/RTI/2022-23/481, dated: 09 May 2023 submitted only criteria required for distribution. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body refuse to respond to the plea that, the information contained in para-3 came within the preview of Section 19(1) of RTI Act 2013. which warranted personal hearing in the instant complaints. Thus; the Commission issued personal hearing notice to the P.I.O to explain the factual position.





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## 2. OBSERVATIONS OF THE COMMISSION:

The Commission observed that;

- i. the P.I.O of the concerned Public Body failed to attend the personal hearing or comply with the direction of the Commission.
- ii. The Commission further observed that, the requisite information in para-3 did not come within the preview of Section 19(1) of the Act *ibid*.
- iii. Moreover, the information's sought by the complainants of all the above referred complaints came within the preview of section 5 of RTI Act 2013 and needs to be pro-actively disclosed in the website of the Public Body.

## 3. DECISION:

- i. In view of the above, the Commission decided to recommend a formal inquiry against Deputy Director Livestock and Dairy Department Merged Areas to the Secretary Livestock and Dairy Department as mandated by section 25(3)(b) of the KP RTI Act 2013 for willful non-compliance to Commissions Directions.
- ii. It was further directed to provide the requisite information contained in para-3 by excluding the contacts and addresses of the beneficiaries.
- iii. The Commission also directed the Secretary concerned to direct the Director General of Public Body to make available the record on the official website of the Public Body under Section 5 of KP RTI Act 2013 within **ten** working days positively.





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-sd-

**Farah Hamid Khan**

**Chief Information Commissioner.**

Endst No. & date: KPIC/ARP/1-8575/2023/22197-54 dated: 16 November, 2023.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Secretary, Livestock & Dairy Department, Khyber Pakhtunkwa, Peshawar.
3. The Deputy Director, Livestock & Dairy Department Merged Areas, Peshawar.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Hameed Ullah Shah (Complainant).
6. Mr. Majid Khan (Complainant).
7. Mr. Imtiaz Habib (Complainant).

**Assistant Registrar,**  
KP Information Commission,  
Divisional Office Peshawar.  
Peshawar.





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REF:- MR. SAID ALI KHAN VS. DIRECTORATE OF LIVESTOCK AND DAIRY  
DEPARTMENT MERGED AREAS.  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. ( 8560))

(02<sup>th</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case is that a citizen/ complainant Said Ali Khan sought information from the Livestock and Dairy Department Merged Areas regarding the appointment of veterinary Officer BPS-17 advertised in January 2021 as following;
  - 1) Merit list
  - 2) Selected candidate list
  - 3) Domicile of selected candidates
  - 4) Minutes of the meeting of selection committee.
- ii. The complaint was examined by the Commission vis-à-vis and direct the Public Body to respond parawisly . However, the Public Body vide their letter No.LS&DD/FATA/NO 313-15, dated: 13 January,2022 provided irrelevant documents. A series of correspondence were made between the Commission and the Public Body for the provision relevant information. however, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaints. Thus; the Commission issued personal hearing notice to the P.I.O to explain the factual position.

**OBSERVATIONS OF THE COMMISSION:**

- i. The Commission observed that, the Public Body failed to attend the personal hearing which is a clear violation of KP RTI Act 2013.
- ii. The Commission also observed that, the information sought by the complainant came within the preview of Section 5 of RTI Act 2013 and needs to be pro-actively disclosed on the official website of the Public Body.





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## 2. DECISION:

- i. In view of the above, the Commission decided to recommend a formal inquiry against Deputy Director Livestock and Dairy Department Merged Areas through Administrative Secretary i-e Secretary Livestock and Dairy Department as mandated by Section 25(3)(b) of the KP RTI Act 2013 for willful non-compliance to Commission's directions.
- ii. The Commission also directed the Secretary concerned to make available the record on the official website of the Public Body by directing the Director General concerned within **ten** working days positively.

-sd-


**Farah Hamid Khan**

**Chief Information Commissioner.**

Endst No. & date: KPIC/ARP/1-8560/2023/ 2241-46 dated: 16 November, 2023.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Secretary, Livestock & Dairy Department, Khyber Pakhtunkwa, Peshawar.
3. The Deputy Director, Livestock & Dairy Department Merged Areas, Peshawar.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Saeed Ali Khan (Complainant).

