



Mohtasib (Ombudsman)'s

ANNUAL REPORT

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WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

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A Profile of the Ombudsman



Mr. Justice Muhammad Bashir Jehangiri, the Senior Puisne Judge of the Supreme Court of Pakistan was administered oath of the Office of Acting Ombudsman of Pakistan by the President of the Islamic Republic of Pakistan at Aiwan-e-Sadr (President's House), Islamabad on 10th February, 2000.

Mr. Justice Muhammad Bashir Jehangiri has rich experience in the legal profession and the judiciary, acquired over a period of about 38 years. His Lordship was born on 1st February, 1937 at Mansehra, NWFP. He received his school education in Lahore, obtaining distinctions and did B.A. (First-Class-First) from Abbottabad in 1960. He obtained his LL.B degree from the University Law College, Peshawar in 1962 and joined the Bar in February, 1963.

After qualifying the West Pakistan P.C.S. (Judicial Branch) Examination, he was appointed as Civil Judge on 7th March, 1966. After serving at various stations as Civil Judge and Senior Civil Judge, he was promoted as Additional District and Sessions Judge on 6th July, 1974 and as District and Sessions Judge on 24th October, 1974.

His Lordship served as Judicial Commissioner, Northern Areas, from June, 1979 to December, 1982. He remained Special Judge, Customs, Taxation and Anti-smuggling (Central), Peshawar from March, 1983 to September, 1984. He took-over the charge as Joint Secretary, Ministry of Justice and Parliamentary Affairs (Justice Division), Islamabad on

12.9.1984. His Lordship was elevated as Judge of the Peshawar High Court on 1st October, 1988. He was elevated as Ad hoc Judge of the Supreme Court of Pakistan on 22nd February, 1995 and then as a Judge of the Supreme Court of Pakistan on 30th March, 1996.

Mr. Justice Muhammad Bashir Jehangiri being the next senior most Judge after the Chief Justice of Pakistan, has, in the absence of the latter from the country, also acted as Chief Justice of Pakistan a number of times.

His Lordship attended the Advanced Course in Public Administration and Development at the National Institute of Public Administration (NIPA), Lahore in 1977 and Shariah Course in the Sharia Academy of the International Islamic University, Islamabad in 1983-84. His Lordship attended the United Nations Institute for Asia and Far East Course for three months regarding "Prevention of Crime and Treatment of Offenders" at Fuchu, Tokyo, Japan in 1986. His Lordship participated as Legal Member of the Pakistan Delegation in the UN sponsored Geneva Accord on Afghanistan in April, 1988. His Lordship attended the World Law Conference held in Argentina in 1993. His Lordship also represented the Chief Justice of Pakistan in the Chief Justices' Conference and Law Asia Annual Meeting held in Manila (Philippines) in August, 1997.

Mr. Justice Muhammad Bashir Jehangiri, in his capacity as the Ombudsman of Pakistan, was the host for the Meeting of the Board of Directors of the Asian Ombudsman Association (AOA) held in Islamabad in February, 2000. As President of the AOA, he chaired the Fifth Asian Ombudsman Conference held in Manila (Philippines) from 17th to 20th July, 2000 where he was unanimously elected as President of AOA for the next two years. As the Ombudsman of Pakistan, he attended the Seventh International Conference of the International Ombudsman Institute (IOI) held in Durban, South Africa from 27th October to 3rd November, 2000, where he represented the Asian Region in his capacity as President of the AOA.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, Most Merciful

إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Verily Allah loves those who are fair (and just)

Al-Hujrat (XLIX-9)

CHAPTER - I

INTRODUCTION

Statutory Position of the Institution of Ombudsman

The institution of Wafaqi Mohtasib, the Federal Ombudsman in Pakistan was set up on 8th August, 1983 under the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983) – hereinafter called the P.O. No. 1 of 1983. As such, this was the seventeenth year of its existence. Article 28(1) *ibid* requires as follows:

“Within three months of conclusion of the calendar year to which the report pertains, the Mohtasib shall submit an Annual Report to the President.”

I took Oath of Office as Acting Federal Ombudsman (Wafaqi Mohtasib) on 10th February, 2000 and have the privilege of presenting this

Report for the Calendar year 2000. P.O. No. 1 of 1983 is included in this Report as Appendix-I.

Origin of the Institution

The institution of Ombudsman is believed to have existed in one form or the other throughout the history of human civilisation. The Romans had their 'Tribunes' to safeguard the rights of the plebeians against the patricians. China, which inherits one of the oldest civilisations of the world, had even three thousand or more years ago, special officials designated to function in the manner of Ombudsman. The purpose was to have a control over the bureaucracy and provide a means for rectification of the wrongs done by it. With extensive powers vested in it, the bureaucracy is prone to be oppressive and arrogant. In the use of these powers it takes resort often to protective or under-publicised rules and procedures of its own making. Hence arises the need for its accountability. With the ever increasing realisation of providing good governance to the populace, the importance of the institution of Ombudsman has today achieved an unprecedented significance.

With the advent of Islam the world was given a complete code of life for the human beings. Included in the same is not only a code of morality, the emphasis and distinction between right and wrong, good and evil, but also a prime emphasis was placed on justice and accountability. The Holy Quran says that on the Day of Judgement, each individual will be confronted with the complete record of his deeds, and will be told: 'Read it! It is enough today for the accountability your own self'. *Al-Asr/Bani Israel* (XVII-13, 14)

On the importance of justice, it has been ordained as follows:-

"And when ye judge between man and man, that ye judge with justice". *An-Nisa* (IV-5, 8)

"Ye who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice, Be just: that is next to piety". *Al-Maeda* (V-9)

"Allah commands justice (Adl) and doing of good". *Al-Nahl* (XVI-90)

The importance of justice and accountability can be judged from the following sayings (Ahadi'th) of the Holy Prophet (Peace Be Upon Him) (PBUH):-

“Each one of you is a shepherd and will be answerable about his herd, i.e. the people under his charge.” – *Sahih Bukhari*

“On the Day of Judgement the dearest and the nearest to God Almighty will be the Just Ruler whereas the most disliked and distant from Him will be the Unjust Ruler.” – *Tirmazi*

The Venerable Successors of the Holy Prophet (PBUH), Khulafa-e-Rashideen followed the beacon-light given by him. The First Caliph, Hazrat Abu Bakr, Razi Allah-o-Ta'alah Anho (RA) (May Allah be pleased with him) stated: “The weakest amongst you will be the strongest before me till I have restored to him his rights and the strongest will be the weakest in my eyes till I have extracted from him what he forcibly wrested from others.”

The Second Caliph of Islam, Hazrat Umar Bin Khattab (RA) is known for the justice dispensed by him and laying down a system of 'Adl'. A typical example of personal accountability is that once sheets of cloth were distributed equally among all. Once, when the Caliph appeared on the rostrum in the mosque, a questioner asked him as to how was he wearing a shirt made out of the same cloth, when the sheet given to each one was not sufficient to make a shirt from. He explained that he had been given the extra sheet by his son, who had also got a sheet of his share. Such boldness in the seeking of accountability even of the Head of the State was thus a hallmark of the administrative system.

The last of the four Khulafa-e-Rashideen, Hazrat Ali (RA) wrote a famous letter to Malik Ashtar, the Governor of Egypt. In the same, he addressed him as follows:

“Out of your hours of work, fix a time for complaints and for those who want to approach you with their grievances. For this purpose you must arrange public audience for them, and during this audience, for the sake of God, treat them with kindness, courtesy and respect. Do not let your army and police be in audience hall at such a time so that

those who have grievances against your government may speak to you freely, unreservedly and without fear. All this is necessary factor for your rule because I have often heard the Prophet (PBUH) saying: That nation or government cannot achieve salvation where the rights of depressed, destitutes and suppressed are not guarded and where mighty and powerful persons are not forced to accede to these rights.”

As such, the importance given to accountability and justice with the advent of Islam, stands acknowledged as a fact. In this respect Dr. Victor Pickl of the Austrian Ombudsman Office observes as follows:-

“It was the Prophet (PBUH) who first introduced administrative authorities. Caliph Omar created the Institution of Mohtasib. Its function was to be a guardian of public morals in many fields of life, especially in the towns and above all in the market place. He was the market supervisor, the Sahib-as-suq, as well as the settler of disputes. He enjoyed complete independence and functioned within the framework of an institution called ‘hisbah’. The era of the Caliphs was followed by the reign of the Umayyads and of the Abbasids (upto 847 AD).”

“With increasing frequency independent judges were entrusted with this function. It was also in the era of the Abbasids (750–847 AD) that the complaint handling agencies called ‘Diwan-al-Mazalim’ were established. ‘Diwan’ means an office, a secretariat or an official agency. The function of the ‘Diwan-al-Mazalim’ was to examine complaints brought by the public against government officials. The institution was headed by a senior judge responsible for examining these grievances.”

The Ottoman Turks during their extensive reign of a few hundred years gave a shape to the concepts of accountability and justice in the form of the institution of ‘Qadi-ul-Qudat’ or the Judge of Judges. As for this institution having influenced the establishment of the Ombudsman’s institution in Sweden in 1809, Dr. Pickl observes:-

“According to Ibrahim al-Wahab for ‘The Swedish institution of Ombudsman’ it has been said that the idea of

Ombudsman goes back to the time of King Charles XII of Sweden. As a result of his defeat by the Russians in 1709, King Charles XII fled to Turkey where he stayed in self exile for several years. During that period, unrest and disorder was prevailing in Sweden. Such a state of affairs had led the King, while he was still in Turkey, to issue an order for the creation of an office headed by the highest Ombudsman. The main function of the office was to ensure that laws and statutes were followed and that civil servants fulfilled their obligations.”

The institution of Chancellor of Justice came into being in Sweden in 1739. There was a long struggle between the Parliament and the Executive to exercise control over the Chancellor of Justice and to have an office that served their own interest. The tussle ended finally with the adoption of the Constitution of 1809. This development led the Parliament to appoint its own Ombudsman as an entity independent from the Executive as well as from the Parliament. The Office of Chancellor of Justice continued to exist alongwith that of the Ombudsman, both exercising their control over the civil service, within their respective jurisdiction.

In the modern times Finland established the institution of Ombudsman in 1920. The institution of the Finnish Parliamentary Ombudsman celebrated its 80th anniversary on 7th February, 2000 in the Parliamentary Building in Helsinki. Among the English speaking and British Commonwealth countries New Zealand is acknowledged as one country which pioneered the setting up of the institution of Ombudsman, while the institution of Parliamentary Commissioners was introduced in Great Britain from around the later 1960s. The Ombudsman idea has developed really rapidly. In 1983 the number of countries having the institution of Ombudsman is believed to be less than 30. Today, the institution exists, in one form or another, by one name or another, in all the Continents. The total number of countries having the institution should by now be nearing a hundred.

Special Nature of the Institution

The Ombudsman is not a substitute for the existing institutional devices for accountability. He does not supplant them but only supplements their efforts. The operational purview of an Ombudsman covers a much larger area than the implementation of the laws of the land and functions of the courts. The Ombudsman can look into matters which are out-

side the jurisdiction of the courts. The Ombudsman is no doubt a guardian of legality, but he never regards it as the end of the process. No doubt the Ombudsman is concerned with justice, but at the same time he works in a terrain much beyond the realm of legality. An important aspect of his role is that he concerns himself with equity of decision-making and its reasonableness. He has to check the erratic and ineffective execution of public policy, inattention, delay and inefficiency. Unlike the courts of law, the Ombudsman can intervene in cases of subtle misuse of authority, notwithstanding the fact that a decision, recommendation or process possesses legal validity.

The Supreme court of Canada in one of its judgements [B.C. Dev Corp vs Friendmann, (1985) 1W.W.R. 193] stated as follows:-

“... The traditional controls over the implementation and administration of governmental policies and programmes – namely, the legislature, the executive and the courts – are neither completely suited to nor entirely capable of providing the supervision a burgeoning bureaucracy demands. The inadequacy of legislative response to complaints arising from the day-to-day operation of government is not seriously disputed. The demands on members of legislative bodies is such that they are naturally unable to give careful attention to the workings of the entire bureaucracy. Moreover, they often lack the investigative resources necessary to follow up properly any matter they do elect to pursue...”

“The Ombudsman represents society’s response to these problems of potential abuse and of supervision. His unique characteristics render him capable of addressing many of the concerns left untouched by the traditional bureaucratic control devices. He is impartial. His services are free, and available to all. Because he often operates informally, his investigations do not impede the normal process of government. Most importantly, his powers of investigation can bring to light cases of bureaucratic mal-administration that would otherwise pass unnoticed. The Ombudsman can bring the lamp of scrutiny to an otherwise dark place, even over the resistance of those who would draw the blinds...”

Essential Attributes of the Institution

There is a general consensus that before an institution can be called as that of ‘Ombudsman’, it should possess certain specific characteristics. Particularly, it should be:-

- legally established;
- functionally autonomous;
- external to the administration;
- operationally independent of both the legislature and the executive;
- non-partisan;
- client-oriented but non anti-administration; and
- freely accessible and visible.

Ombudsman’s Institution in Pakistan

The first ever serious mention of the Ombudsman institution was in the Interim Constitution of 1972 of the country. In the Constitution of the Islamic Republic of Pakistan, 1973, the institution of Ombudsman has been mentioned in the Federal Legislative List. The institution can be set up in the Provinces by Acts of the Provincial legislatures. As already stated, the Office of Wafaqi Mohtasib (Federal Ombudsman) was set up by the P.O. No. 1 of 1983. The Province of Sindh followed suit by establishing the institution at the Provincial level by an Act in 1991. Azad Jammu and Kashmir set up the institution of Ombudsman by an Act in 1992. The North West Frontier Province (NWFP) and the Province of Balochistan are still lagging behind. There is a dire necessity of the establishment of the institutions of Provincial Ombudsmen in these Provinces, without which the process of Ombudsmanship in the country is not complete.

