



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

**REF:- MR. MEHMOOD SHAH HASHMI VS. URBAN AREA DEVELOPMENT
AUTHORITY, DERA ISMAIL KHAN
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10846)**

(4th March 2024)

1. FACTS OF THE COMPLAINT:

i. Brief facts of the case are that a citizen/ complainant namely Mr. Mehmood Shah sought information from the Urban Area Development Authority, Dera Ismail Khan here after referred as Public Body regarding as below:

- 1) What is the year wise rate of nonuser charges w.e.f 2001 till date for one Kanal 14 Marla and 7 Marla plots in D.D.A Township D.I Khan?
- 2) Also please provide me the certified copies of official notifications/ circulars issued from time to time showing the rates of nonuser charges for one kanal 14 Marla & 7 Marla w.e.f. 01-10-2001 onwards.

ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, which 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. Incompliance, the Public Body responded vide their letter No. 6180-81 dated: 23-11-2023 which was shared with the complainant vide this office letter No. RITC/AR/1-10846/2023/22860-62.



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- iii. However, the complainant commented that the information provided vide above referred letter are not complete. This warranted personal hearing in the instant case on 04-03-2024.
- iv. Incompliance, the Director/PIO along with the complainant attended the Commission and submitted a brief reply vide letter No. 6217/UADA/A-3 Dated: 01-03-2024.

2. DECISION:

- i. In view of the above, the Commission handed over the requisite information to the complainant for his satisfaction and thus; decided to dispose of the instant complaint accordingly.

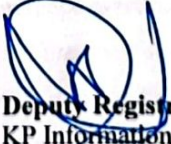
-sd-

Farah Hamid Khan

Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10846/2023/ 24981-86 dated: 11 March 2024

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Director/PIO, Urban Development Authority, Dera Ismail Khan.
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Mehmood Shah Hashmi (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



**REF: - MR. MUHAMMAD IKRAM VS. HAZARA UNIVERSITY, MANSEHRA
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9397)**

1. FACTS OF THE COMPLAINT:

Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Ikram sought information from Hazara University Mansehra here after referred as public body regarding

1. Advertisement in newspapers on which Dr. Saleh Muhammad appointment letter as Assistant Professor Physics (BPS-19) vide Ref No. 4 (75)-HU/Reg/2008/1559 dated July 02, 2008 had issued from Registrar Hazara University.
2. Need Assessment Committee members of his applied post.
3. Dr Saleh Muhammad submitted application and dossier for the advertised post of Assistant Professor.
4. NOC/ reliving notification from employer because he was employee in Peshawar Public School/ college also he was awarded HEC scholarship in year 2003.
5. List of scrutiny members along with designations and notification for his applied position of Assistant Professor (BPS-19).
6. Scrutiny and Quantification of the applied candidates for the post of Assistant Professor of Physics including Saleh Muhammad.
7. Appellate committee members along with designations and notification. Also, eligible and not eligible candidates for his applied position of Assistant Professor (BPS-19).
8. List of short listed candidates for his applied post of Assistant Professor of Physics (BPS-19).
9. His selection Board (June 02, 2008) and Syndicate (June 26, 2008) minutes.
10. Dr. Saleh Muhammad appointment letters as Assistant Professor Physics (BPS-19) vide Ref No. 4 (75)-HU/Reg/2008/1559 dated July 02, 2008 also his TTS appointment issued from Registrar (HU).
11. Dr. Saleh Muhammad all promotions documents from Assistant Professor to Associate Professor and Professor (physics) on tenure track system (HEC). The necessary documents should be including notifications of Registrar office (IIU), HEC, name and designations of candidates (Saleh Muhammad) whose case were under reviewed, endorsement Proforma, list of Publications, copy of PhD degree, Mid/ Final Probationary Review of all DTRC/Notifications (2008 till 2020), Minutes of all DTRC/Progress review Committee (for promotions to Associate Professor and Professor), submitted respective authorities, HOD/Chairman, Evaluation reports by all TRP for promotions (Associate and Professor of Saleh), Minutes of concerned/ respective meetings of Selection boards. Syndicates and approval