  
**Assistant Registrar,**  
KP Information Commission,  
Divisional Office Peshawar.  
Peshawar.





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**REF: - MR. ALI ABBAS KHAN VS. CENTRAL POLICE OFFICE, PESHAWAR  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 9936)**

(15<sup>th</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Ali Abbas Khan sought information from the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, here after referred as Public Body as below:
  - 1) Provide certified copy of my online FIR No. 2022/08-43215.
  - 2) Provide certified copy of the investigation report.
- 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 requisite information 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 vide their letter No. 1229/Legal Dated: 03-04-2023 provided para 2 of the RTI request which was shared with the complainant with directions to the Public Body vide the Commission letter No. RTIC/AR/1-9936/2023/17346-48 to provide the information sought at serial No. 1 to the Commission followed by another notice to the Inspector General of the Public Body. However, the Public Body vide their letter No. 3078/Legal Dated: 11-08-2023 informed the Commission that no such "FIR or complaint exists in PSRMs or E-FIR or PAS. He further added that the FIR number mentioned 2022/08-43215 may be fake or false".

Page 1 of 3





Consequently, the reply so received was shared with the complainant vide this office letter No. RTIC/AR/1-9936/2023/20678-80 Dated: 28-09-2023. However, the complainant requested for a summon in the instant complaint due to his reservation on the above referred reply. This warranted personal hearing in the instant case. Thus; the Commission issued personal hearing notice to the AIG (Legal)/ PIO to explain the factual position.

iii. However, the PIO failed to attend the Commission.

## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission showed its displeasure that no one on the part of the Public Body attended the Commission in personal hearing.

## **3. DECISION:**

- i. In view of the above, the Commission decided that the matter of careless attitude of the PIO may be referred to Inspector General of Police for taking corrective action.
- ii. It was further decided to direct the PIO to attend the Commission on 06-12-2023 along with the whole record/information regarding the instant complaint to explain the factual position.





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sd-  
**Farah Hamid Khan**  
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9936/2023/ 22344-50 dated: 24 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar
3. AIG (Legal)/PIO, Central Police Office, 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. Ali Abbas Khan (Complainant)

**Deputy Registrar,**  
KP Information Commission,  
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. 9972)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Dr. Khalid Khan sought information from the Government of Khyber Pakhtunkhwa Science Technology & Information Technology Department, Peshawar here after referred as Public Body, to submit parawise response mentioned below:
  - i. Copy of the advertisement for the positions in DoIT.
  - ii. Decision of the court directing that Public Service Commission take the interview of Mr. Sajid.
  - iii. Decision of the High Court that Mr. Sajid Hussain Shah be appointed as Director IT.
  - iv. CPLA under which Government went to Supreme Court.
  - v. Contempt of Court case filed by Mr. Sajid Hussain Shah.
  - vi. The decision of Peshawar High Court made on the Contempt of Court case of Mr. Sajid Hussain Shah.
  - vii. All replies made by the Department/ Government from day upto the date when final decision was announced by Peshawar High Court Peshawar.
  - viii. Note Part of the relevant file of the ST&IT department in particular after June 2019 till the date of the Court decision





whereby Government was asked to issue appointment letter to Mr. Sajid Hussain Shah.

- ix. Summary alongwith Note Part of the relevant file whereby case for appointment of Mr. Sajid Hussain Shah was processed.
- x. Appointment letter.

- 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 vide their letter No. AD(IT)/ST&IT/1-7/PIO/2022/197-03 Dated: 16-06-2023 that the information sought are non-specific which warranted Personal Hearing in the instant case. Thus; the Commission issued Personal Hearing notice to the Assistant Director (IT)/PIO to explain the factual position.
- ii. The Public Information Officer (PIO) of the Public Body reiterated their previous stance.

## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission observed that the information sought by the complainant is specific and precise.
- ii. The Commission also observed that all the requisite information may be available on the personal file of the officer concerned.