Directives of the President and Former Prime Ministers Regarding Implementation of the Recommendations of Wafaqi Mohtasib (Ombudsman)

The President of Pakistan as well as the former Prime Ministers have been emphatically directing the Agencies to implement the Recom-

mentations of the Wafaqi Mohtasib (Ombudsman). A directive of the President dated 20th September, 1990, addressed to various Federal Agencies states as follows:

“It is a matter of grave concern for me to note that the Findings/Recommendations made by the Wafaqi Mohtasib (Ombudsman) are, at times, not implemented promptly by some of the Ministries/Divisions. The Ombudsman’s institution has been established under President’s Order No. 1 of 1983 basically to render inexpensive and speedy justice to the poor and downtrodden citizens, aggrieved or affected by the act of mal-administration of the Federal Agencies. However, the very purpose of this highly useful institution is lost when its recommendations are either not implemented or are delayed.

The Agencies have been directed as follows:-

- i) Recommendations/Findings of the Wafaqi Mohtasib (Ombudsman) should be implemented within the stipulated time. Representations by the Federal Agencies under Article 32 of P.O. 1 of 1983 should only be made if there is a strong case in their favour. These should not be made on frivolous grounds or merely to gain time. It has to be noted that Article 3(3) of P.O. 1 of 1983 specifically enjoins upon all Executive Authorities throughout Pakistan to act in aid of the Mohtasib.
- ii) The tendency of defying or delaying the implementation of Ombudsman’s recommendations should be avoided. Unjustifiable defiance of the Mohtasib’s recommendations shall be recorded in the personal file/character roll of the public servant primarily responsible for the defiance, as provided by Article 12(2) of P.O. 1 of 1983.”

Finally, all Federal Agencies are, once again, urged to extend full cooperation to the Ombudsman for carrying out his functions smoothly in accordance with the requirements of P.O. 1 of 1983.”

All Federal Ministries, Ministers of State, Federal Secretaries were addressed by a letter dated 14.11.1995 by the then Prime Minister, directing as follows:-

“The Prime Minister, with a view to eliminating the unnecessary delays in the implementation of Wafaqi Mohtasib’s Findings/Recommendations/Orders by submitting representations to the President as a matter of routine, has been pleased to direct as under:-

- i) All Federal Agencies should strictly follow, both in letter and spirit, the directions of the President circulated vide No. 178/1/President dated 20th September, 1990 and letter No. 2784/93-Law dated 6th December, 1993.
- ii) Before making a representation to the President recourse must be had to Article 11(2) of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983) which provides for review of his Findings etc. by the Wafaqi Mohtasib.
- iii) In future compliance shall be made promptly in respect of the cases involving pensions, gratuities or other benefits arising on retirement; for giving preference in employment to the widow or children of deceased/retired employees in BPS 1 to 11 as per relevant recruitment rules; for appointment of women against their reserved quota; medical expenses; insurance claims; utility bills; compensation or remission allowed to widows, orphans, invalids or incapacitated persons where the amount is not more than Rs. 500,000 in an individual case and is permissible under the law.”

On the whole there is a good record of the Agencies implementing the recommendations. However, there are instances of some of the Agencies delaying or resisting implementation. In such cases, the P.O. No. 1 of 1983 fully empowers the Ombudsman to take corrective and disciplinary action against those concerned. Article 12 of the P.O. relating to Defiance of Recommendations provides sufficient powers for taking action against the defaulting officials.

CHAPTER - II

FUNCTIONS, JURISDICTION AND MODE OF OPERATIONS

Some of the salient features of the institution are indicated below. References to Articles are references to the Articles of P.O. No. 1 of 1983.

Statement of Purpose

The preamble to the law, i.e. P.O. No. 1 of 1983 provides for the appointment of Wafaqi Mohtasib (Ombudsman) in order to diagnose, investigate, redress and rectify any injustices done to the individuals through mal-administration.

Mal-administration

Article 2(2) defines mal-administration to include, among other things:-

- (i) a decision, process, recommendation, act of omission or commission which:
 - (a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is *bona fide* and for valid reasons; or

- (b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or
 - (c) is based on irrelevant grounds; or
 - (d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
- (ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.

Appointment of Wafaqi Mohtasib and Tenure

The Wafaqi Mohtasib (Ombudsman) is appointed by the President of the Islamic Republic of Pakistan to hold the Office for a period of four years and is not eligible for any extension of tenure or reappointment (Articles 3 and 4). As per Article 7, an Acting Mohtasib can be appointed whenever the Office of the Wafaqi Mohtasib is vacant.

Independence from the Executive

Article 3(3) lays down that the Mohtasib is to perform his functions and exercise his powers fairly, honestly, diligently and independently of the executive; and all executive authorities throughout Pakistan are to act in aid of the Mohtasib.

Jurisdiction

Article 9 enumerates the jurisdiction, functions and powers of the Wafaqi Mohtasib. The jurisdiction extends over Agencies of the Federal Government. These have been defined under Article 2 and comprise Ministries, Divisions, Departments, Corporations etc. and any other institutions established and controlled by the Federal Government, not including the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or any High Court. Excluded from the jurisdiction of Wafaqi Mohtasib are matters which:-

- (a) are sub judice before a court of law; or

- (b) relate to the external affairs of Pakistan; or
- (c) relate to, or are connected with the defence of Pakistan.

Also excluded from the jurisdiction of Wafaqi Mohtasib are ‘service matters’, for which Service Tribunals exist in the country.

Who can Make a Complaint and How is it Dealt with

According to Article 10 any person aggrieved by mal-administration of any of the Federal Agencies can make a complaint normally within three months of the arising of the grievance. The investigations are conducted in private. The procedure is outlined in detail in the latest procedural regulations, which are the Wafaqi Mohtasib Investigation and Disposal of Complaints Regulations, 1999. A complainant can make a complaint addressed to the Wafaqi Mohtasib in writing personally, by post, fax or e-mail. According to Article 10(6) the complainant is entitled to appear in person or be represented before the Mohtasib. However, the Mohtasib’s Office, being the poor man court, has also encouraged that the aggrieved person pleads his case without incurring expenditure on hiring of a lawyer. Taking full cognisance of the matter, on 10th October, 2000, I have issued the following Circular for strict compliance by the Investigating and other officers of my Secretariat:-

“I am of the considered view that a bare reading of P.O. No. 1 of 1983 would show that it was not within the contemplation of P.O. that Counsel/Lawyer should be allowed to represent the parties. Undoubtedly, the word ‘complainant’ or his ‘representative’ has been used but the word ‘Advocate’ or ‘Counsel’ is missing from the provisions of Section 10 of the P.O. No. 1 of 1983. Had the legislature intended to allow the Advocates/Lawyers then there was nothing to restrain them from specifically using the later terms. The conclusion is irresistible that the Advocates/Lawyers to represent either of the parties were not within the contemplation of P.O. No. 1 of 1983. Even otherwise the essence of the proceedings within the purview of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 clearly is that it is a poor man’s forum and those who either intend to or can afford to engage an Advocate or Counsel they should have recourse to a regular court of law and

spare this institution of technicalities which are hampering the quick disposal of cases in the Courts. It has, therefore, been decided that the Advocates/Lawyers should not be allowed to represent any one or both of the parties to the complaint.”

Daily ‘Mulaqat’ (Meeting) of the Ombudsman with the Complainants

One of my first commitments on arrival in the Office is the Daily ‘Mulaqat’ or meeting. Complainants wishing to make an original complaint or those whose complaints are pending investigation are welcome. As they would have reported a little before, the admissibility of the original complaints according to jurisdiction would have been examined by the Office beforehand, and in case of pending complaints the relevant file would have been linked by the Office. In most cases, on the spot orders are passed by me for further processing of the complaints.

This is besides the fact that the complainants can see the Investigating Officers at any time on the working days to enquire the progress on their complaints. The Investigating Officers in turn take immediate action there and then as required at that stage.

Investigation Procedure

The procedure for investigation is most informal. As per Article 14, the Mohtasib has the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of summoning and enforcing the attendance of concerned persons, compelling the production of documents etc; and to search any premises if required.

Recommendations for Implementation

The outcome of the investigations is that final Findings and Recommendations are given by me in each case. This is as per Article 11. Sub-Article (2) of the same requires as follows:-

“The Agency shall, within such time as may be specified by the Mohtasib, inform him about the action taken on his recommendations or the reasons for not complying with the same.”

Defiance of Recommendations

Article 12 vests the Mohtasib with effective powers against defiance of the recommendations made by him.

The law provides as follows:-

- “(1) If there is a “Defiance of Recommendations” by the public servant in any Agency with regard to the implementation of a recommendation given by the Mohtasib, the Mohtasib may refer the matter to the President who may, in his discretion, direct the Agency to implement the recommendation and inform the Mohtasib accordingly.
- (2) In each instance of “Defiance of Recommendations” a report by the Mohtasib shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance:

Provided that the public servant concerned had been granted an opportunity to be heard in the matter.”

Powers to Punish for Contempt

Article 16 vests the Mohtasib with the same powers, *mutatis mutandis*, as the Supreme Court of Pakistan in order to punish any person for contempt who:

- (a) abuses, interferes with, impedes, imperils, or obstructs the process of the Mohtasib in any way or disobeys any order of the Mohtasib;
- (b) scandalises the Mohtasib or otherwise does anything which tends to bring the Mohtasib, his staff or nominees or any person authorised by the Mohtasib in relation to his office, into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending before the Mohtasib; or

- (d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comments made in good faith and in public interest on the working of the Mohtasib or any of his staff, or on final report of the Mohtasib after the completion of the investigation shall not constitute contempt of the Mohtasib or his Office.

Inspection Team

As per Article 17 the Mohtasib may constitute an Inspection Team for assistance in the performance of his functions. The Team may consist of one or more members, with specialised knowledge and experience in particular fields.

Award of Costs and Compensation

Article 22 empowers the Mohtasib to award costs and compensation and order refund of amounts to any aggrieved party. This may be on account of any loss or damage suffered by him on account of mal-administration committed by a public servant, other functionary or Agency. However, this has to be after duly considering the explanation of the party causing the grievance. Such cost/compensation shall be recoverable from the party concerned.

Conduct of Business

Article 24 declares the Mohtasib as Chief Executive of the Office and also Principal Accounting Officer for financial control and incurring expenditure from the budget.

Bar on Jurisdiction of Courts

Article 29 provides that “No court or other authority shall have jurisdiction —

- (1) to question the validity of any action taken, or intended to be taken, or order made, or anything done or purporting to have been taken, made or done under this Order; or

- (2) to grant an injunction or stay or to make any interim order in relation to any proceedings before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Mohtasib.”

Representation to the President

Article 32 gives the right to any person aggrieved by a decision or order of the Mohtasib to make a representation to the President of Pakistan within a period of thirty days. The President may pass such order on the representation as he may deem fit.

Informal Resolution of Disputes and Matters

Article 33 in this respect is an extremely useful tool for the effectiveness of this Office. It provides that: “Notwithstanding anything contained in this Order, the Mohtasib and a member of the Staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.”

Miscellaneous

According to Article 35 all expenditure of the Office of Mohtasib is to be charged on Federal Consolidated Fund. Article 36 lays down that Mohtasib, with the approval of the President, can make rules for carrying out the purposes of the Order. Article 37 prescribes that provisions of the P.O. 1 of 1983 shall override anything contained in any other law for the time being in force.

CHAPTER - III

THE OFFICE

The Headquarters of the Wafaqi Mohtasib (Ombudsman)'s Secretariat are located at a central place, i.e. in the Benevolent Fund Building at Zero Point, Islamabad. Its four Regional Offices are located at the four Provincial Headquarters. They are also located at central places, easily accessible to the general public/complainants.

Directory

The locations of all the five offices and their contacts are as below:

- | | | |
|----|--|---|
| a. | Wafaqi Mohtasib
Secretariat, Zero Point,
Islamabad | P.O. Box No. 1992
Telephone Nos. 9201665-68
Fax No. 9210487
Telex No. 5593 WMS PK
E-mail: mohtasib@paknet2.ptc.pk |
| b. | Wafaqi Mohtasib
Secretariat,
Regional Office,
State Life Building,
3rd Floor, 15-A Davis
Road, Lahore | Telephone Nos. 9201017-20
Fax No. 9201021
Telex No. 44585 WMS PK
E-mail: wmsrol@paknet3.ptc.pk |

- | | | | |
|----|---|-----------------------------|--|
| c. | Wafaqi Mohtasib
Secretariat,
Regional Office, F-49,
Block 8, Kehkashan,
Near Clifton, Karachi-6 | Telephone
Fax
Telex | Nos. 9205250
No. 9202121
No. 27248 WMS PK |
| d. | Wafaqi Mohtasib
Secretariat,
Regional Office,
1-Tariq Road,
Opposite Railway Station,
Peshawar Cantt | Telephone
Fax
E-mail: | Nos. 270288
No. 9211571
ombudsmn@psh.paknet.com.pk |
| e. | Wafaqi Mohtasib
Secretariat,
Regional Office,
Baraganza Villas, Qaddafi
Street, Link Zarghoon
Road, Quetta | Telephone
Fax | No. 9202679
No. 9202691 |

Personnel Position

The number of Investigating Officers and those providing administrative support as at the close of the year was as follows:-

	Investigating Officers	Administrative Support
Headquarters, Islamabad	13	8
Regional Office, Lahore	11	2
Regional Office, Karachi	6	2
Regional Office, Peshawar	6	2
Regional Office, Quetta	1	—
Total:	37	14

A list of officers of the Wafaqi Mohtasib (Ombudsman)'s Secretariat is as per Appendix-III. Keeping in view the total workload handled by them, their contribution and effort are worth appreciating. To assist the investigating and administrative officers there is sanctioned staff strength of 476, consisting of stenographers, clerical staff and helpers etc.

Budget

Budget allocation for the entire Wafaqi Mohtasib (Ombudsman)'s Secretariat for the financial year 2000-2001, including Headquarters and Regional Offices, is Rs. 58.850 million. Revised Budget Estimates for the previous financial year 1999-2000 were Rs. 57.497 million.