- of respective senate for his tenure (Associate Professor & Professor shall make the final decision on the award of tenure.
12. Registrar office, HU Notification of constituted Enquire Committee regarding Saleh Muhammad financial corruption amounts Rs. 768946* from Departmental Development Fund (DDF) of Physics. Also constituted enquire committee report/findings of accused financial corruption from DDF (Physics) amount recovered.
 13. Ex-Dean Faculty of Science explanations to Dr. Saleh M on Departmental irregularities and academic corruptions letter to Registrar office.\

(ON ADMINISTRATION POSTS THE PERFORMED DUTIES AS NON-TENURED STATUS)

14. As Head, Department of Physics Notification of Registrar office (HU), vide Ref No. 4 (1)-HU/Reg/2011/2105 dated September 06, 2011.
15. As Head, Department of Physics Notification of Registrar office (HU), vide Ref No. 4 (1)-HU/Reg/2012/1194 Dated April 03, 2012 for three year till April 02, 2015.
16. Saleh Muhammad as Director Quality enhancement Cell (QEC) notification of the Registrar office (HU), vide Ref. No. 4 (1)-HU/Reg/2015/399 dated February 23, 2015 also vide Ref. No. 4 (1)-HU/Reg/2014/2067 dated October 08, 2014.
17. As focal person for liaison/coordination with M/S Deloittee, in connection with performance audit of Hazara University (HU), Notification of the Registrar office, HU vide Ref. No. 4 (1)-HU/Reg/2015/337 dated June 24, 2015.
18. His notification from registrar office (HU) as member of finance and planning committee Hazara University.
19. His notification as Member of accommodation committee from Registrar office HU.
20. As chairman department of Physics notifications of Registrar office (HU), vide Ref No. 4 (1)-HU/Reg/2016/1969 dated December 28, 2016 and No. 4 (1)-HU/Reg/2020/42 dated January 07, 2020 for further three years till January 06, 2023 also respective joining acceptance notifications.
21. Saleh Muhammad as Convener of TTS Committee Hazara University notification of Registrar office.
22. Any other additional administration posts he performed duties notifications from Registrar office.
23. Registrar office notifications regarding Annual Progress reports (TTS) to Saleh Mohammad as Head/Chairman also as TTS faculty member whose case were under reviewed.
24. Registrar office Notifications regarding constitution of the Departmental Tenure Review committee (DTRC) for probationary mid-1st reviews after 3rd year to Saleh as head Department of Physics.
25. Registrar office Notifications regarding constitution of the Departmental Tenure Review committee (DTRC) of Final Reviews vide Ref No. 4 (2)-HU/Reg/2016/1088 dated July 20, 2016 to Head of Physics Department.



