



(COMPLAINT NO. 02015)

REF:- SYED FAIZAN ALI SHAH VS. TEHSIL MUNICIPAL ADMINISTRATION, KOHAT.

## **PROCEEDINGS**

(14<sup>th</sup> December, 2016)

Syed Faizan Ali Shah, complainant, is not in attendance. Mr. Asmat Ullah, the incumbent TMO, Tehsil Municipal Administration, Kohat is present.

Background of the case is that Syed Faizan Ali Shah, the present complainant filed a request to the TMO, Kohat, for providing him information regarding the details of funds allocated to the TMA, Kohat by government and an NGO's for installation of tube wells in district Kohat during the period from 2008 to 2015. He also asked information regarding the locations of installed tube wells and the expenditure incurred on such installation.

He also sought information regarding the specific location in Ward No. 38 of District Kohat, where pressure pumps and hand pumps had been installed by TMA and the details of expenditure incurred thereof.

As per the RTI law, the PIO of the TMA, Kohat is bound to provide him the information in ten to twenty working days, however, the Public Body fails to entertain the request of citizen. The complainant therefore, filed a complaint before the RTIC on 18/04/2016, accordingly notice was issued to the PIO Mr. Farzand Ali Kiyani, on 19/04/2016, to provide the information to the complainant within ten days. The PIO failed to comply the direction of this Commission and he was repeatedly sent notices on 16/05/2016, 27/05/2016, 01/06/2016, 08/06/2016 and finally on 26/07/2016, for providing information to the complainant but no avail.

The TMA, Kohat vide letter dated: 23/06/2016, provided details about two tube wells which were installed at Jarwanda Road executed by NGO but silent against information about pressure pumps and hand pumps. In the same letter information regarding the drinking water supply scheme opposite Sabzi Mandi, Kohat was also furnished which have not been even asked by the requester.

Since the PIO failed to act according to the law hence a show cause notice served upon Mr. Farzand Ali Kiyani, Tax Superintendent, TMA, Kohat on 25/08/2016, but he did not sent a reply to the show cause notice. On 14/12/2016, the incumbent TMO, Kohat Mr. Asmat Ullah attended the Commission and submitted a statement that no record pertaining to tube wells and pressure pumps are available in TMA, Kohat.

From the above, it is evidently clear that the then PIO Mr. Farzand Ali Kiyani, office of the TMA, Kohat, failed to provide the desired information to the complainant within the prescribed time limit. Similarly, the explicit directions given to the PIO by the Commission in a repeated manner, the desired information could not be made available to the complainant. Therefore, in accordance with Section 26 of the Right to Information Act, 2013, a penalty of Rs. 20,000/- (Twenty Thousand Only) is hereby imposed upon Mr. Fazal Ali Kiyani, Public Information Officer, TMA, Kohat for his failure to respond to the request. The fine amount should be recovered from his salary, and deposited in Government Treasury under head of Account "C 03885". Fee payable for obtaining



GOVERNMENT OF KHYBER PAKHTUNKHWA  
RIGHT TO INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [complaints@kprti.gov.pk](mailto:complaints@kprti.gov.pk)  
Ph: +92-91-9212643  
Fax: +92-91-9211163

(45)

During the proceedings the Commission observed that the persistent denial of information to the complainant by the office of the TMA clearly hinted towards some serious irregularities in the TMA's office, Kohat. Presumably, due to these reasons, this Public Body was blocking the provision of the information to a citizen. Moreover, the statement given before the Commission by the incumbent TMO Mr. Asmat Ullah, on 14/12/2016, further augments our apprehension when he deposed that the record pertaining to installation of tube wells, and locations where pressure pumps had been installed was not available in the office of the TMA.

A copy of this order is, therefore, also sent to the Secretary, Local Government for conducting a formal inquiry in the matter, either departmentally or through the concerned provincial government authority, so that a proper stock is taken of public funds which were sanctioned for the benefit of the general public.

  
Chief Information Commissioner

  
Commissioner-I

  
Commissioner-II