Office Accommodation

The annual rent being paid for the five office buildings is as follows:-

Headquarters Office, Islamabad	Rs.	347,828
Regional Office, Lahore	Rs.	1,266,372
Regional Office, Karachi	Rs.	943,800
Regional Office, Peshawar	Rs.	300,000
Regional Office, Quetta	Rs.	142,000
Total:	Rs.	<u>3,000,000</u>

For the construction of the Headquarters building of the Wafaqi Mohtasib (Ombudsman)'s Secretariat in Islamabad the Capital Development Authority (CDA) has ever since 1987 allotted a plot of about 10,000 square yards on the Constitution Avenue opposite to the Federal Secretariat as well as the Supreme Court of Pakistan building. However, the construction on the same could not take place due to financial constraints of the Government.

Framing of Service Rules

Under the provisions of Article 36 of the P.O. No. 1 of 1983 the Mohtasib may, with the approval of the President, make rules for carrying out purposes of the Order. The Wafaqi Mohtasib's Secretariat has prepared the Draft Service Rules, which are at the final stage of examination in the Office of the Chief Executive and the President's Secretariat.

CHAPTER - IV

VISIT OF THE CHIEF EXECUTIVE OF PAKISTAN

General Pervez Musharraf, the Chief Executive of Pakistan, visited the Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad on 19th May, 2000. It was a valuable occasion to apprise him of the performance of this Institution and its vital importance for the general public.

Briefing

The Chief Executive was briefed about the functioning of the Wafaqi Mohtasib (Ombudsman)'s Office and its vital role in providing relief and redressal of grievances to the complainants. It was stated that on the average a complaint takes 3 to 5 months for disposal. Hence, this is a forum for providing quick and inexpensive relief to the aggrieved persons. There is no provision in the law of the Institution for engaging a counsel by the complainant, which saves the expenses on that account, and also the expenses which are to be necessarily incurred in case of litigation in the courts. Such a quick disposal of the complaints is also in remarkable contrast to the time normally taken in case of litigation in courts. The Chief Executive was informed that thousands of complaints are received every year, which are investigated and relief is provided through the Findings/Recommendations given by the Ombudsman, thus providing redressal of grievances to thousands of families across the country. It was stated that there is a need to expand the network of the Organisation, so that more and more people can be encouraged to take advantage of the availability of such a forum, for seeking redressal of genuine grievances which arise out

of wilful abuse or misuse of powers of discretion by the administration. It was highlighted that this Organisation is one of the few institutions in the country which acts as a safety valve for the poor, the destitute and deprived classes of the Society who cannot afford the luxury of initiating civil or criminal cases at considerable expense in order to obtain relief. It was stated that this Organisation provides the quickest remedy in cases where individuals or groups have been wronged by an unresponsive bureaucracy.

It was brought out that ever since the establishment of this office in 1983 and upto 31st December, 1999 a total of 655,337 complaints were received, of which 643,544 were disposed of, largely providing relief. During the year 1999, the number of complaints received was 43,833, while the number of complaints disposed of was 38,901.

The need for further improving the performance of the Institution of Wafaqi Mohtasib was stressed. It was brought out that there is an urgent need for upgrading all our facilities and at the same time, of ascertaining and identifying the weak points. This Office also has the responsibility to review the hierarchical systems of various Agencies which generate most of the complaints among the public.

Proposals for Improvement of Performance

The need for administrative and financial autonomy of Ombudsman's Institution was stressed. It was brought out that suitable incentives need to be provided to the staff working in this Secretariat; the transport system needs more attention; the Library needs to be adequately equipped and Office of the Federal Ombudsman's Institution need to be established in some more cities of the country. It was also pointed out that more liaison is required to be established with the Ombudsman Institutions/Associations World-wide.

Decisions Consequent to the Visit

The Chief Executive was pleased to direct the Establishment Division and Finance Division to examine the request for grant of appropriate financial and administrative autonomy to the Wafaqi Mohtasib (Ombudsman)'s Secretariat.

The establishment of new offices of Wafaqi Mohtasib at Multan, Faisalabad in the Province of Punjab; Sukkur in the Province of Sindh;

Dera Ismail Khan in the Province of NWFP; and Gilgit in Northern Areas was agreed in principle.

The Chief Executive provided a sum of Rs. 5.00 million in order to meet the present critical funding shortage for the efficient functioning of the Wafaqi Mohtasib's Secretariat. The Chief Executive also directed that the Cabinet Division should look into the possibility of replacement of those vehicles of the Secretariat, which have completed the prescribed life, from the available Central Transport Pool. The Finance Division is also to look into the various possible options for providing incentives to the staff working in the Wafaqi Mohtasib's Secretariat.

Officers are posted to the Wafaqi Mohtasib's Secretariat by the Establishment Division by sending panels of names of suitable officers alongwith their detailed particulars. The Chief Executive emphatically directed that keeping in view the particular nature of work of this Secretariat, in future all postings in and out of the Wafaqi Mohtasib Secretariat must be effected by the Establishment Division only after his concurrence was formally obtained.

CHAPTER - V

PERFORMANCE DURING THE YEAR

The aggrieved persons approach me by letters sent by post, fax or e-mail or by personally presenting their complaints to me. The process is a part of the daily routine for the Headquarters Office, Islamabad as well as the four Regional Offices at Karachi, Lahore, Peshawar and Quetta.

Figures about performance during the year 2000 are briefly indicated in this Chapter and with detail in the Tables in Appendix-II: 'Statistical Analysis'. References to Tables below, are references to the Tables in Appendix-II. At the end, the Appendix also includes a picture of the complaints handled ever since the establishment of this Office.

Inflow and Disposal of Complaints

Given below is the position of inflow and disposal of complaints during the year 2000:-

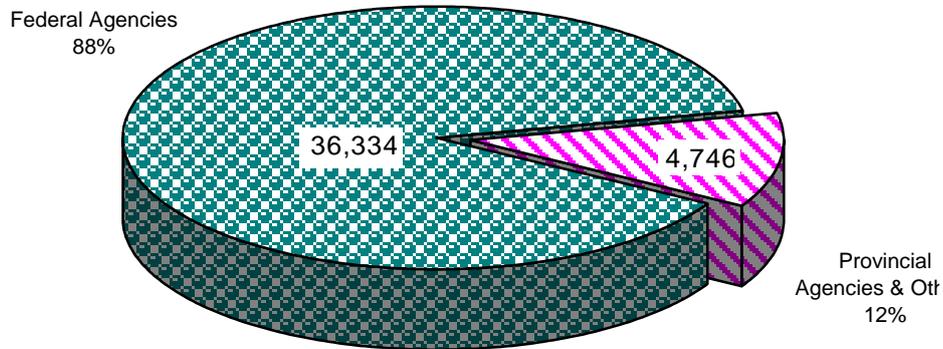
i)	Number of complaints brought forward from the previous year	11,793
ii)	Number of complaints received during the year	41,080

iii)	Number of complaints disposed of after initial examination/preliminary investigation	14,188
iv)	Number of complaints admitted for detailed investigation	26,942
v)	Total investigation workload during the year	38,735
vi)	Relief provided after detailed investigation	18,749
vii)	Rejected after detailed investigation	3,994
viii)	Number of complaints disposed of after detailed examination	22,743
ix)	Number of complaints under investigation on 31.12.2000	15,992

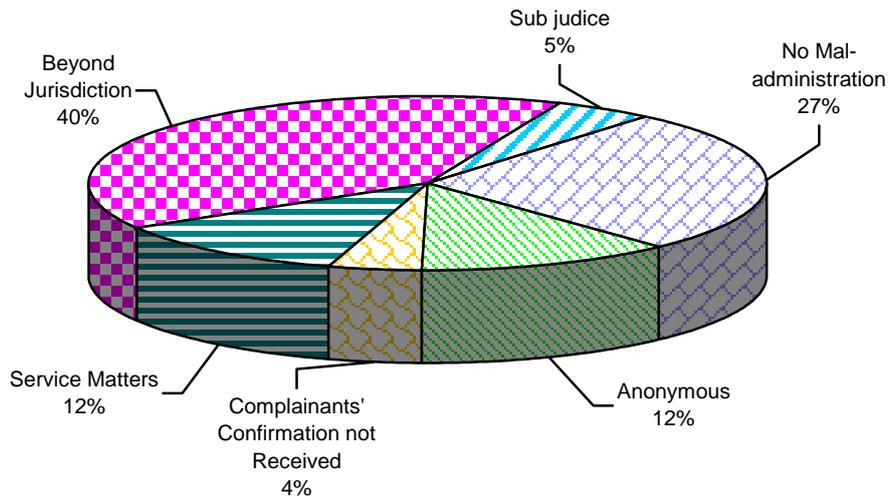
Initial Examination

While the complainants file their complaints agitated by their grievances, the first step in my Office is a careful examination to determine whether detailed investigation is required or the complainant can be advised after a preliminary examination or is to be guided to an alternate course. There are complaints which are of matters outside my jurisdiction, such as about matters sub-judice in a court of law, service matters or instances where it is desirable for the complainant to first approach the Agency. There are instances where apparently there is no mal-administration, the complaint is anonymous or the complainant has not provided or confirmed about certain information asked of him. Due to ignorance of the individuals, complaints about Provincial matters are received every day. Since the Provinces of Punjab, Sindh and Baluchistan have Provincial Ombudsmen, some of these complaints, containing material allegations are passed on to them. The position of complaints received

against the Federal and Provincial Agencies and others is given in Table I and as below:-



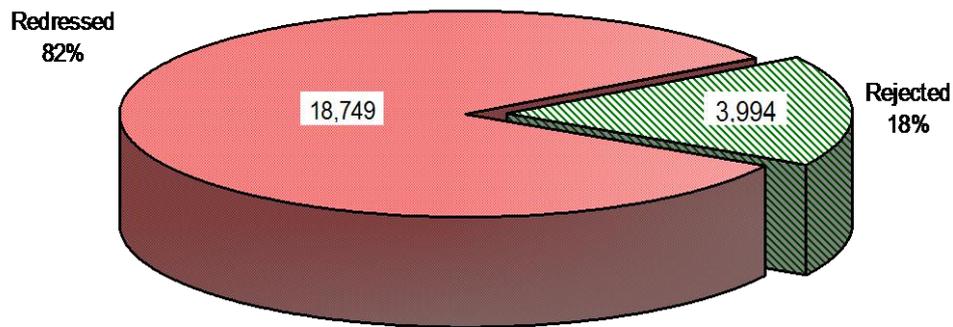
After preliminary investigation, the reasons for non-admission of the complaints for detailed investigation are listed in Table II and below:-



Grievances Redressed

Outcome of the detailed investigations during the year was as below:-

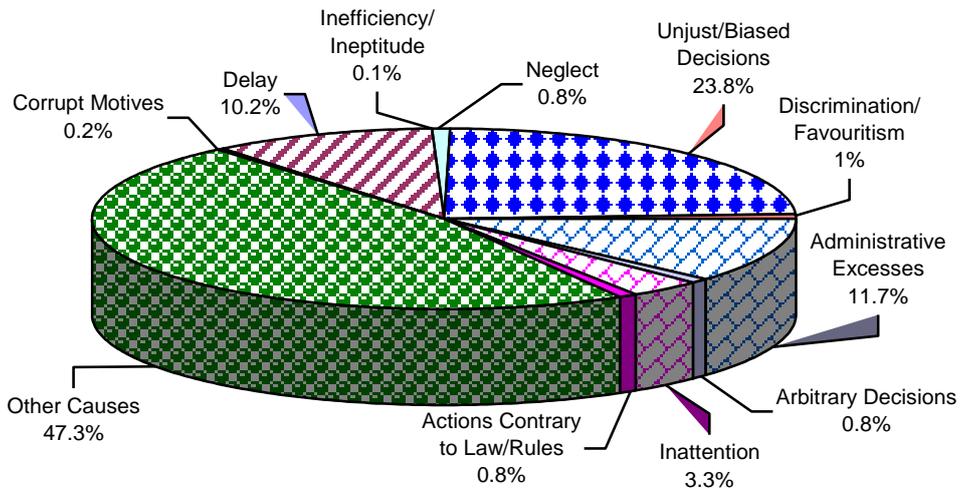
Grievances redressed	18,749
Rejected	3,994
Total:	22,743



It is a matter of great satisfaction that relief was provided in 82% cases.