26. Head Department of Physics letter to Deputy Registrar (HU) vide Ref No. HU/Phy/2016/4943 dated August 15, 2016 regarding Constitution of the DTRC (Physics).
27. Registrar office Notifications vide Ref No. 4 (2)-HU/Reg/1323 dated August 29, 2016 regarding Saleh Muhammad as Member of Departmental Tenure Review Committee for the Department of Physics whose case were under reviewed in the same DTRC also others for promotions.
28. Dissent Note on notification of registrar office (HU) dated august 31, 2016 from Head Department of Physics with signature and stamp (HOD) on same Notification No 4 (2)-HU/REg/1323 dated August 29, 2016 to Registrar Hazara University that Saleh Muhammad is not tenured faculty member and his own case for promotion will be under review to Associate Professor (TTS). He as member of DTRC (Physics) as not tenure Assistant Professor on TTS cannot attend the DTRC meeting during review of his own case indeed clear violation and illegal as per TTS HEC/HU statutes.
29. Dr. Saleh Muhammad as chairman Department of Physics recommendation letter regarding constitution of the Departmental Tenure Review Committee (DTRC) to Registrar office for the discipline of Physics and Registrar office notification Vide Ref No. 4 (1)-HU/Reg/2019/3739 dated July 31, 2019 in which he was nominated as Convener of DTRC (Physics) and approved own dossiers for Promotion on TTs.
30. Minutes of constituted DTRC for Physics on probation / Tenure Review reports with name and designation of faculty members on TTS whose cases were reviewed notified vide Ref No. 4 (2)-HU/Reg/1323 (2016) and No. 4 (1)-HU/REg/2019/3739 (2019) also forwarded cover letter of Saleh as Chairman (Physics) to Registrar office.
31. Comprehensive Dossiers (6 years' service record on TTs) submitted Report from Saleh Muhammad as Head Department of Physics and Assistant Professor TTS Physics in response from registrar office, Hazara University issued letter No. 4 (2)-HU/ Reg/2015/911 dated April 27 2015 also F. No. 4 (2)-HU/Reg/2015/526 dated March 11, 2015 (Reminder 2nd).
32. List of all Publications of Saleh Muhammad submitted by him in response of Registrar office (HU) letter vide Ref. No. 4(2)-HU/Reg/2012/1849 dated June 07 2012.
33. Registrar office letter No. 4 (2)-HU/Reg/2016/768 dated May 12, 2016 to Director General Quality Assurance (HEC) along with submitted necessary documents of Saleh Muhammad (endorsement Proforma, list of Publications. Copy of PhD degree, minutes of 19th meeting of Selection board, Minutes of 33rd meeting of syndicate. Mid probationary Review of DTRC/Notification of 2nd Term, Minutes of DTRC/Progress review Committee, Evaluation Reports by TRP for promotion).
34. Dr. Saleh Muhammad as Head/Chairman letters in response of Registrar office notification regarding TECHNICAL REVIEW PANEL (TRP) for Physics.
35. Prof. Dr. Herwig Michor, Technische Universitat WIEN (Austria) Postdoctoral Research supervision acceptance for Dr Saleh



- Muhammad dated January 25th 2017 in frame of the Ernst Mach Follow-up Grant (EZA) Program where he earned his PhD degree.
36. Prof. Dr. Herwig Michor, Technische Universitat WIEN as member TRP (Physics) evaluation Report Dossiers on Dr. Saleh Mohammad dated October 16, 2016.
 37. Prof. Abutrab A. Aliverdiev (Russia) as member TRP (Physics) evaluation letter for Dr. Saleh M dated January 08, 2016.
 38. Ditto same report of Professor of Physics (USA) as like reported by Prof. Abutrab A. Aliverdiev (Russia) after being informed to Saleh Mohammad about DITTO SAME foreign reports (Russia and USA) by the 19th Selection Board appointee/assigned responsible with advice from ex-VC (HU) on or before selection board. The USA Ditto same evaluation report as TRP member of Saleh Mohammad was not considered/replaced also available with signature of ex-Registrar in Registrar office (HU).
 39. Prof. Hiroshi Sakurai (Japan) as member TRP (Physics) letter of the Evaluation for Dr. Saleh Mohammad dated November 05, 2015.

HEC ENDORSEMENT LETTERS TO HAZARA UNIVERSITY

40. **THE Higher Education Commission Letters from Aqeel Akhtar Khan, Director (Faculty Affairs Division) Letters Reference below:**
 - 1) 1). Ref. Dir-QA/HU/HEC/TTS-83, Dated March 02, 2021 (3 Pages Table-A and Table-B)
 - 2) Re. Dir-QA/HU/HEC/TTS-83/545, dated July 14, 2021 (Two pages Table-1 and Table-2).
 - 3) Registrar office letters to HEC Ref No. 4 (2)-HU/REG/2020/1107 Dated 18/12/2020, Ref No. 4 (2)-HU/REg/2021/458(22/3/2021) & Ref No. 4(2)-HU/Reg/2020/1107 dated 18/12/2020, Ref No. 4 (2)-HU/REg/2021/458(22/3/2021) &Ref No. 4(2)-HU/Reg/2021/381 (10/3/2021) on the subject matter.
 - 4) Dr. Saleh Muhammad appointment letter of Registrar office (HU) subject Promotion as Associate Professor on TTS.
 - 5) Dr. Saleh Muhammad appointment letter of Registrar office (HU) subject Promotion as Professor on TTS vide Ref No. 4 (23)(23) HU Reg/2020/592 dated November 11, 2020.
 - 6) HEC notification Ref No. 15-54/Coord/2019/HEC/(QAD)/119 dated: February 07, 2022 to all VC.
 - 7) Registrar office, Hazara University TT's Declaration to HEC vide F. No. 4 (1)HU/Reg/2022/?? Dated February 23, 2021. Also, the email dated January 11, 2022 by Registrar of Hazara University for the endorsement of Dr. Saleh Muhammad submitted to HEC.
 - 8) Registrar office Hazara University Notification vide Ref No. 4 (1)HU/Reg/2022/292 dated February 24, 2022.
 - 9) Letter of HEC if any for the endorsement of Dr. Saleh Muhammad as Professor of Physics (Tenure) on or before February 07, 2022.



