



FEDERAL OMBUDSMAN

WAFIQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
Head Office, 36-Constitution Avenue,
Opp. Supreme Court, G-5/2,
Phone No. 051-9217243, Fax No: 051-9217224
E-mail: hafizahsaan1973@gmail.com

No. 1(4)/SAL/GCOP/WMS/2017

Dated April 26, 2017

Subject: LEGAL OPINION WITH REFERENCE TO SNGPL, SSGC & K-ELECTRIC

Reference to above mentioned subject, as earlier discussed.

2. All Advisors / Consultants are requested to submit / send their respective advocate / legal counsel opinion on their letter head to the office of undersigned before closing today's office hours i.e. 26-4-2017. The legal opinion will be placed in tomorrow's meeting.

(HAFIZ AHSAAN AHMED KHOKHAR)
Senior Advisor (Law)/
Grievance Commissioner for
Overseas Pakistanis

1. All Senior Advisors/Advisors/Associate Advisors/Consultants H.O, Islamabad.
2. All Senior Advisors/Advisors/Associate Advisors/Consultants, Regional Office, Lahore, Karachi, Quetta, Faisalabad, Peshawar, Multan, Sukkur, D.I. Khan, Hyderabad, Swat, Hub and Gujranwala.

CC:

1. P.S to HWM.
2. P.S to Secretary, WMS.

LEGAL OPINION WITH REFERENCE TO SNGPL, SSGC & K-ELECTRIC

The undersigned has perused the opinion of Law & Justice Division, judgements of Lahore High Court, Lahore and President's decision on representation with reference to jurisdiction of Wafaqi Mohtasib on SNGPL, SSGC & K-Electric.

2. The institution of Wafaqi Mohtasib is established with the objectives to provide speedy and inexpensive justice and deal with the issues of mal-administration against Federal Government Departments. Jurisdiction of Wafaqi Mohtasib is well defined in the preamble of President's Order No.1 of 1983 and in Article 2 and 9 of ibid. The jurisdiction of Mohtasib Office related to gas and electricity companies has also been well defined by the Ministry of Law & Justice and in the Judgement given in ICA No.146/2015 reported as 2016 YLR page 1. Both opinions of Law & Justice Division and Judgement of Lahore High Court are enclosed.

3. It is my legal opinion that the jurisdiction of Wafaqi Mohtasib is unlimited to the extent of mal-administration. There is no cavil with the proposition that Wafaqi Mohtasib can exercise his power in cases of mal-administration related to the complaints of SNGPL, SSGC and K-Electric in view of Article of 2(2) of the Establishment of Office of Wafaqi Mohtasib (Ombudsman) Order 1983 (Order No.1 of 1983). The Mohtasib, further if arrives on conclusion that there is consequence to act of mal-administration he will make recommendations including undoing the act done in consequence of mal-administration under the law.

4. Therefore, in view of above, it is my opinion that both OGRA, NEPRA or any other special law (if not dealing with mal-administration issues) do not restrict Wafaqi Mohtasib's jurisdiction on the subject to deal with the cases of mal-administration. The Wafaqi Mohtasib can entertain the complaints against Gas and Electricity Distribution Companies under the President's Order No.1 of 1983 in view of Law & Justice Division advice and Judgment of Division Bench Lahore High Court, which are clear on the subject, and can issue appropriate recommendations for rectifications to injustice caused to the complainants, hence, no institution or appellate authority can impose any limitation on Wafaqi Mohtasib's jurisdiction with reference to the complaints of mal-administration. Moreover, there is no limitation against the illegal act or wrong doing of any agency for institution of complainant's grievance before the Wafaqi Mohtasib.

(Hafiz Ahsaan Ahmad Khokhar)
Advocate Supreme Court of Pakistan
Senior Advisor (Law)/
Grievance Commissioner for
Overseas Pakistanis