Nature of Mal-administration

The nature of mal-administration as seen from the complaints is given in Table III and below:-



Agency-wise Number of Complaints and Their Disposal

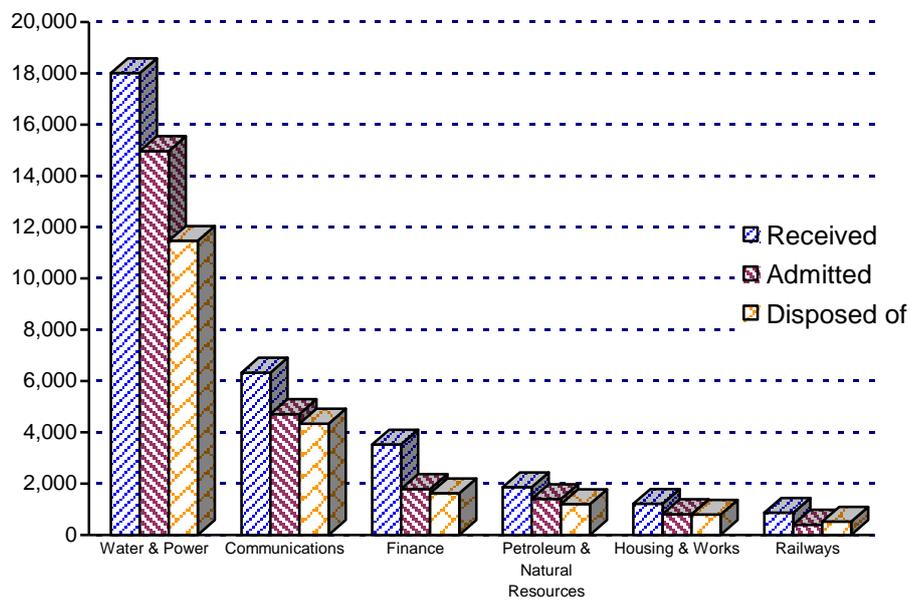
The number of complaints received and admitted against various Divisions of the Federal Government is indicated in Table IV. Their disposal, indicating the extent of relief provided, is given in Table V. The

highest number of complaints was received and admitted against the following Agencies/Divisions:-

- Water and Power
- Communications
- Finance
- Petroleum and Natural Resources
- Housing & Works
- Railways

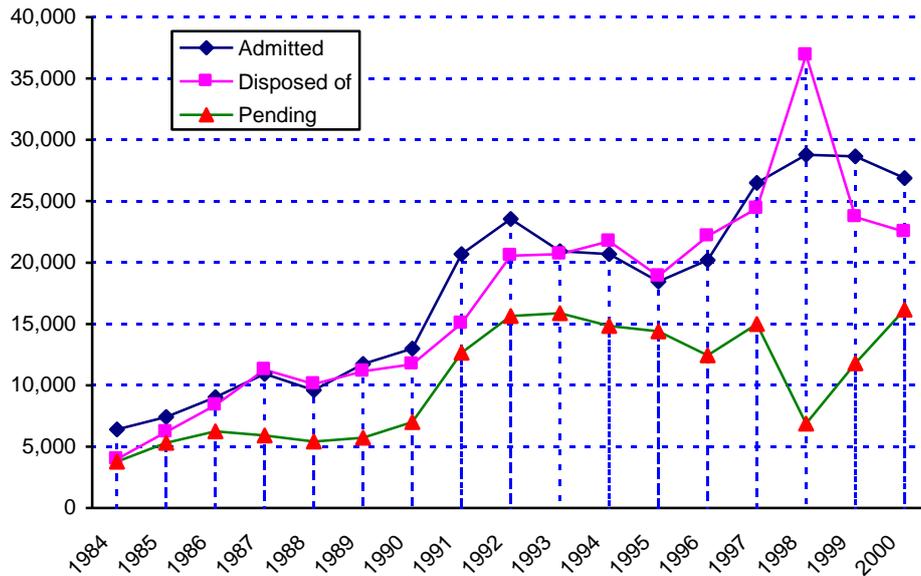
As regards the public sector corporations under the first two Divisions listed above, it may be stated that the highest number of complaints was against the Water and Power Development Authority (WAPDA) and the next highest against the Pakistan Telecommunication Company (PTCL).

Given in Table VI is the data regarding complaints received, admitted and disposed of, in respect of the six Agencies, being the highest ones inviting the complaints. The position is also indicated in the bar-chart below:-



Complaints Data Eversince Establishment of the Office

Table VII and the Figure below indicate the year-wise number of complaints received, admitted and disposed of eversince the establishment of this Office.



Disciplinary Action Recommended

Establishing mal-administration after the investigation of a complaint leaves one thing to be desired. It is the disciplinary action called for against the defaulting/erring officials. I have particularly instructed the Investigating Officers to propose disciplinary action against the officials responsible for the mal-administration. Consequently, disciplinary action has been recommended against officials in about 450 cases upto the end of year 2000 and the outcome is to be reported back to me.

CHAPTER - VI

INTERNATIONAL CONTACTS, MEETINGS AND CONFERENCES

For the purpose of exchange of information on Ombudsmanship and the Institutions of Ombudsmen, Regional Associations of Ombudsmen have existed for quite some time. Among these are the Regional Ombudsman Associations for Europe, Africa, North and South America and Asia Pacific. Asia, being the largest and most populous continent did not have a Regional Association of its Ombudsmen. Pakistan had the unique honour of successfully initiating the founding of the Asian Ombudsman Association (AOA) in April, 1996. It was a unique honour, in that, for the first time an international association was founded on the soil of Pakistan.

Meeting of the Board of Directors of AOA

In February, 2000 we had the pleasure of being host to the Meeting of the Board of Directors of the Asian Ombudsman Association (AOA) in Islamabad. The meeting which lasted from 22nd to 23rd February, 2000 was inaugurated by Mr. Justice Irshad Hasan Khan, Chief Justice of Pakistan. In his valuable inaugural remarks he stated that Pakistan is blessed with vast natural resources and industrious people. The people, with their distinct cultures, are descendants of rich ancient and well-known civilisation of Harrappa and Mohenjodaro and also the rich Islamic culture. He stated that the present state of socio-cultural development thus reflects a blending of glorious ancient traditions and modern cultural values. The Chief Justice stated that occasions like the present one indeed offer a useful opportunity to meet with compatriots in the Region, so as to exchange

views and share peculiar experiences in respect of performance and functioning of the Institution of Ombudsman. He stated that the Institution provides a useful means for redressing the grievances of the people and alleviating their sufferings and agonies, through speedy disposal of complaints. He further stated that the Institution is an extremely beneficial one for ensuring the accountability of public Agencies, by checking the abuse and misuse of power by public functionaries.

In addition to the address of welcome presented by me, the Meeting was also addressed by Prof. Bertram Bastiampillai, the Parliamentary Commissioner (Ombudsman) of Sri Lanka.

The distinguished participants of the Meeting are listed below:-

Country	Name of Delegation Members
China	<ul style="list-style-type: none"> (i) H. E. Mr. Yuan Chunqing, General Secretary/Vice Minister, Ministry of Supervision (ii) Mr. Peng Wenyao, DG of Foreign Affairs Department (iii) Mr. Zhang Wei, Deputy DG, Agency Service Centre, Ministry of Supervision (iv) Mr. Fang Weifeng, Deputy Director, General Office, Ministry of Supervision (v) Mr. Caiwei, Staff Member of Foreign Affairs Department
Hong Kong (China)	<ul style="list-style-type: none"> (i) Ms Alice Yuen-ying TAI, Ombudsman (ii) Mr. Anthony Hing-choi, Senior Investigation Officer alongwith his spouse Mrs Kwong Wun-ting
Iran	<ul style="list-style-type: none"> (i) Mr. Valiollah Khobreh, Deputy for Judicial Affairs, Inspectorate General of Islamic Republic of Iran (ii) Mr. Jalal Kalantari, Charge d'Affaires, Embassy of Iran, Islamabad (iii) Mr. Abbas IiKhan, Political Counsellor, Embassy of Iran

Japan	(i)	Mr. Hisao Tsukamoto, Councillor, Administrative Inspection Bureau, Management and Coordination Agency, Japan
Korea	(i)	Dr. Chu Kwang il, Chief Ombudsman alongwith spouse Mrs. Suh, Eun-Kyung
	(ii)	Mr. Sho Soon-sun, Assistant to Chief Ombudsman
Macau (China)	(i)	Ms Teresa Veloso, Legal Adviser, Commissioner against Corruption
	(ii)	Ms Fanny Ho Ioc San, Chief of Cabinet of the Commissioner against Corruption
Pakistan	(i)	Mr. Justice Muhammad Bashir Jehangiri, Wafaqi Mohtasib
	(ii)	Mr. Rustam Shah Mohmand, Secretary, Wafaqi Mohtasib Secretariat
	(iii)	Mr. Muhammad Hanif, Director General, Wafaqi Mohtasib Secretariat
Philippines	(iv)	Mr. Margarito P. Gervacio, Jr., Overall Deputy Ombudsman
Sri Lanka	(i)	Prof. Bertram Bastiampillai, Parliamentary Commissioner for Administration

In the first instance the Board noted with great appreciation the role and contribution made by the Government of the Islamic Republic of Iran in hosting the Conference of Asian Ombudsman in Tehran in May, 1999. The Board unanimously confirmed and adopted the outcome of deliberations of Tehran Conference.

The delegates stressed the need for an institutionalised system of administrative accountability with a view to promoting good governance. It was noted that the following points/suggestions which emerged from the discussions at Tehran be adopted for implementation by each individual country:-

- i) Providing public enlightenment to create an appropriate culture of supervision and inspection in Asia.

- ii) Inserting inspection-related subject matter in curriculum of educational institutions.
- iii) Training public servants for law abidance and accountability.
- iv) Establishing a training centre in Asia after being funded.
- v) Granting scholarship to the experts and members of AOA.
- vi) Establishing Ombudsman data bank in its secretariat, classifying the information and serving AOA members.
- vii) Necessitating extensive research to explore an optimal use for inspection and supervision.
- viii) Expanding exchange of information and experiences among the members to fight against administrative corruption, especially against complex networks.
- ix) Increasing public awareness on legal functions and status of Ombudsman through mass media.

The delegates stressed the need for a clear recognition of the need for Ombudsman's institutions in all the countries of Asia to promote public awareness with regard to accountability, supervision and inspection within the ambit and framework of the administrative and judicial systems in each member country/jurisdiction.

It was further resolved that the AOA Headquarters would collect reports on achievements of the institution of Ombudsman during each calendar year from member as well as non-member country/jurisdiction. This would strengthen the resource bank of AOA for the purpose of exchange of lego-professional information, extending assistance to prospective researchers towards further development of Ombudsman's institution in Asia and elsewhere.

It was resolved that the AOA Secretariat would establish a Data Bank concerning the origin and institutional development of Ombuds-

man's Office in Asia and the world. The Data Bank would process/maintain data in relation to the following areas:-

- i) Population of the Asian Countries and their socio-economic indicators, judicial systems of accountability, inspection and supervision etc.
- ii) Establishment and law of Ombudsman in each country/jurisdiction.
- iii) Mechanism of handling complaints and redressal of grievances.
- iv) Achievements of the Institution of Ombudsman.
- v) Salient features of the statutes and rules for providing relief.
- vi) Information on Annual Report, special report, articles and research studies.
- vii) Schedule of meetings, conferences, seminars, agreements and treaties, etc.

It was agreed that the Government of Philippines would extend invitation to all members of AOA for the forthcoming Conference being held in Manila in July 2000. It was also agreed that the host Country would by consensus of the AOA Board of Directors/member states, extend invitation to non-member Asian countries also.

The meeting discussed the proposal about expansion of the membership of AOA and the concept of Ombudsmanship in the Asian region. The delegates were unanimous in their views that institution of Ombudsman has made a tangible contribution to the cause of promoting accountability leading to good governance for the benefit of millions of people in the region. It was therefore stressed that not only the institution of Ombudsman be encouraged to grow but also the concept may be extended to areas where the institution does not exist at the moment. In this context it was also emphasised that the achievements of the organisations for the redressal of grievances of the aggrieved citizens may be highlighted to encourage non-member Asian countries/jurisdictions to adopt the system.

The meeting endorsed the proposal of Japan and People's Republic of China to host the Annual Conferences of the AOA for the year 2001 and 2002 respectively. It was noted that these moots would strengthen the institution of Ombudsman in the region.

The Ombudsman of Pakistan apprised the delegates that the Government of Pakistan, in addition to making available the office space for the AOA Office, has provided a one time grant/donation of Pakistani Rupees 3 million (equivalent to about US\$ 55,000) for establishing the AOA Headquarters. It was also indicated that the staff of the Wafaqi Mohtasib (Ombudsman) of Pakistan had rendered voluntary services during the establishment of AOA Office. All the Directors of the Board appreciated the role of Wafaqi Mohtasib's Secretariat in the establishment of the AOA's Headquarters and the Government's generous donation.

The Chinese delegation offered to invite the delegates from Pakistan, Iran, Korea and Philippines to visit the Peoples Republic of China with a view to exchange knowledge and experiences in the field of administrative supervision. The Chinese delegation also informed that the Ministry of Supervision would be sending delegations to Japan and Hong Kong (China) for an on the spot study of their system of Ombudsmanship.

In the end, as the President of AOA, I expressed my gratitude to all the delegates for their participation in the meeting and their wholehearted cooperation in making the meeting a grand success.

Fifth Asian Ombudsman Conference

After the First Asian Ombudsman Conference in Islamabad, Pakistan in April, 1996 the Second one was held in Seoul, South Korea in 1997. The Third one was held in Macau, China in 1998 and the Fourth Conference was held in Tehran, Iran in 1999. After the same, the Fifth Asian Ombudsman Conference was held in Manila, Philippines from 17th to 21st July, 2000.

The Conference began with a Keynote Address by His Excellency Joseph Ejercito Estrada, President of the Republic of Philippines. After the four Asian Ombudsmen Conferences already held, this was an extremely rewarding and fruitful experience in the exchange of information between the Ombudsmen of Asia. All efforts are being made to expand the community by impressing on other countries of Asia also to have the institution of Ombudsman. Plenary Sessions were held on three days of the Conference.

There were a number of Panel Sessions on vital subjects which included the following:-

- The Ombudsman and the Economy.
- The Ombudsman and Politics.
- The Ombudsman and the Judicial System.

I chose the subject of ‘Ombudsman and the Bureaucracy’. I highlighted that one of primary objectives of our Association and this Conference is to expand the membership and persuade more and more of the Asian countries towards having this institution. For that purpose, the benefits of having the institution must be highlighted to the countries which do not have it at present. I stated that the grievance redressal system is not a new phenomenon. It existed in one form or the other, throughout the history of human civilisation. With the advent of Islam in the Seventh Century AD the universe saw a beacon light of guidance; a whole code of life was given to mankind; lines of good and bad were clearly demarcated. Justice, equity, fair-play and doing good to human beings whether they may be believers in Islam or non-believers, were clearly indicated to be components of human code of conduct.

I stated that the Bureaucracy generally tends to look at the institution of Ombudsman with a bit of suspicion and fear. It is therefore necessary to cultivate a cordial relationship between the institution of the Ombudsman and the bureaucracy. As a matter of principle, grievances must be redressed at the level of the Ministries, Divisions, Departments and the organisations themselves. Unfortunately, this has not happened. In Pakistan, in the past the Government directed the Ministries and Divisions to have Vigilance Officers, so that the individuals having complaints could have resort to them. It is, however, the general impression that this system did not work effectively in the past. I stated that with the Ombudsman institution coming into being in Pakistan in 1983, a mechanism for the redressal of grievances was established in the real sense. There was a fruitful discussion on the subject and the Panel presented a meaningful report for the future guidance and reference of the Asian Ombudsman Association (AOA).