- i. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to submit parawise response to the Commission. A series of correspondence were made between the Commission and Public Body in this regard. However, the Public Body vide letter No: F. No (2)-HU/Reg/22/536 dated:10/10/2022 provided the information pertaining to para 10,11,14,15,17,21,22,25,27,29,32,(11),33(11),35 to 39,40(1-8) while, rest of the information was not provided by the Public Body. This warranted the Commission to issue personal hearing notice. Thus, personal hearing notice was issued to the Public Body to attend the commission and explain the factual position on **06-03-2024**.
- ii. In compliance, the P.I.O attended the Commission and apprised the Commission that, the Public Body is ready to provide all the information to the Commission but it is difficult for them to locate the information as the information is very elaborate.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, as the requisite information/ records are in abundance and it will be more appropriate to direct the complainant to visit/attend the P.I.O office to locate and specify the requisite information subject to the payment of charges beyond 20 pages as mandated by the Act ibid in the presence of the representative of the Commission.



3. DECISION:

- i. Thus, in view of the above, the Commission decided to direct the Public Body to fix a day by mutual consent of both the Public Body and complainant to ensure the provision of information to the complainant subject to the payment of charges beyond 20 pages under the Act ibid within ten working days under intimation to the Commission.


-Sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARH/1-9397/2023/ 28457-63 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Vice Chancellor, Hazara University, Mansehra.
3. The Public Information Officer, Hazara University, Mansehra.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. The Divisional Office, KPIC, Hazara, Abbottabad.
6. Mr. Muhammad Ikram (Complainant).


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



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**REF:- MR. IMTIAZ HABIB VS. SETTLEMENT AND DIGITIZATION OF LAND
RECORD (MERGED DISTRICTS)
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO.10416)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Imtiaz Habib sought information from the Department of Settlement and Digitization of Land Record (Merged District referred as below:
 - 1) Recruitment details of Selected Candidates for positions, GIS Associate, Assistant Computer Operator, Network Support Engineer, Surveyor, and Driver Etc.
 - 2) Record of Non-selected candidates for above mentioned positions.
 - 3) Recruitment Project Policy.
 - 4) Policy/Rules for Ex-fata candidates.
 - 5) Advertisement details along newspaper record.
 - 6) Appointment order of selected candidates.
 - 7) Minutes of the Meetings.
 - 8) Pc-1 for the selection Criteria and revised project policy 2022.
 - 9) Merit list of short listed and selected for above mentioned positions.
 - 10) Complete Data of Selected and non-selected candidates in project 2021.
- 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 except para-2 to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission which warranted personal hearing Thus; the Commission issued personal hearing notice to the Public Body to explain the factual position on 06-03-2024.
- iii. In compliance, the P.I.O of the Public Body attended the Commission and apprised the Commission that, the Public Body



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has invited the complainant to visit their office and deposit charges of approximately PKR, 100,000/- for the receipt of subject information.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, most of 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.

3. DECISION:

- i. In view of the above, the Commission decided to direct the Public Body to pro-actively disclose the requisite information on their official website within ten working days positively.
- ii. The Commission also decided to direct the Public Body to share the requisite information with the complainant subject to the payment of charges as laid down in Section 13 of the Act ibid within ten working days positively under intimation to the Commission.

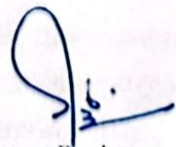
-Sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARP/1-10416/2023/ 25464-69 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The Project Director, Settlement and digitization of land record (Merged Districts), Peshawar.
3. The Public Information Officer, Settlement and digitization of land record (Merged Districts), Peshawar.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Imtiaz Habib (Complainant).