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### 3. DECISION:


- i. The Commission decided to refer the matter to Secretary ST& IT being the administrative Head of the department to settle the procedural lapses in the provision of information to the citizen and the implementation of the Act *ibid.* within the Public Body.
- ii. The Commission also decided to direct the Secretary concerned to retrieve certified information from the quarter concerned and submit parawise reply to the Commission within seven working days in a professional and up to date manner to decide the complaint under the Act *ibid.*

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9972/2023/ 22337-43 dated: 24 November, 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: - MS. SADDIA MAZHAR VS. COMMUNICATION & WORKS DEPARTMENT,  
PESHAWAR**

**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 10435)**

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Ms. Saddia Mazhar sought information from the Communication & Works Department, Peshawar here after referred as Public Body to submit parawise response to the information as mentioned below:

- 1) List of the departmental inquiries conducted from 1<sup>st</sup> Jan 2017 to date, along with the details of complaint/allegation, name of accused officials and their designation.
- 2) Provide the name and designation of each inquiry committee member.
- 3) Certified copy of each inquiry report.
- 4) Details about the implementation on the recommendation of each inquiry committee.
- 5) List of the pending (on-going) inquiries that are initiated against the officers/ officials of Civil Defence along with the date on which the inquiry was initiated, list of each inquiry committee members from Jan 2017 to date.
- 6) Details about the time period given in the rules/ regulation to conclude any departmental inquiry.
- 7) What action has been taken against the officers/ officials/ members of the inquiry committee who failed to conclude the inquiries within the stipulated time period given in the rules/ regulations/ laws?





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8) Copy of the relevant rules/ regulation regarding the departmental inquiries.

- 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 Communication & Works Department, Peshawar to respond under section 10 of the Act *ibid.* to the complainant 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 vide their letter SOE/C&WD/2-6/2023 General Inqs Dated: 18-09-2023 sought advice from the Commission whether to share the information or otherwise. This warranted the personal hearing in the instant case. Thus; the Commission issued personal hearing notice to the Deputy Secretary (Admin)/PIO to explain the factual decision which was attended by the Deputy Secretary (Admin)/PIO of the Public Body.
- iii. The PIO of the Public Body informed the Commission that the information sought was not specific and clear therefore, the Public Body sought advice from the Commission.

## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought in para 8 comes within the purview of section 5 of the Act *ibid.* and needs to be proactively disclose on the official website.
- ii. The Commission also observed that once a complaint is entertained by the Commission and direction is issued to the Public Body then the advice of the Public Body regarding the complaint becomes redundant.
- iii. It was also observed by the Commission that though some of the information sought by the complainant needs clarification however, still the

Page 2 of 3





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Public Body was duty bound to respond parawisely to the RTI Request/complaint in an up-to-date and professional manner keeping in view, the various provisions of the Act ibid.

### 3. DECISION:

- i. In view of the above the Commission decided to direct the Public Body to proactively disclose the information sought in para 8 on their official website as mandated by section 5 of the Act ibid. within seven working days positively.
- ii. The PIO of the Public Body was further directed to respond parawisely to the Commission in a professional and up-to-date manner along with the requisite information (where required) within seven working days positively.

sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10435/2023/

22330  
56

dated: 24 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Communication & Works Department, Peshawar
3. Deputy Secretary (Admin), Communication & Works 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. Ms. Saddia Mazhar (Complainant)

**Deputy Registrar,**  
**KP Information Commission,**  
**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. 10392)**

**1. FACTS OF THE COMPLAINT:**

i. Brief facts of the case are that a citizen/ complainant namely Dr. Khalid Khan sought information from the Directorate General of Science & Technology Khyber Pakhtunkhwa, Peshawar here after referred as Public Body to submit parawise response to the information as mentioned below:

- 1) Letter written to C&W deptt. For issuing responsibility certificate.
- 2) Rent reasonability certificate issued by C&W department.
- 3) Rent agreement of project office with the owner of the building.
- 4) Total rent paid till the last day of the project office.
- 5) Posting order of the officer as Project Director at the time of payment of rent to the owner.
- 6) Cheques through which payments of monthly rent have been made to the owner.
- 7) Receipts of the owner on receiving of the monthly rent have been made to the owner.
- 8) Receipts of the owner on receiving of the monthly rent.
- 9) Proof of amount of tax deducted from the monthly rent.
- 10) Proof of amount of tax deposited to FBR.
- 11) Total expenditure made on renovation/repair.





12) Verified final expenditure statement of the Project.