VIIth International Ombudsman Institute (IOI) Conference

Venue of the VIIth International Ombudsman Institute (IOI) Conference this time was Durban, South Africa. The Conference was held from 29th October to 2nd November, 2000. The Conference was inaugurated with a Keynote Address by Mr. Jacob G Zuma, Deputy President of South Africa. This was followed by Presidential Address and Vote of Thanks by Sir Brian Elwood, President of IOI and Chief Ombudsman of New Zealand.

In addition to Plenary Sessions which were held on all the days of the Conference, a lot of fruitful discussion and brain storming took place in the form of Workshops. There were seven of them, with very useful and relevant topics. To mention some of them I may cite the following:-

- “Protecting the Integrity and Independence of the Ombudsman Institution – The Global perspective.”
- “The impact of social and political environments and their influence on the work of the Ombudsman.”
- “The Government–citizen relationship: What do citizens expect of government? What do citizens expect of the Ombudsman?”
- “The Ombudsman in the achievement of administrative justice and human rights in the new millennium.”

I was Chairperson of the discussion in Workshop 2, the subject of which was: ‘The effectiveness of the Ombudsman in the oversight of the administrative conduct of Government’. Among other things I pointed out that even though corruption is a global phenomenon, developing nations are most prone to it, due to their weak socio-political institutions. The cost to society of corruption and graft is enormous, running into billions of dollars annually on a global basis. I stated that the destructive ramifications of graft are so serious that they lead to political instability and public dissatisfaction, impeding economic growth and social development, which in turn causes poverty to spin out of control in most of the third world countries. I stated that for these reasons there has been in the recent dec-

ades, an acute awareness of the causes leading to administrative wrongdoings and the need for ways and means of combating these evils.

I pinpointed that the impact of the institution of Ombudsman cannot be judged by merely evaluating complaint handling data. Its impact goes beyond the visible statistics. The invisible impact of the institution is exceedingly significant. The benefits of the functioning of the institution are vastly greater than the sum total and figures of the individual complaints handled by it. Specific grievances are redressed to the benefit of individuals, but on several occasions a more general and widely spread benefit ensues, as a consequence of investigation by the Ombudsman. I stated that enforcement of administrative accountability leading to a distinct improvement in the administrative systems has far greater benefits to society and the people. Besides, there is a definite deterrent effect of our operations. The administrators do not want to take any action or omit to take action, which would make them answerable before the Ombudsman. This has greatly reinforced the process of self-accountability among administrators.

I highlighted that there is a yearning for equality before law, observance of principles of social justice, and the creation of an egalitarian society. But whatever action is taken by the State to improve the condition of the masses or reorganise their judicial, social and economic systems, it always results in an increase in the size and power of the administrative officials. There is, therefore, an obvious need for a constant overhaul of the size and objectives of the office of Ombudsman in a given country.

I pointed out that in Pakistan special emphasis is placed on the urgency of redressal of grievances of pensioners, old people, widows, handicapped persons, and poorer sections of the society, who cannot take up their justifiable grievances in a court of law, produce evidence and get relief. They have no means of access to the administrative authorities who can provide quick relief. It is not easy for an ordinary/poor man to have access to senior Government officers for the redressal of a grievance. Our Investigating Officers, however, always extend a helping hand to those persons, even when initially the information provided is sketchy.

Very fruitful discussions took place under the aegis of the seven Workshops and extremely beneficial material was produced for the future, which would provide guidelines for the Ombudsmen and their Institutions.

The Second Ombudsman Leadership Forum Conference

The Conference was held from June 7 to 10, 2000 in San Francisco, USA and was attended from my Secretariat by Mr. Rustam Shah Mohmand, Secretary of my Secretariat. The Theme this time was 'Our Common Work: Trends and Tools for the 'Millennium'. The Conference was attended by some Ombudsmen and their representatives. The participants were welcomed and addressed with opening remarks by Adv. Bience Gawanas, Ombudsman of Namibia, who specially dwelt on the subject of: 'Our Common Work: Fairness, Dignity and Human Rights'. Some of the interesting topics of discussion were:-

- Ombudsman Independence: Perceptions and Realities.
- Establishing an Ombudsman Programme in a Post-Communist World.
- Ethical Issues.

A case study was presented and discussed about Namibia with the theme of: 'Strategic Planning for Ombudsmen'. It was a refreshing experience for the Conference that Ms. Roberta Jamieson, Agent for Social Justice, Mediator, Former Ombudsman of Ontario (Canada) was the Keynote Speaker in the discussion on the subject: "Shaping The Future: Taking The Initiative in a Turbulent Environment".

CHAPTER - VII

NATURE OF MAL-ADMINISTRATION/COMPLAINTS

There is a common pattern of mal-administration which is typical to various Agencies, as seen from the complaints over the years. The unfortunate thing is that the same type of complaints arise again and again. This is because ultimate corrective action is not taken by the Agencies. Enumerated below are some of the salient types of mal-administration which have come to notice. However, the list is not complete. It is not unusual to receive a complaint about a new type of grievance. To begin with, it would be appropriate perhaps to state one of the most usual grievances, affecting a very delicate section of the society. These are the Government servants who retire after having devoted the best part of their lives to public service, but on retirement are not paid their retirement benefits without quite a bit of suffering and delay. In case of their sad demise, the sufferers are their widows and families.

Delay in the Grant of Retirement Benefits

The Government have, time and again, issued clear instructions to all the Ministries, Divisions and Departments that before a Government Servant retires the case of his pension must be duly processed. A timeframe for dealing with the matter before-hand, well in time, has been laid down. The latest instructions which have been issued by the Finance Division (Regulations Wing) are vide their Office Memorandum No. F.13(4)-Reg.6/89 dated 14th April, 1996 on the subject of: 'Steps to be taken by the Authorities Concerned and the Retiring Government Servant

for Timely Sanction of Pension'. This Office Memorandum has been addressed to all the Ministries, Divisions and Departments of the Federal Government. It would be useful to quote its contents as below:-

“In spite of various revisions and instructions on simplification of procedure issued from time to time for expeditious settlement of pension cases aimed at eliminating delays, there have been increasing complaints from pensioners. This is all due to non-adherence of various concerned Ministries/Divisions/ Departments to pension rules.

Under CSR-906 all authorities dealing with the application for pension, should bear in mind that delay in the payment of pension involves peculiar hardships. It is essential to ensure that the retired employee should be able to receive his pension on the date on which it becomes due. In terms of CSR-907 every employee shall submit a formal application for pension in Part-I of CSR-25. The employee should, in his own interest, submit his formal application for pension to the departmental authority concerned six months in advance of the date of his actual or anticipated retirement:

Provided –

- (i) in cases in which the date of retirement cannot be foreseen six months in advance the application shall be submitted immediately after the date of retirement is settled; and
- (ii) an officer proceeding on leave preparatory to retirement in excess of six months, shall submit the application at the time of proceeding on such leave.

Further action is to be taken by department and the audit office concerned.

Ministries/Divisions/Departments/Audit Offices are once again requested to bring to the notice of all concerned including Government servants the instruction contained in Finance Division's O.M. No. 13(4)-Reg.6/89 dated 24.1.1991 for expeditious disposal of the pension cases of

the retired Government servants/families of deceased Government servants. In case of inordinate delay strict disciplinary action may be initiated against the defaulter.”

In spite of these instructions it is quite usual that pension of a retiring Government Servant is not sanctioned in time. As a result, the individual has to remain in a situation of acute financial hardship. The sanction of pension and other retiring benefits is often held up due to the non-fulfilment of procedural requirements and unnecessary difficulties which are caused due to inefficiency of the Government organisations and officials concerned.

This mal-administration is not only confined to delay in the grant of regular pension and its commuted value, but also the payment of accumulated G. P. Fund balance, and whenever admissible the sanction of Benevolent Fund grant.

Difficulties Experienced by Widows of Government Servants

In the case of death of the pensioner, family pension is entitled to his widow and after her, in a laid down sequence there is the entitlement of his or her other members of the family. These bereaved and distressed individuals are often put to immense hardship. They have to deal with one office and another and to contact a number of officials, who lack the realisation of the distress these individuals are suffering. The cumbersome procedures, rules and regulations also stand in the way.

It is a matter of satisfaction for the institution of Wafaqi Mohtasib (Ombudsman) to act as a sort of catalytic agent, in order to resolve the problems, which include a number of offices and Agencies.

After stating these common grievances, enumerated now are the salient types of mal-administration in case of specific Agencies, against which the largest number of complaints is received.

WATER AND POWER DEVELOPMENT AUTHORITY (WAPDA)

Wrong Billing

A rampant complaint is about issuance of electricity bills without taking actual readings. This may be due to leisurely attitude of the meter reader, or, with corrupt motives. Bills are prepared on estimated or notion-

al basis. The consumer might be charged for the higher slab of tariff, which should not have been applicable to him.

There have been instances where the consumer has been billed upto a reading upto which the meter has not even reached. With the inconvenience and distress caused to the consumer thus, he is forced to approach the lower echelons of the Agency for correction of the bill, for which illegal gratification is demanded.

Wrong addition of arrears is another cause of complaints. Arrears are added on account of amounts which have been already paid. This happens because of non-recording of the payment in the computer, or, failure to convey the information to the quarters concerned.

Charging of Wrong Tariff

Consumer are sometimes charged completely on the basis of Commercial Tariff, in cases where the premises are partly being used as residence, while a part of the same is being used for business. The Agency often charges the entire premises on the basis of Commercial Tariff, which is unfair.

Defective Meters

Reports about defective meters are not promptly attended to. In case of a fast meter this results in charging the consumer excessively and unfairly as long as the meter is not replaced. Even after the replacement of a defective meter, the consumer is entitled to refund/rebate due to fastness of the meter in the past. The consumer is often deprived of this benefit.

On the other hand, sometimes the meters are declared slow without proper laboratory Report/Tests. If the allegation of slowness is incorrect the excessive charges levied on the consumer are unfair.

Disconnection of Supply

The consumer is sometimes unaware of the reason for which his supply has been disconnected. It may be due to wrong arrears shown outstanding against him, or, for some other reasons unknown to him. Arrears could be related to the previous occupant(s) of the premises. It is also quite usual that after the supply has been disconnected, the consumer continues to receive electricity bills, apparently on fictitious basis.

Late Receipt of Bills

A lot of inconvenience is caused to the consumer by late receipt of bills, leaving insufficient time for depositing the amounts. With late distribution of bills, one of the results is long queues before the banks for depositing the bills.

Detection Bills

Unjust detection bills are issued sometimes, without proper proof of stealing energy by the consumer.

Removal of Poles and Overhead Lines

There are instances where the Agency allowed its transmission lines and poles over an existing locality, causing inconvenience to the inhabitants. The consumers have the right to request for shifting of the overhead wires or the poles in a manner that their houses are not affected. On the other hand there are instances where construction has been undertaken below the already existing overhead lines. In such cases, it is the individual who is responsible for the problem and not the Agency.

Stealing of Electricity

Considerable loss of revenue is caused due to stealing of electricity. This may be by crude, or, sophisticated methods adopted by dishonest consumers. Stealing directly from the transmission lines is a common incidence. On the other hand, stealing by sophisticated methods includes the slowing down of, or tampering with the meter. In most of the cases the stealing takes place with the connivance of the Agency's staff, cooperating with the dishonest consumer, in return of illegal gratification.

Delay in Providing New Connections

There have been cases of delay in providing electricity connections after the individual has deposited all the dues and fulfilled the formalities. Instances have been cited, where the principle of first come first served was not followed.

Issue of Demand Notice Without Availability of Energy

There have been instances where Demand Notices have been issued while the lines in the area or locality are yet to be laid or energised,

indicating a lack of proper planning on the part of the Agency; at the same time causing inconvenience to prospective clients.

PAKISTAN TELECOMMUNICATION COMPANY LTD (PTCL)

Delay in Giving New Telephone Connections

Delay in provision of new telephone connections after the payment against Demand Note is a cause of complaints.

Concept of Defaulter Premises

In spite of continuous Recommendations in our Annual Reports that the concept of 'Defaulter Premises' should be done away with; the needful has not been done. There have been numerous complaints of disconnection of telephones on the basis of arrears outstanding against the previous subscribers occupying the premises. The concept of 'Defaulter Premises' is totally unfair and the Agency should completely do away with it. Instead, the Agency should devise ways and means to recover the arrears from the defaulting previous occupants. The same should include the manner of locating them and recovering the amounts from them.

Excessive/Unjust Billing

This may be due to misuse of telephone or defective meter or wrong charging of NWD or Overseas Calls. There were complaints of customers being charged for NWD and Overseas Calls which they had never made.

Vigilance Committees

The Agency has its Divisional/Regional/Zonal and Headquarters Vigilance Committee (DVCs, RVCs and HVC) for attending to complaints of customers and redressing the grievances. However, a lot is left to be desired. The customers have complained in some cases of not being heard, or, their cases not having been properly looked into, specially keeping in view the past trend of telephone use.

Extra Departmental (ED) Public Call Offices (PCOs)

There are complaints of overcharging by the ED PCOs. The mal-practices of the ED PCOs not only result in overcharging the customers

but also of depriving the PTCL of its genuine revenues and the Government of the Excise Duty levied on telephone calls.

Delay in Sending Bills

Customers have frequently complained of late receipt of telephone bills. The same causes inconvenience to the customers in depositing the amounts by due date.

Misuse of Telephone Lines

There have been instances of misuse of telephone lines by interested parties in connivance with the PTCL staff who can have access to the main distribution frame (MDF) and the Exchange.

SUI NORTHERN GAS PIPELINES LIMITED (SNGPL)

Delay in Providing New Connection

There have been complaints of non-provision of gas connection after making of due payment against Demand Note. The principle of first-come-first-served was not observed. Demand Notes were issued in some instances without the availability of gas pipelines.