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



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**REF:- MR MUHAMMAD ZAHID VS. THE PUBLIC HEALTH & ENGINEERING
DEPARTMENT, DISTRICT CHARSAKDA.
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10647)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Zahid sought information from the Public Health & Engineering Division regarding;
 - 1) Construction record of pathway of village Saeed Abad Mira Parang.
- 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 the requisite information to the Commission. A series of correspondence were made between the Commission and the Public Body, but the Public Body failed to comply with the direction of the Commission. This warranted the Commission to issue personal hearing notice. Thus, personal hearing notice was issued to the Public Body to attend the commission and explain the factual position on 06-03-2024.
- iii. In compliance, the Sub-divisional Officer along with the complainant attended the Commission. The representative of the Public Body apprised the Commission that, the requisite information is lying with the Executive Engineer Public Health Division Charsakda.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, the Public Body did not make any correspondence with the XEN Public Health Division Charsakda to retrieve the requisite information and this shows the laxity attitude of the Public Body.
- ii. The Commission also observed that, the complainant himself attended the Commission and stated that he had not received any response from the Public Body in the subject complaint.
- iii. The Commission further observed that, the cooperation between the Commission and the Public Body is not only important but it will also facilitate the general citizens to get information of public importance.



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3. DECISION:

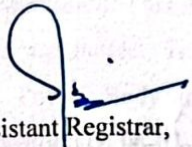
- i. In view of the above, the Commission decided to direct the Public Body to provide the requisite information to the complainant and convey the same to the Commission within **three** working days in order to avoid penal consequences.

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARP/1-10647/2023/25470-75 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The Executive Engineer, PHED, Charsadda.
3. The Sub Divisional Officer, PHED, Charsadda.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Muhammad Zahid (Complainant).


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



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**REF:- MR GUL AHMAD VS. THE PROJECT DIRECTOR SDLR MERGED DISTRICT
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10683)**

1. FACTS OF THE COMPLAINT:

i. Brief facts of the case are that a citizen/ complainant namely Mr. Gul Ahmad sought information from the Project Director Settlement and Digitalization of Land Record, Merged Districts here after referred regarding the Recruitment of (Survey Helper) as below:

- 1) Minutes of the Departmental selection committee meeting.
- 2) Office order of the selected candidates,
- 3) All documents of the selected candidates.
- 4) Merit list of the said interview.
- 5) Final merit list of selected candidates.
- 6) Attendance sheet of said interview.
- 7) Service Rules.

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 except para 3 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 Public Body. Thus, personal hearing notice was issued to the Public Body to attend the commission and explain the factual position on 06-03-2024.

iii. In compliance, the P.I.O of the Public Body attended the Commission and apprised the Commission that, the Public Body will provide the requisite information to the complainant after payment of the subject charges.

2. OBSERVATIONS OF THE COMMISSION:

i. The Commission observed that, the information sought by the complainant except para 3 of the RTI request 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.



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3. DECISION:


- i. In view of the above, the Commission decided to direct the Public Body to proactively disclose the requisite information on their official website within ten working days positively
- ii. The Commission also decided to direct the Public Body to share the requisite information with the complainant subject to the payment of charges as laid down in Section 13 of the Act *ibid* within ten working days positively under intimation to the Commission.

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARP/1-10683/2023/28496-51 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The Project Director, Settlement and digitization of land record (Merged Districts), Peshawar.
3. The Public Information Officer, Settlement and digitization of land record (Merged Districts), Peshawar.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Gul Ahmad (Complainant).


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



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**REF:- MR MUTTAHIRULLAH VS. THE COMMISSIONER BANNU DIVISION
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10682)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Muttair ullah sought information from the Commissioner Bannu Division regarding;
 - 1) Documents Copy of Waheed ullah S/O Amir Sher Khan Computer Operator (Bps-16).
- 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 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. Thus, personal hearing notice was issued to the Public Body to attend the commission and explain the factual position on 06-03-2024.
- iii. In compliance, the Assistant of the Commissioner Office Bannu Division attended the Commission and submitted that; the P.I.O was not able to attend due to Ramzan related official tasks.
- iv. The representatives of the Public Body apprised the Commission that, the appointment on the same post was made in 2019 and the complainant did not qualify for the said post.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, the information sought pertains to an official of the Public Body and it is the right of every citizen to ask for information regarding the credentials of the selected candidate and method of recruitment.
- ii. The Commission also observed that, the Public Body did not have an official website which is mandatory under Section 5 of the RTI Act 2013 and the information related to order and notification needs to be uploaded on the official website.
- iii. The Commission further observed that, the Public Body must sure the attendance of P.I.O in the proceedings of the Commission in future.