- 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 Directorate of Science & Technology, Khyber Pakhtunkhwa, Peshawar 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 vide their letter No. Dirtt: Gen. ST&T/KP/K/1-3/21/8911 Dated: 15-06-2023 informed the Commission that the record of the said project is with the Project Director in Science & Technology Department and he may be approached for provision of required data/information. Consequently, the Commission took up the matter with the Administrative Department i.e. Science Technology & Information Technology Department (ST&IT), Peshawar to which the Public Body vide their letter No. AD(IT)/ST&IT/1-7/PIO/2022/1590-96 Dated: 27-09-2023 provided incomplete information 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 position which was attended by the Assistant Director/PIO of the ST & IT; Peshawar.
- iii. The Public Information Officer (PIO) of the Public Body appraised the Commission about the facts of the case that the information sought by the complainant pertains to the Directorate of Science & Technology and the above referred information have been retrieved from the Directorate as evident from their letter.





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## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that there is a continuous disconnect going on between the Directorate of Science & Technology and Administrative Department i.e. the Science Technology and Information Technology Department, Peshawar and both are shifting the responsibility of the provision of information on each other which shows systematic failures on the part of both the Public Bodies for the provision of information as well as implementation of the Act *ibid.* within them.
- ii. The Commission also observed that the information so provided are uncertified as mandated by Section 10(3) of the Act *ibid.*

## 3. DECISION:

- i. The Commission decided to refer the matter to Secretary ST & IT being the Administrative Secretary/ Head of both the Secretariat and the Directorate to settle the procedural lapses in the provision of information to the citizen and the implementation of the Act *ibid.* in both the Public Bodies.
- ii. The Commission also decided to direct the Secretary concerned to retrieve certified information from the quarter concerned and submit parawise reply to the Commission within seven working days in a professional and up to date manner to decide the complaint under the Act *ibid.*



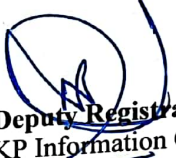
GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION COMMISSION  
Near BRT Abdara Station, Behind Jabar Flats,  
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-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10392 /2023/ 22323 dated: 24 November, 2023  
29

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. MUHAMMAD IMRAN AFRIDI VS BOARD OF REVENUE & ESTATE  
DEPARTMENT, PESHAWAR.  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 8698)**

(15<sup>th</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Imran Afridi has sought information from Board of Revenue & Estate Department, Peshawar as below:
  - 1) From whom the subject land was purchased, and when it was purchased, please provide the list of the owners of land with name, father name, along with payment made to them.
  - 2) Contract agreement with the land of owners.
  - 3) How much land was purchased in width and length.
  - 4) Please provide the copy of section-04 to purchase land or notification/letter whatever is applied to the said land as prevailed in the subject area to purchase the said land.
- 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 vide their letter No. Rev-V/4/complaint Peshawar/2021/22524-27 Dated 24-08-2022 taken up with the





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Assistant Commissioner Hassan Khel Peshawar. Consequently, the Commission also directed the quarter concerned to provide the requested information to the Commission. The Assistant Commissioner Hassan Khel Peshawar inform the Commission that the information/record is not available in his office the same has already been conveyed to the Public Body as well.

- iii. The Commission retook the matter with the Public Body to respond in the light of the above referred letter but to no avail. This warranted personal hearing in the instant complaint.
- iv. Incompliance the Deputy Secretary-I attended the Commission and appraised the Commission that the information/record sought by the complainant is of the year 1980 to 1983 of FR area and the same is not available with the Public Body.
- v. He further stated that the matter was also taken up with the Directorate of Archives but they also confirmed the non-availability of the instant information/record as there is no settlement in the FR area.

## 2. OBSERVATIONS OF THE COMMISSION:

The Commission observed that the record/information was supposed to be held by the Directorate of Archives and the complainant needs to be informed by the Public Body accordingly.





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### 3. DECISION:

In view of the above, the Commission decided to direct the representative of the Public Body to trace out the above referred record/information and respond to the Commission within seven working days positively.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-8698/2023/ 22309-74 dated: 29 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Deputy Secretary-I, Board of Revenue and Estate 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. Muhammad Imran Afridi (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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**REF: - MR. SHABIR AHMAD VS. EMERGENCY RESCUE SERVICES (RESCUE 1122),  
PESHAWAR  
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013  
(COMPLAINT NO. 6789)**

(15<sup>th</sup> November 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Shabir Ahmad sought information from the Emergency Rescue Services (Rescue 1122), Peshawar as below:

1) List of Final Merit List.