Wrong Billing

Complaints have pertained to wrong/excessive billing. These have been due to wrong readings or wrongly added arrears, when the amounts concerned had been already paid.

Late Delivery of Bills

There have been complaints of late delivery of bills, causing inconvenience to the consumers, leaving a small margin of time for payment. Although the bills are now being delivered through couriers, in spite of the same the complaints persist because of irresponsible attitude on the part of the couriers at times.

HOUSE BUILDING FINANCE CORPORATION (HBFC)

Delay in Sanction of Loans

Complaints have arisen due to delay in the sanction of loans after fulfilling the required formalities by the prospective borrowers and having provided the required documents.

Contradictory Loan Statements

Borrowers have been receiving contradictory loan statements for the same period, from the Local/Regional Offices and the Head Office, creating confusion to the borrowers as regards the amount outstanding against them.

Harsh Action Without Giving Due Notice

At times action has been taken for auction of the mortgaged property without giving proper notice to the borrower about his default.

Issue of Un-audited Statements

The Agency, at times, absolves itself of its responsibility of providing precise loan statements to the borrowers by resorting to the plea that certain account statement which was issued was un-audited.

Relief to Widows and Pensioners

Widows, orphans and pensioners are entitled to remission of interest in a certain manner and with certain conditions, under the HBFC's Operational Circular No. 248 dated 23.7.1997. There have been instances of unjustified refusal of relief under the same.

Delay in Closure of Accounts

There are complaints about officials of the Agency creating difficulties for the borrowers at the time of closure of their accounts and return of the property documents, with dishonest motives.

STATE LIFE INSURANCE CORPORATION (SLIC)*Lack of Proper Guidance to Clients*

The prime consideration before the Insurance Agent at the time of persuading a client for insurance is his own profit motive. The Agency gives a lot of incentive to the Agents for procuring more of the Insurance Policies. In their keenness the Agents do not guide the prospective clients of the implications of the undertaking they are giving and of wrong information given by them.

Non-fulfilling of the Formalities Earnestly

In the same process the Insurance Agents themselves also ignore the necessity of ensuring that the information provided by the prospective client is correct and precise. Proper medical examinations are skipped in the keenness to procure the Policies.

Refusal to Pay the Insured Amount

This is the single main type of complaint against the Agency. At the back of it is the mal-administration of the type mentioned above. The Agency refuses the payment of the insured amount to the survivor very frequently, on the argument of wrong information having been furnished by the insured person at the time of the insurance. This is in spite of the condition of 'incontestability' as per Serial No. 15 of the terms and conditions of the Policy, which reads as follows:

“15. Incontestability: Policies are incontestable with regard to statements made in the Proposal after two years from the date of issue except for fraudulent and wilful misstatement of material facts or on account of breach of any of the conditions of the Policy.”

This provision is in accordance with Section 45 of the Insurance Act, 1938, the title of which is: “45. Policy not to be called in question on ground of misstatement after two years.”

Belated Medical Evidence to Refute Claims

In order to refute claims of the survivors the Agency at times resorts to obtaining belated medical evidence from medical practitioners or hospitals to prove that the insured person was suffering from a serious ailment, which he concealed at the time of being insured. Such evidence is often based on so-called personal memory of the doctor and without any proper result of tests or investigation.

Acceptance of Premia by Agents

The insured persons are unaware of the fact that the Insurance Agents are not authorised to collect premia. At times they pay the same to the Agents who do not deposit it with the proper quarters in the Agency. On the other hand the Agents in their keenness for the continuation of the

Policies pay the premia of their own, hoping to get back the amount from the client, upsetting the accounting of the Agency in any case.

Non-issue of Notice for Non-payment of Premium

Although the Agency is not legally bound to issue notices to the clients for non-payment of the premia by them, sometimes for considerable time, it is the requirement of good faith to do so, in order to avert the adverse effects of the same to the client.

Less Payment of Surrender Value

The clients are not properly informed about the payment of surrender value and the reasons for less payment in case of discontinuation of the Policy.

MINISTRY OF HOUSING AND WORKS

A lot is left to be desired, in spite of repeated recommendations in our Annual Reports that most of the allotments should be made on the basis of the General Waiting List and a fixed percentage on the recommendations of the Out of Turn Allotment Committee (OTAC). However, this recommendation is far from being implemented and allotments continue to be made basically by the use of discretion.

AGRICULTURAL DEVELOPMENT BANK OF PAKISTAN (ADBP)

Quite a few illiterate farmers desirous of taking the loans are defrauded by officials of the Agency. These borrowers only put their thumb impressions on the papers prepared by the officials of the Agency, without knowing what they are committing, and at times not even knowing the amount being shown as credit against him. This is often due to lack of supervision by the higher echelons of the Agency.

CHAPTER - VIII

REPRESENTATIVE CASES

Grievances arise frequently when the Agencies themselves do not attend to complaints. The aggrieved persons run from pillar to post, voicing their grievances, but unfortunately as things are, no one gives them the redressal of the grievances. The aggrieved individuals are even unable to see senior officers of the Agency. With some exceptions, the scenario on the ground is that higher the level of officer, the more inaccessible he is. If the grievances are listened to and redressed at the level of the Agency, many a complaint would be settled there and then.

This Office is often the last resort for the complainants, dejected in their efforts from all the possible avenues. In this Office, they find a friendly environment, accessibility right upto the top and a system of redressal of grievances without any expense. It is a matter of great satisfaction that such disappointed individuals get relief from this institution.

It is a matter of great satisfaction for this Office that it provides relief specially to the disadvantaged individual of the society. The pensioners, who had been running about, the widows who had been making efforts for getting the family pension and their dues, when all efforts from everywhere have failed, are provided relief by this institution. The old, handicapped individuals, those living in difficult financial circumstances, including widows and orphans, are attended to, with special priority by this Office. The relief provided to them is a matter of great solace for us.

Reported here are brief summaries, reflecting a few of the typical cases disposed of during the year.

Relief Given in Matters Outside Jurisdiction

However, before presenting these summaries, a special gratitude must be expressed to those who have cooperated with us in providing relief in matters in which we have no jurisdiction. Ministry of Defence is outside the jurisdiction of this institution. However, this Office receives quite a number of complaints from retired Defence Personnel as well as their widows, some of them being widows of 'Shaheeds' of the 1971 War. We are getting so much of solace in providing relief to these individuals. The same is not possible without the extensive and sincere cooperation of the authorities concerned. These may be the Ministry of Defence, General Headquarters, or, the individual Army Units, to which the individual concerned belonged. A few such cases in which relief was provided, are reported here.

AVIATION DIVISION

CIVIL AVIATION AUTHORITY (CAA)

Complaint No. Reg. K/2288/99

Failure to Appoint as Assistant Fire Officer Despite Qualifying Test, Interview and Issuance of Selection Letter

Mr. Sohail Mazhar Ali of Karachi complained against refusal of the Civil Aviation Authority to appoint him against the advertised post of Assistant Fire Officer on medical grounds. He had qualified the test and interview and a selection letter had been issued to him. The complainant had also submitted a letter of acceptance and provided 10 years service bond against warrantee of Rs. 50,000, as was required by the Agency. However, he was declared medically unfit by CAA, consequent to the medical examination carried out by its Chief Medical Officer.

During investigation of the complaint, the complainant produced a second opinion from a renowned eye hospital named "Akhtar Eye Hospital", a Postgraduate Teaching Hospital of Ocular diseases, who certified that the complainant was fit for any profession, as far as vision was concerned. Moreover, he pleaded that the weakness of eyesight could be overcome by wearing glasses. It was observed that it was unfair that the complainant be refused appointment on the basis of weakness of eyesight

when various selection and training letters had been issued to him and service bond had been also obtained from him. It was recommended that the complainant be given the appointment for which he had been selected subject to the use of eyesight glasses for distant vision, and he may be allowed to join the training which had already commenced.

CABINET DIVISION

CAPITAL DEVELOPMENT AUTHORITY (CDA)

Complaint No. Reg. H/17453/99

Non-delivery of Possession of Plot and Unjust Recovery of Extension Charges

Malik Muhammad Naseer, presently a resident of District Chakwal, stated in his complaint that he was an affectee of Islamabad and had been allotted a corner plot No. 107 in Sector F-11/1, measuring 666 sq. yards vide CDA's letter dated 30.9.1983, which also prescribed the schedule of payments. He was also required to pay 10% extra on account of the plot being a corner plot. He further stated that he paid the instalments as prescribed by CDA, but despite numerous reminders he had not been given the possession of that plot on one pretext or the other for the last 13 years. The CDA then asked him for unlawful and unjust extension surcharge of Rs. 68,267 for the alleged reason that he had failed to carry out construction on the plot within the admissible period. He questioned as to how he could construct a house without first getting the possession of the plot from the CDA, which was not done, due to CDA's fault. He paid the surcharge under protest but he was even then not given the possession of the plot, because when the CDA's surveyor went on the spot to hand over possession of the plot he found that the plot was 702.28 sq. yards in pentagonal shape, with one front of only $17\frac{1}{2}$ ft. He therefore observed that it has to be decided by the competent authority if he could be given a plot of 702.28 instead of 666 sq. yards. The complainant had applied for change of plot but he did not get any reply. Neither he was given the possession of this plot nor had the CDA taken any decision in this respect. He was again asked to deposit another extension surcharge of Rs. 60,268 vide Authority's letter dated 31.12.1998 which he again paid under protest. He requested for the following:-

- (a) Refund of illegally charged extension surcharge of Rs. 128,535.

- (b) Refund of corner plot fee of Rs. 18,333, as the plot was not in fact a corner plot and its one side was only $17\frac{1}{2}$ ft., instead of the standard measurement of 60 x 100 ft.
- (c) Compensation on account of irregular shape of plot which had reduced the value of plot from Rs. 60 lac to Rs. 40 lac.
- (d) Compensation for mental torture, agony and frustration caused to him.
- (e) Apologies by CDA for mal-administration and failure to respond to his various petitions, letters, appeals etc.

After investigation and a hearing, the following facts emerged:-

- (a) Plot No. 107, F-11/1, Islamabad was allotted to the complainant in 1983. The allotment letter showed the area of plot as 666 sq. yards. The complainant was asked to pay instalments according to a fixed schedule, which he paid on time or before time in each case, as under:-

Instalment	Amount	Due Date	Paid on
First	Rs. 28,966.80	30.11.1983	26.11.1983
Second	Rs. 21,725.00	30.05.1984	26.05.1984
Third	Rs. 45,000.00	31.12.1988	26.12.1988
Fourth	Rs. 45,000.00	31.03.1989	23.03.1989

- (b) Possession was not handed over to him for 13 years due to unexplained reasons.
- (c) At one stage when the surveyor went on the site to measure the plot, in order to hand over possession to the complainant, he found that the plot was of 702 sq. yards instead of 666 sq. yards and therefore he had refused to hand over the possession and re-

quested the Authority to resolve the issue of the size of the plot, but no decision on this was ever taken by CDA.

- (d) Subsequently, without handing over the possession of the plot to the complainant, the CDA had unfairly charged the two instalments of Rs. 68,267 and 60,268, a total of Rs. 128,535 as surcharge on account of failure of the complainant to carry out construction on the plot.

It was observed that the CDA had been very unkind and unfair to the complainant. He was made to pay surcharge on account of delay for construction without handing over the possession of the plot to him. It is CDA's own rule that no construction can be raised on a plot without first taking over of the possession of the plot. It was held that it is a glaring example of mal-administration, in which various Directorates of CDA were found lacking in mutual coordination. The Directorate responsible for handing over the possession failed to do so while the Directorate responsible to enforce construction requirements demanded delay surcharges — not once but twice, which were paid by the complainant in his keenness to take over the possession of the plot. The plot itself was found to be of a peculiar shape and of different size than the plans showed. No decision could be taken by concerned officer to settle this disparity. It was observed that 13 years was not a small period to keep a citizen waiting for possession of his property.

It was therefore held that the complainant was not a defaulter. It was also held that possession of plot was denied to him due to negligent and careless attitude of the concerned CDA officials. Following recommendations were made, which were all implemented by CDA:-

- (i) The surcharge of Rs. 128,535 recovered from the complainant shall be reimbursed to him.
- (ii) The plot was not a corner plot, and in fact its shape would mean a loss of considerable useful area for construction. Therefore, corner plot fee of Rs. 18,333 was not liveable and shall be reimbursed to the complainant.

- (iii) Other requests of the complainant were not accepted, except that the question of payment of compensation on account of mental torture had to be dealt with separately, for which if the complainant was so advised, he could make a separate complaint.

Complaint No. Reg. H/9553/2000, Reg. H/9554/2000 & Reg. H/9613/2000

Unjust Service of Notice to Deposit Outstanding Dues without Undertaking Development Work

Mr. Asghar Mehmood Bhatti of Islamabad and two other complainants stated that the CDA had accepted their highest bids for residential plots in Sector I-16/3, Islamabad in an open auction held on 6.4.1999. They deposited an initial amount of Rs. 156,800 and were issued allotment letters on 31.5.1999. They had not been handed over possession of the plots in spite of the passage of more than one year. In the brochure which was provided on the occasion, before the bidding started, it had been stated as follows:-

“Residential plots in Sector I-16/3 are offered for auction. The size of plots is 30 x 60 sq yards. These are available in fully developed area and all services, utilities and social facilities are provided in the area.”

The complainants deposited further instalments of Rs. 140,000 each in July, 1999 and another Rs. 140,000 each in October, 1999, but still the possession was not given. On visiting the site they found open land instead of plots. They were required to pay the third instalment by 30.6.2000, which they considered as unreasonable, in view of the situation on the ground. Consequently, after giving them a Show Cause Notice in March, 2000 and then in May, 2000, the CDA cancelled their allotments as per letter dated 30.6.2000. The Agency argued in response that according to its regulations the allotment stands cancelled automatically, if amounts are not paid by the due dates and possession of the plots stands reverted to the Authority. The Agency also claimed that it has the right to forfeit 10% of the total price of the plot in case of such default.