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3. DECISION:


- i. In view of the above, the Commission decided to direct the Public Body to provide the requisite information to the complainant within seven working days under intimation to the Commission.
- ii. The Commission also decided to direct the Public Body to develop an official website and properly maintain the same as mandated by Section 5, of the KP RTI Act 2013.
- iii. The Commission further decided to direct the Public Body to ensure the attendance of P.I.O in future.

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARB/1-10682/2023 25482 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Commissioner, Bannu Division.
3. The Public Information Officer, Office of the Commissioner, Bannu Division.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Muttahir Ullah (Complainant).


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



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
Near BRT Abdara Station, Behind Jabar Flats,
Arbab Colony, University Road, Peshawar
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**REF: - DR. MUHAMMAD SHAKEEL VS. BACHA KHAN UNIVERSITY, DISTRICT
CHARSADDA.**

**PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9556)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Dr. Muhammad Shakeel sought information from Bacha Khan University, Charsadda regarding the following:
 - 1) Advertisement
 - 2) Minutes of F&C Committee relating to said teaching & admin positions
 - 3) Minutes of the scrutiny Committee for the 5th and 6th Selection board for teaching & admin positions.
 - 4) Minutes of the Appellate Committee for all teaching and admin positions.
 - 5) Signed Quantification sheets for subject selection boards of all teaching & admin positions.
 - 6) Minutes & recommendation of the 5th and 6th Selection board.
 - 7) Selection board membership list
 - 8) Syndicate membership list
 - 9) List of Subject experts along with their CVs and copies of thesis abstract of last degree called for selection boards for all teaching and admin positions.
 - 10) Syndicate membership list before December 2021.
 - 11) Any other relevant document relating to said appointment
 - 12) Monthly Salary impact of the employees of Bacha Khan University Charsadda from December 2021 till date.
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to submit parawise response except para 9 and 11, A series of correspondence were made between the Commission and the Public Body for the provision of information. The Public Body vide letter No. 840/Reg/PIO/BKUC/2023, dated: 03-07-2023 submitted evaluation sheet and minutes of the scrutiny and quantification committee meeting for the post of Associate Professor in the



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Department of Bio-Technology, while rest of the information was not provided by the Public Body which warranted personal hearing in the instant complaint. Thus, the Commission issued personal hearing notice to the Public Body on 06-03-2024 to explain the factual position.

- iii. Incompliance, the Public Information Officer attended the Commission and apprised the Commission that, the Vice Chancellor concerned had refused to provide the requisite record/information to the complainant by stating that, the requisite record is not relevant to the complainant.

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 further observed that, a proper inquiry needs to be conducted in the matter to probe the reason of refusal of the University authorities to provide the requisite information to a citizen.

3. DECISION:

- i. In view of the above, the Commission decided to direct the Administrative Secretary i.e. Secretary Higher Education Department, Peshawar to conduct a formal inquiry that, why the provision of information to a citizen was delayed by the University Authorities and to submit a compliance report to the Commission to this effect within **ten** working days positively.
- ii. The Commission also decided to direct the Pro-Vice Chancellor to comply with the direction of the Commission and provide the requisite information/record to the complainant within **ten** working days under intimation to the Commission.

-Sd-

Farah Hamid Khan
Chief Information Commissioner,



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Endst No. & date: KPIC/ARP/1-9556/2023 25488-93 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Vice Chancellor, Bacha Khan University, Charsadda.
3. The Public Information Officer, Bacha Khan University, Charsadda.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Muhammad Shakeel (Complainant).