- 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 final 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 failed to provide final merit list which warranted personal hearing in the instant case. Thus; the Commission issued personal hearing notice to the Deputy Director (Planning)/PIO to explain the factual position.
- ii. Incompliance Deputy Director (Planning) attended the Commission and stated that the remaining information has been submitted to the Commission vide their letter No. 1-18/DD Planning-II/1122/9541-43 Dated: 15-11-2023.



**2. DECISION:**

The Commission examined the record/information vide above referred letter and decided to transmit the same to the complainant and disposed of the instant complaint accordingly.

-sd-

**Farah Hamid Khan**  
**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-6789/2023/ 22303-08 dated 24 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Deputy Director (Planning), Emergency Rescue Services (Rescue 1122), 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. Shabir Ahmad (Complainant)

  
**Deputy Registrar,**  
**KP Information Commission,**  
**Peshawar.**





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**REF:-MR. USMAN MUHAMMAD VS. LADY READING HOSPITAL, MTI, PESHAWAR**  
**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 10397)**

(15<sup>th</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Usman Muhammad sought information from the Lady Reading Hospital, Peshawar (hereinafter referred as Public Body) regarding information as below:
  - 1) Final Merit of selected candidates.
  - 2) Experience Certificate for said posts of all selected candidates.
  - 3) Criteria and Procedure of selection for the said post.
  - 4) Last Interview from signed by the selection committee.
- 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 were made between the Public Body and the Commission. However, the Public Body vide their letter No. 396/LIT/LRH Dated: 11-08-2023 provided the requisite information except experience certificates and academic documents of selected candidates and criteria and procedure for selection of the concerned post to which the Commission directed the Pubic Body to provide complete information vide its letter No. RTIC/AR/1-10397/2023/20381-83 Dated: 20-09-2023. Consequently the Public Body vide their letter No 804/LIT/LRH, Dated: 11-10-2023

Page 1 of 3





informed the Commission that the above referred information will encroach the privacy of selected candidates read with section 22 of the Act *ibid*. This warranted the Commission to issue personal hearing notice to the Legal Officer of the Public Body to attend the commission and explain the factual position.

- iii. Incompliance, Legal Officer/representative of the Public body attended the Commission and placed reliance on the above referred letter.

## 2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that there is no PIO designated by the Public Body.
- ii. The Commission also observed that the information sought by the complainant in Paras 1, & 3 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.
- iii. The Commission also observed that the information sought about officers/officials and is not hit by section 19 and 22 of the Act *ibid*. as the same becomes part of the official record.





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### 3. DECISION:

- i. In view of the above, the Commission decided to direct the Managing Director of the Public Body to designate an officer not below the rank of BPS-17 as PIO in the Public Body as mandated by section 6 of the Act ibid within seven working days positively.
- ii. The Commission also decided to direct the Public Body to proactively disclose the information sought in para 1 & 3 on their official website as per above timeline.
- iii. The Commission also directs the representative of the Public Body to submit parawise response along with the requisite information to the Commission within seven working days positively.

sd-

**Farah Hamid Khan**  
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10397/2023/ 22295 dated: 24 November 2023  
22302

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Managing Director, Lady Reading Hospital, MTI, Peshawar
3. Hospital Director, Lady Reading Hospital, MTI, Peshawar
4. Legal Officer, Lady Reading Hospital, MTI, Peshawar
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
7. Mr. Usman Muhammad (Complainant)

  
Deputy Registrar,  
KP Information Commission,  
Peshawar.





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**REF: - MR. AZAD REHMAN VS. DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION, PESHAWAR**  
**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 9810)**

(15<sup>th</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Azad Rehman sought information regarding attested copies of the following documents regarding merger of seniority lists of HMs and SS from the Directorate of Elementary & Secondary Education, Peshawar and here after referred as Public Body.
  - 1) Vivid policy (in black & white) for merging the seniority lists of two different cadres.
  - 2) Notification for constitution/formation of Committee.
  - 3) TORs and mandate of the constituted committee.
  - 4) Detail of meetings held and minutes of the meetings.
  - 5) Suggestions/Recommendations of Committee
  - 6) Gazette Notification of the merger (1992)
- 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 were made between the Commission and the Public Body for the provision of information but to no avail. This warranted the Commission to issue personal hearing notice to the Deputy Secretary/PIO of the Public Body to explain the factual position.





- iii. Incompliance, Section Officer (Imp-I)/ representative of the Public Body attended the Commission and stated that the record/ information sought is not traceable.