The complainants challenged all this, as extremely unfair. They specially complained that the CDA had made a wrong statement in the brochure, which had in turn provided a false motivation to the prospective bidders. During a hearing, the CDA's representative replied in the negative

when asked if CDA could hand over the possession of the plots to the complainants, if they paid the final instalments. He admitted that the Sector had yet to be developed.

It was held that the Agency had committed gross maladministration by offering plots for auction, while there were none on the ground and the area consisted merely of open land. It was recommended that the CDA should demand the last instalment from the complainants only when it is in a position to hand over the fully developed plots within 30 days of the final payment. The cancellation of allotment of the plots to the complainants was held to be void and of no consequence. The CDA was also asked to formally convey the withdrawal of cancellation letters dated 30.6.2000 addressed to the complainants.

Complaint No. Reg. H/23522/99

Unjust Charging Car Parking Fee at Fatima Jinnah Park, Sector F-9 and Grant of Contract without Observing the Procedure

Mr. Muhammad Ashraf resident of Islamabad stated in his complaint that Fatima Jinnah Park in F-9 is the only civic facility available to the citizens of 7 Sectors lying along South-East of Shahrah-e-Faisal. A large number of visitors visit this park daily but visits have been made difficult by CDA due to ever increasing fees and behaviour of the Contractor who has been appointed illegally without observing proper procedure. He further stated that in addition to incurring expenditure on account of car parking fee a citizen has to undergo a lot of inconvenience at the hands of the Contractor who has erected temporary bamboo barriers on the main gates of the Park. These barriers not only give ugly look but also restrict free entry by the visitors. He also objected to exemption granted to government vehicles from payment of fee. He requested for rectification of the situation because CDA was not listening to his complaint.

The CDA's explanation regarding award of contract was found satisfactory, but their explanation in respect of other allegations was not satisfactory. After investigation of the matter it was recommended that:-

- (i) There shall be no barriers at the main gate of the Park. Ticket booth be located in a manner that it did not interfere with the entry of the pedestrians and create no congestion at the gates. Contractor's men shall wear badges of identification with immediate effect. However, w.e.f. November, 2000 when the

new contract will be awarded, the contractor's men shall be in proper uniform. Details of uniform could be decided by CDA Board in conjunction with the local District Administration.

- (ii) A complaint register shall be placed at the Ticketing Booth which shall be easily accessible to the citizens for recording any complaints against the behaviour of the contractor or his men, and also for suggestions to improve the recreation facilities in the Park.
- (iii) CDA's Duty Officer should visit the park at peak hours to see that the public enjoys the facility without any undue encumbrance.
- (iv) Exemption granted to Government vehicles shall be withdrawn w.e.f. the next contract, falling due in November, 2000, as CDA has failed to produce an authority for the grant of this exemption to Government vehicles.

Complaint No. Reg. H/15546/2000

Non-grant of 75% Exemption Regarding Property Tax

Khawaja Muhammad Anees of Islamabad stated that he retired from the PIA in November, 1998 and was living in his own house in Islamabad. Last year, CDA charged him 25% house tax as he was in occupation of his own house and had retired as an employee of a semi-government organisation. This year the CDA refused to give him 75% exemption by not acknowledging the PIA as a semi-government organisation. The complainant contested the CDA's stand as incorrect and pleaded that the PIA was an organisation under the Ministry of Defence.

Investigation of the complaint revealed that Legal Adviser of CDA had given an opinion that semi-government organisation was only an institution set up by the government, which had powers to levy taxes. With this, he concluded that PIA was not such an organisation. This opinion was incorrect on the face of it. It was observed that there was no indication in the Constitution of the Islamic Republic of Pakistan or the Rules of Business that autonomous and semi-autonomous bodies of the Federal Government would be able to claim this status only if they had the powers to

impose any tax or cess. On the other hand, Rules of Business, 1973 list Pakistan International Airlines Corporation under the Ministry of Defence in Schedule-II to Rule 3(3) as part of the Defence Division. There is no doubt that PIA was established under a law and the Government of Pakistan owns more than 50% shares in it and effectively controls its activities, being a part of the Defence Division. As such, it was held that there is no ambiguity that PIA is a semi-government organisation. Its employees and retired employees are therefore entitled to exemption on self-occupied houses as prescribed in CDA's rules, which would be 75% in this case. It was recommended that CDA should honour its own rules and the Rules of Business, 1973 and allow the complainant the concession of 75% remission in house tax on his self-occupied property.

COMMERCE DIVISION

EXPORT PROMOTION BUREAU

Complaint No. Reg. L/3028/2000

Unjust Denial to Allow Quota Category

Mr. Muhammad Nadeem Khurshid, Chief Executive, Ravians Knitwear (Pvt) Ltd. Lahore stated that his Company missed to claim benefit of Quota Category 338 for 469 dozens of items and applied for obtaining the same, later on. He stated that their Association has also made a recommendation in their favour, but the Export Promotion Bureau (EPB) has refused to allow them a part of their own quota. He stated that they have already shipped a consignment, which is lying for want of visa. He requested that the EPB be asked to allow their own allocated quota, in order to get visa for their shipment.

On calling a report from the Agency, it stated that the complainant's firm had availed a carry forward of 467 dozens quota in Category 338 during the year 1997, which was deducted from their entitlement for 1998. The said quota was to be added back in their allocation for the year 1999, but while submitting the proforma for quota allocation of 1999, the party did not do the needful in their documents. On submission of the case to Quota Supervisory Council, the Chairman declared that the case was that of an afterthought and the matter was time-barred; as such, the request of the complainant could not be entertained at this belated stage.

A hearing which was held, was attended by the complainant as well as representative of the Agency. The complainant explained that the over-

sight and delay on the part of his firm was due to unavoidable circumstances. The representative of the Agency agreed that the complainant's case can be reconsidered, owing to the fact that shipment had been already made by the complainant. It was observed that the firm had been suffering a loss in terms of foreign exchange for want of quota for the year 1999.

It was, therefore, recommended to the Agency to allow the quota for the year 1999 to the complainant, subject to the condition that in future the complainant's firm would strictly abide by laid down rules, procedure and timeframe specified by the Agency, regulating the applications of such type.

STATE LIFE INSURANCE CORPORATION (SLIC)

Complaint No. Reg. H/2408/2000

Delay in Payment of Death Claim of Her Husband

Mst. Riaz Begum residing in District Chakwal complained of delay in the payment of death claim of her late husband, Mr. Allah Din, who had been assured for a sum of Rs.150,000 under the anticipated endowment assurance plan. Accidental Death Benefit (ADB) and Accidental Indemnity Benefit (AIB) supplementary contracts were attached with the policy. The assured was reported to have died on 11.7.1997, within a period of nine months of issuance of policy as a result of Chronic Renal Failure (CRF). SLIC had taken the plea that the deceased was a patient of hypertension and CRF since pre-insurance period. To substantiate their conclusion, the SLIC produced a certificate dated 31.5.1998 issued by Dr. Sajid Nawaz Toor, stating that the assured first consulted him in July, 1996, with the diagnosis of hypertension and CRF. It gives the history of ailments as four years. Another certificate issued by Dr. Syed Fayyaz Ahmed Shah stated that the deceased remained under his treatment from 1994 to 1997 with the diagnosis of CRF. The duration of ailment is given as three years. SLIC also produced outdoor prescription slips of Federal Government Services Hospital issued on 5.4.1997 and 28.4.1997 suggesting medications and some tests. On the basis of their conclusion that it takes years to reach the state of the deceased's ailment, the SLIC had repudiated the claim with the plea of concealment of material facts with an intention to defraud the Corporation.

The original file was examined during the hearing. It was seen that the deceased had been admitted in the Federal Government Services Hospital on 28.4.1997 and discharged on 6.5.1997 for CRF. The medical pro-

posal is dated 4.9.1996. Medical examination was done on 2.10.1996. There is no record whatsoever of illness from which the assured suffered during the period 28.4.1997 and 6.5.1997. The certificate issued by Dr. Sajid Nawaz Toor at the request of SLIC states that the patient remained under his treatment for one visit in July, 1996 and two visits in June, 1997. The diagnosis shown is hypertension and CRF. The duration of the ailments is given as four years. The history of the patient is based on personal memory. There is no record of any tests, diagnosis or prescription. The second medical certificate issued by Dr. Syed Fayyaz Shah was also obtained by SLIC, in which the period for which the patient remained under his treatment has been shown as 1994-97 with the diagnosis of CRF and duration of ailment as three years. Here again the doctor has stated that history of ailment given by the patient is based on personal memory.

The conclusion of SLIC that CRF takes a long time to develop may be correct. The question is, did the patient know about it? This could only have been established if there was record of diagnosis, tests or treatment prior to taking out the policy. A lot of people in our country learn about fatal diseases when it is too late. Both the doctors certifying from memory about the duration of history of disease have only conjectured assessment. The SLIC's conclusion is therefore highly presumptuous. It was therefore held that repudiation of the claim by SLIC is arbitrary and unreasonable. It was, therefore, recommended that full claim be paid to the widow.

Complaint No. Reg. H/3559/2000

Refusal to Pay Death Insurance Claim of Her Deceased Husband

Mrs. Nafisa Firdous of Rawalpindi stated that her late husband, Major Abdul Latif, had purchased a policy for Rs. 1,000,000 (one million) from the State Life Insurance Corporation (SLIC) and the first premium amounting to Rs. 59,630 was duly paid. Later on, the deceased requested for reduction of the insured amount to Rs. 500,000 and got the original policy converted to an Endowment Policy, for which premium of Rs. 28,680 was paid for the following year. Major Abdul Latif, however, expired on the 14th April, 1990. Upon which his widow, the complainant, being nominee of the insured person, submitted a claim for the insured amount, which was refused by SLIC and hence the complaint. She contended that at the time of issuance of the insurance policy, the authorised medical officer of SLIC had found her late husband to be medically fit, but now in order to avoid payment of the insured sum, the Corporation was refusing to pay the claim on flimsy grounds.

On taking up the matter with the Agency, it contended that the deceased, Major Abdul Latif, had not correctly stated about his health, and had concealed the material facts about his health. In the Insurance Form, he had stated his medical category to be 'A', although he was medically categorised as 'B'. He had also not informed that he was an old patient of hypertension. Investigation of the complaint indicated that there is no doubt that the deceased did not disclose correct particulars about his health. However, it was stated that the Insurance Agent was personally known to the deceased for the last 10 years. For that reason, at the time of issuance of the insurance policy, he should have been aware of the general health of the deceased. Original Insurance Policy was for quite a large sum, i.e. Rupees one million and on the other hand, the Insurance Agent had himself mentioned in the Insurance Form that the monthly income of the deceased was Rs. 15,000 only. He had specifically mentioned therein that the deceased did not own any landed property. The same fact was also mentioned by the deceased in column 8 of the Insurance Form. It was therefore clear that the declared sources of income of the insured were not commensurate with the insurance policy purchased by him.

The medical report attached with the Insurance Form revealed that the deceased was slightly overweight, being 170 pounds, having a height of 5 ft. 6½ inches with blood pressure as 140/90 mm Hg. It was thus a clear case of marginal high blood pressure, requiring detailed examination, but the record did not show that the Insurance Agent, medical officer or any other concerned authorities ever bothered to examine the deceased in detail from medical point of view.

It was therefore held that although the complainant's late husband had not mentioned the correct position about his health, the Agency cannot be absolved of the responsibility of ascertaining the same before insuring him. For that reason it can neither wriggle out nor completely refuse the payment of the claim. Also, it cannot be ignored that the deceased himself requested for the reduction of insured amount from one million to half million, after paying the premium for the one year. Malafide intentions cannot therefore be attributed to him. Mild hypertension, as checked by the doctor of the Insurance Company, is not a matter of high risk. People live with hypertension for a longer time and, therefore, it is difficult to presume that the deceased had intentionally concealed some horrible disease to fetch the benefit of insurance fraudulently. It was therefore recommended that the complainant be paid half of the insured amount.

Complaint No. Reg. K/22569/99
Non-payment of Death Claim of His Father

Mr. Dilip Kumar of Taluka Dokri, District Larkana, complained against the denial of payment of death claim in respect of his father, Mr. Ghansham Das, who had been insured for Rs. 100,000 in 1995. He expired in April, 1996. The Agency had taken the plea that the policy holder concealed certain material facts, which rendered the policy null and void.

On taking up the matter with the Agency, it stated that when the policy was issued on 31.12.1995 the policy holder declared that he was hale and hearty and free of any serious disease. However, he expired on 19.4.1996, i.e. within 5 months of issuance of the policy. The Agency took the plea that he was suffering from heart disease. The Agency produced a medical certificate dated 4.10.1996 showing that the policy holder remained under treatment from 2.2.1995 to 25.2.1995. It was indicated during the investigation that a total amount of Rs. 5,800 had been paid by the policy holder as premium towards the policy, which was in the nature of a Endowment Policy. For the reasons given by the Agency, it was held that the Agency did not owe the claim of life insurance for payment. It was recommended that the Agency should refund the amount of premium paid for the insurance policy as well as pay to the complainant the amount of any income earned by the Company on the same.

Complaint No. Reg. K/1029/2000
Request for Settlement of Insurance Policy Claim

Mst. Sultan Begum of Karachi stated that her deceased husband, Muhammad Pinyal, had taken an Insurance Policy from the State Life Insurance Corporation (SLIC) on 29.8.1995. Her husband met with an accident and died on 10.4.1999. After the death of her husband, the complainant approached the SLIC authorities for the settlement of claim, but she was refused payment. The complainant stated that she has six minor children and there is nobody to look after her and her family.