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



**REF:- MR. BAKHT RASOOL KHAN VS. DISTRICT EDUCATION OFFICER (MALE).
LOWER DIR.
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO.10638)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Bakht Rasool Khan sought information from the District Education Officer, Lower Dir here after referred as below:
 - 1) Complete Inquiry File along with final recommendation minutes of inquiry report mentioned in law book register of the school (allegation against Bakth Rasool Khan) on dated: 21-06-2022 signed by Tariq Ahmed ASDO (Male), Lower Dir
 - 2) Complete Details i.e. complaint and reply filed on Pakistan Citizen Portal against Bakth Rasool Khan.
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to submit parawise response to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information. The Public Body failed to respond to the direction of the Commission. which warranted personal hearing in the instant complaint. Thus, the Commission issued personal hearing notice on **06/03/24** to the District Education Officer, Dir Lower to explain the factual position.
- iii. In compliance, the Assistant District Education Officer attended the Commission and submitted the requisite information pertaining to **para -1** only without a covering letter to the Commission.
- iv. Later on, the representative of the Public Body concerned visited the Commission office and submitted the all the requisite information vide letter No:**1480 dated: 05/03/24** to the Commission.



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2. DECISION:


- i. The Commission examined the record/information provided by the Public Body and found it correct/ complete. The Commission also decided to share the same with the complainant
- ii. The Commission also decided to direct the District Education Officer concerned to nominate a P.I.O not below the rank of BPS-17 as mandated under Section 6 KP RTI Act, 2013.
- iii. In view of the compliance made by the Public Body the instant complaint may be treated as disposed of.

Farah Hamid Khan
Chief Information Commissioner

Endst No. & date: KPIC/ARM/1-10638/2023/ 25508-12 dated: 27 March, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The DEO (Male), Lower Dir.
- 3. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
4. Mr. Bakht Rasool Khan (Complainant).


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



**REF: - MR. ABDUL QADOOS VS. UNIVERISTY OF SCIENCE & TECHNOLOGY,
DISTRICT BANNU.
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10657)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Abdul Qadoos sought information from University of Science & Technology, District Bannu regarding the following below:
 - 1) Copy of NOC issued to Dr. Irfan Ullah for perusing his post of in the IRI, IIU, and Islamabad.
 - 2) Copy of Sabbatical Leave granted in this regard, whether it has been granted with pay or without pay.
 - 3) Copy of the Dead Agreement mutually signed between University and Dr. Irfan Ullah regarding the pursuance of Post Doc studies.
 - 4) Copy of the Daily Attendance of Dr. Irfan Ullah, Chairman, DISR, UST, Bannu.
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013 and it was decided to direct the Public Body to submit parawise response to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint Thus, the Commission issued personal hearing notice to the Public Body to explain the factual position on **06-03-2024**.
- iii. Incompliance, the Deputy Director/PIO attended the Commission and apprised the Commission that, the file is lying for approval of the competent authority since June 2023 for the provision of the requisite information/compliance. The matter was taken up time and again but to no avail.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, since the under the University Act the Registrar is the custodian of record and in such a situation the Commission is left with no choice but to direct the Registrar concerned to submit parawise response along with the requisite record/information in the instant complaint.



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- ii. The Commission also observed that, the matter needs to be taken up with the Administrative Secretary concerned to conduct a formal inquiry against the quarter concerned.

3. DECISION:

- i. In view of the above, the Commission decided to direct the Administrative Secretary i.e. Secretary Higher Education Department, Peshawar to conduct a formal inquiry to probe the matter that, why the provision of information to a citizen was delayed by the University authorities and to submit a compliance report to the Commission to this effect within **15** working days positively.
- ii. The Commission also decided to direct the Registrar office of the concerned Public Body to provide the requisite information to the complainant within **10** working days under intimation to the Commission.

-Sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARB/1-10657/2023 25501-07 dated: 27 March, 2024.

Copy to:

- 1) PS to Chief Information Commissioner, KP Information Commission, Peshawar.
- 2) PS to Vice Chancellor, University of Science and Technology, Bannu.
- 3) The Registrar, University of Science and Technology, Bannu.
- 4) The Public Information Officer, University of Science and Technology, Bannu.
- 5) The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
- 6) Mr. Abdul Qudoos (Complainant).

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