## 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 observed that the information sought in the instant complaint needs to be available with the Public Body as it consist of record/information regarding appointment matter.

## 3. DECISION:

- i. In view of the above, the Commission decided to direct the Public Body to proactively disclose the information as mandated by section 5 of the Act *ibid.* within seven working days positively.
- ii. The Commission also directs the PIO of the Elementary & Secondary Education Department to check the instant record in there Public Body and respond parawisely along with the requisite information to the Commission within seven working days positively.




-sd-

**Farah Hamid Khan**

**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-9810/2023/ 22287-24 dated: 24 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Directorate of Elementary & Secondary Education, Peshawar
3. Deputy Secretary/PIO, Directorate of Elementary & Secondary Education, Peshawar
4. Section Officer (Imp-I), Directorate of Elementary & Secondary Education, Peshawar
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
7. Mr. Azad Rehman (Complainant)

  
**Deputy Registrar,**  
KP Information Commission,  
Peshawar.





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Fax: +92-91-9216561

**REF:-MR. ZAHEER VS. LADY READING HOSPITAL, MTI, PESHAWAR**  
**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013**  
**(COMPLAINT NO. 10702)**

(15<sup>th</sup> November, 2023)

**1. FACTS OF THE COMPLAINT:**

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Zaheer sought information from the Lady Reading Hospital, Peshawar (hereinafter referred as Public Body) regarding information as below:

- 1) Mst. Nudrat Gul Manager/ Incharge Medsurg Block.
  - a. Copy of First Appointment orders as Physiotherapist.
  - b. Appointment/ Selection criteria.
  - c. Interview Marking sheet.
  - d. Copy of Cadre Change order as Manager.
- 2) Mr. Ifthikhar Ali Senior HR Officer/ Secretary to HD.
  - a. Copy of First Appointment orders as Physiotherapist.
  - b. Appointment/ Selection criteria.
  - c. Interview Marking sheet.
  - d. Copy of HR Assistant vacancy advertisement.
- 3) Mr. Mazhar HR Assistant.
  - a. Copy of First Appointment orders as Physiotherapist.
  - b. Appointment/ Selection criteria.

Page 1 of 3



- c. Interview Marking sheet.
- d. Copy of HR Assistant vacancy advertisement.
- 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. But the Public Body vide their letter No. 806/LIT/LRH, Dated: 11-10-2023 informed the Commission that the complaint may be dismissed in the light of section 19 read with section 22 of the Act, *ibid*. This warranted the Commission to issue personal hearing notice to the Legal Officer of the Public Body to attend the commission and explain the factual position.
- iii. Incompliance, Legal Officer/representative of the Public body attended the Commission and placed reliance on the above referred letter.

## **2. OBSERVATIONS OF THE COMMISSION:**

- i. The Commission observed that there is no PIO designated by the Public Body.
- ii. The Commission also observed that the information sought by the complainant in Paras 1, 2, 3, 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.
- iii. The Commission also observed that the information sought regarding officers/officials and is not hit by section 19 and 22 of the Act *ibid*. as the same becomes part of the official record.



**3. DECISION:**

- i. In view of the above, the Commission decided to direct the Managing Director of the Public Body to designate an officer not below the rank of BPS-17 as PIO in the Public Body as mandated by section 6 of the Act *ibid* within seven working days positively.
- ii. The Commission also decided to direct the Public Body to proactively disclose the information sought in para 1, 2 & 3 on their official website as per above timeline.
- iii. The Commission also directed the representative of the Public Body to submit parawise response along with the requisite information to the Commission within seven working days positively.

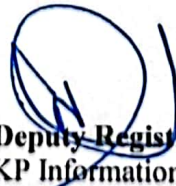
sd-

**Farah Hamid Khan**

**Chief Information Commissioner.**

Endst No. & date RTIC/AR/1-10702/2023/22271-86 dated: 24 November 2023

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Managing Director, Lady Reading Hospital, MTI, Peshawar
3. Hospital Director, Lady Reading Hospital, MTI, Peshawar
4. Legal Officer, Lady Reading Hospital, MTI, Peshawar
5. Deputy Director (Communication), KP Information Commission, Peshawar.
6. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
7. Mr. Zaheer (Complainant)

  
**Deputy Registrar,**  
**KP Information Commission,**  
**Peshawar.**