On taking up the matter with the Agency, it took the plea that the claim was not paid to the complainant because the deceased was a diabetic patient and did not disclose the fact at the time of taking the policy. Record produced by the Agency during the investigation indicated that the certificate had been issued on 17.6.1999 by Doctor X of Clinic Y, in which the husband of the complainant was shown as a diabetic patient under his treatment. It was observed that the column showing illness with past histo-

ry had been left blank. The patient had been treated in the OPD and was never admitted in the Clinic. Record of the Agency also included a certificate by Doctor Z, which indicated that the patient was under his treatment from 1996 to 1998. It was observed that both certificates were contradictory to each other and appear to have been obtained by the Agency merely in order to justify its denial of payment. It was therefore recommended that the Agency should immediately make payment of the policy claim to the heirs of the deceased.

PAKISTAN TELECOM COMPANY LTD

Complaint No. Reg. Q/53/2000

Unjust Disconnection of PTC Telephone

Mr. Zafar-ul-Islam of Quetta lodged a complaint against the PTCL, Quetta for disconnection of his telephone on the grounds that bill was not paid in time. He stated that as the bill was not received at his residence he had therefore himself gone to the Customer Services Centre to obtain the duplicate telephone bill; but the officials at the Centre failed to provide him the same. As such, he could not pay the bill in time. The matter was taken up with the Deputy General Manager, PTCL Quetta, who issued directions for restoration of the telephone. The Deputy General Manager was asked to ensure in time delivery of telephone bills to the subscriber.

On 26th July, 2000, the Investigating Officer tried to personally contact the complainant on the telephone and it was found that the same had been disconnected again. The Deputy General Manager, who was informed about the situation, got the telephone restored. However, the complainant told the Investigating Officer that in July, 2000 he received the bill in time and paid it before due date; despite of the same his telephone was disconnected. As this action on the part of the agency was highly objectionable, the General Manager PTCL Quetta was asked to set his house in order. He was directed to ensure timely delivery of telephone bills not only to the complainant, but to all the subscribers; and eschew disconnection without justification. It was observed that in case of alike lapses in future the agency will be liable to pay compensation to the subscriber(s) concerned.

Complaint No. Reg. H/833/2000
Over-billing and Misuse of Telephone Line

Hakeem M. Mansha Anjum of Rawalpindi complained that he was being over-billed. He requested that he may be allowed code-barring facility and his bills from March, 1999 to December, 1999 be charged on the basis of average charges of the year 1998. On taking up the matter with the Agency it stated that the complaint about excessive billing was received from the complainant and was discussed in the Divisional Vigilance Committee (DVC) on 23.6.1999, with the following outcome:-

“Customer did not attend the meeting. Committee discussed the case and decided that Local Calls for Billing Month 04/99 be revised to 123 Local Calls per month as made in billing month 01/99 as a goodwill gesture.”

Similarly, another complaint about excessive billing was received and placed before the DVC. This time the customer attended but no relief was provided in view of the trend of calls. It was stated that the matter will be placed before the Zonal Vigilance Committee (ZVC). During a hearing that was held the complainant stated that he was served with a notice for making obnoxious calls, which he had never made. That is how he discovered that his line was being misused by someone. Representative of the Agency promised during the hearing that the drop wire leading to the complainant, residence will be managed properly since it could be misused. The Assistant General Manager, Telephones, who was present during the hearing, made a commitment to get it checked and to solve the complainant's problem. As regards excessive billing, it was agreed that the case would be discussed in the ZVC meeting, where the complainant would be present to plead the same. The Agency was asked to inform this Secretariat within 15 days about action taken regarding misuse of complainant's line.

Complaint No. Reg. K/1587/99
Discrimination in Counting on the Job Training Period Towards Qualifying Service for Pension

Mrs. Bilquees Zahra of Karachi, who retired as a Telephone Operator complained about discrimination in counting of her service for on-the-job-training period towards qualifying service for pension. As a result, her pension/gratuity had been worked out less than she deserved and expected. The period of her on-the-job-training was from 2.9.1980 to 3.1.1983. She

quoted the following three precedents of her colleagues in whose case the period had been counted by the Agency towards qualifying service:-

- (i) Miss Asma Shamim, LTO
- (ii) Miss Parveen Sultana, LTO
- (iii) Miss Shabana Khatoon, LTO

The above mentioned LTOs were appointed on 2.9.1980 along with the complainant and had attended the training course much after the training imparted to her. The complainant stated that when she was appointed as Telephone Operator on 2.9.1980, it was on Work Charge basis. She was to undergo training and her regular appointment was subject to successfully qualifying the same.

On taking up the matter with the Agency it stated that the complainant had successfully completed the training on 1.3.1983. The complainant produced a photocopy set of her Service Book, which indicated that her service has been verified w.e.f. 2.9.1980, though the nature of appointment has been shown as temporary. A noteworthy point was that the Agency took almost two years in selecting the appointed candidates, including the complainant, for imparting on-the-job-training. Fundamental formalities like medical examination for fitness were also completed in 1982. The complainant had opted for retirement under the Voluntary Separation Scheme (VSS) of the Agency on 28.2.1998. The list, drawn up for recording the particulars of employees who had opted for VSS, indicated the joining of service by the complainant as 2.9.1980. It was also observed that the Civil Service Regulations *inter alia* provides as follows:

“Continuous temporary and officiating service of less than 5 years immediately followed by confirmation shall also count for gratuity or pension as the case may be.”

It was observed that the case was mishandled by the concerned Accounts Office. It was recommended that the error should be duly corrected by the Agency and the pension papers and PPO of the complainant revised accordingly.

Complaint No. Reg. K/91/99
Delay in Appointment Against the Quota for the Sons of Deceased Employees

Mst. Tasneem Anwari of Karachi stated that her husband, Mr. Shamimul Haque, Ex-Telephone Technician had been working in the Overseas Telecommunication Region, Karachi. He expired during service on 2.8.1996. After his death she started receiving Rs. 1,105 as family pension plus Rs. 1,200 per month as benevolent grant. She stated that she is paying house rent @ Rs. 1,150 per month. She stated that PTCL have quota for appointment of the sons of such employees who died during service and accordingly she has applied for appointment of her son against such quota, as his father had died during the service of PTCL. According to her, the PTCL authorities had promised to recruit her son but on the contrary as per their letter dated 19.9.1998, they had conveyed their regards. It was stated from their side that the employment of son/daughter of an employee who died during service can take effect only from 6.10.1996, when an agreement was signed between CBA and the Management of PTCL. The complainant stated that she has four daughters and three sons and she is facing acute financial hardship. She had made several applications to PTCL without any satisfactory response.

In its report the Agency stated the following as criteria in this respect:-

- (a) 25% quota is reserved for appointment of sons/daughters of ex-employees of the PTCL, on merit, against posts advertised in the press.
- (b) Only one son/daughter of the deceased employee who dies during service after 6.10.1996 will be considered for employment as per agreement made between PTCL and the Labour Union (CBA).

During investigation of the complaint, it was seen that the Agreement was revised on 26.2.1998, laying down that the benefit will be restricted only to those employees who died after 6.10.1996. The restrictive policy based on the cut-off date does not cover many sons and daughters of deceased employees who died before 6.10.1996. This was considered to be unreasonable. It was observed that there should be an open policy without restriction of any date. Late husband of the complainant had rendered service to the Agency and had expired during the currency of service in

PTCL. The amendment of the Agreement regarding effective date made by the PTCL on 26.2.1998 being unreasonable, the Chairman PTCL was advised not only to appoint the son of the complainant/widow but also to review the entire policy of appointment of sons/daughters of deceased employees, which should be without restriction of any specific date.

Complaint No. Reg. K/3041/99
Excessive/Wrong Billing

Mr. Dasrat Kumar of Khipro, Sindh, complained that Telephone No. 343 was installed in his shop in June, 1995. He could not due to financial hardship, make payment of bills till September, 1995 when the telephone was disconnected due to non-payment of arrears of Rs. 6950. He thereafter sold out the shop, but he was surprised to learn that Rs. 80,000 were shown as arrears outstanding against him. He contacted the Divisional Engineer concerned for rectification of the matter but nothing was done to remove his grievances.

On taking up the matter with the Agency, it stated that the complainant did not inform that he had sold out his shop and hence a notice of recovery of arrears was issued to him. According to the agency the telephone was closed w.e.f. 10.12.1995 and the complainant was liable to pay for the period he used the telephone.

During a hearing that was held, there were allegations and counter-allegations by the complainant and the Agency against each other. After discussion, it was noticed that there had been lapses from the side of both the complainant as well as the Agency and PTCL arrears of Rs. 80,000 have to be recovered from the complainant. The complainant should make the payment for the period he used the telephone. The Agency was asked to take disciplinary action against those who allowed the arrears to remain outstanding ever since December, 1995.

Complaint No. Reg. K/91/2000
Unjust Disconnection of Telephone on the Ground of Defaulter Premises

Mr. Nisar Ahmad Khan of Karachi, subscriber of telephone No. 2635641, stated that he has been using this telephone of his office (103, Sunny Plaza, Karachi) for the last about 10 years, but about a month back the telephone was closed. On his enquiry, it was revealed that his telephone was closed due to a default on the part of telephone No. 214813.

The complainant protested with the PTCL stating that the defaulter telephone number had no concern with him as the same was in the name of one Mr. Abdul Ghaffar, but his telephone was not restored.

On calling its comments, the Agency informed that telephone No. 214813 was installed at 103 of Sunny Plaza in the name of Mr. Abdul Ghaffar, who was the owner of the building. In 1990, the owner sold the premises to the complainant but illegally, without informing PTCL, shifted telephone No. 214813 to his new office, bearing at 520 Sunny Plaza. Since in the record of PTCL the telephone No. 214813 worked at 103 Sunny Plaza upto 1995 (whereas the premises was sold to the complainant in 1990), the Special Magistrate of PTCL passed an order for disconnection of complainant's telephone No. 2635641, considering it to be installed in a defaulter premises.

After hearing the parties and perusing the record, particularly the report of the concerned D. E. Telephones, it was concluded that the concerned field staff and functionaries of the Agency did not take any notice of the illegal and unauthorised shifting of telephone No. 214813 by owner of the building from Room No. 103 (1st Floor) to Room No. 520 (5th Floor) during the period of five years from 1990 to 1995. On the contrary, the Agency has disconnected the telephone of the complainant, who had purchased the office in 1990 and there are no outstanding arrears against his telephone. This is mal-administration on the part of the Agency. It was therefore recommended that the Agency should forthwith restore the telephone of the complainant. At the same time, the concerned D.E. Telephones was directed to place the correct facts before the Special Magistrate, PTCL not only for recovery of PTCL arrears from the actual defaulter but also for action against illegal shifting of the telephone from one premises to another without getting permission from PTCL. It was also recommended that disciplinary action be taken against the functionaries of PTCL responsible for maintenance and field supervision for allowing the telephone No. 214813 to function for five years at an unauthorised place.

Complaint No. Reg. H/1660/2000

Delay in Providing Telephone Connection Despite Payment Having Been Made Against the Demand Note

Syed Ghulam Akbar Shah, resident of Basti Arowaly, Tehsil Jalalpur Piranwala, complained of delay and discrimination in providing him new telephone connection. He had made the required payment against demand note on 26.8.1999 but was still awaiting installation of telephone.

On taking up the matter with the Agency, it stated that the connection could not be provided so far because of technical hurdle.

It has been observed that once the Demand Note is issued then it becomes the responsibility of the Agency to provide the telephone connection within reasonable period, which has not been done in this case. The Agency has been asked in many instances to refrain from this practice and issue Demand Note only when installation of telephone is beyond any doubt. In this case the complainant had made payment about 8 months back but was still looking forward for telephone connection. It was recommended that telephone connection be provided to the complainant within 30 days.

Complaint No. Reg. H/23341/99

Failure to Provide Telephone Connection Despite Payment of Demand Note

Haji Muhammad Din Awan of Ahmad Nagar Gharbi, Wah Cantt stated that some 250 persons from his village and village Munirabad, Wah Cantt applied for telephone connections in the first quarter of 1999. They deposited the amount demanded against Demand Notes and were promised that telephone connections would be given in July, 1999. The complainant stated that in spite of the same, connections have not been provided to them, on the pretext that there was some dispute between the Highway Department and the PTCL in laying the underground cable across the road.

The Agency stated in its report that Demand Notes which were paid by the complainants had been issued on the assurance by their Development Wing that network would be laid as soon as the amount is deposited by the applicants, but the work of laying the underground cable could not be started due to dispute between the Highway Department and the Telephone company. The Agency, however, assured that all the pending applications would be cleared the moment Highway Department agrees to allow the underground passage for cables. The complainant argued in his rejoinder that both the Government Agencies should have settled the issue before asking for money for the purpose. It was observed that the contention of the complainant was correct. The PTCL should have got clearance of the Highway Department before issuing the Demand Notes. They were advised to pursue the issue with the Highway Department at a higher level and get it resolved. Consequently, it was recommended that telephone connections should be given to the complainants within 60 days.

Complaint No. Reg. H/3905/2000
Alleged Discrimination in Re-Opening the PCO

Mr. Fazal Rahim of Rawalpindi complained that his PCO telephone No. 565849 had been disconnected. Agency's report was called and a hearing was held. It indicated that a non-STD (ED) PCO No. 565849 was installed at Rahimullah & Sons, Hardware Store, Kamalabad, Rawalpindi and that as per policy of the PTCL all ED PCOs were being converted into pay card phones. The Agency further stated that several notices were issued to the complainant for conversion of his ED PCO into pay card system, but he did not respond, and hence his PCO was closed on 24.3.2000, as per existing policy of the PTCL.

It was observed that the policy of PTCL, as it stands today, is that all ED PCOs have been, or, are in the process of conversion into pay card phone booths. Accordingly, several notices were issued to the complainant, the runner of ED PCO for conversion of his ED PCO into pay card system, but there was no response from him. There is no reason to interfere with the policy of the Agency and hence the case was closed.

Complaint No. Reg. H/21519/99
Failure to Transfer Ownership of Telephone and Unjust Disconnection

Malik Abdul Waheed of Rawalpindi stated that he had a telephone connection in Islamabad and had given a No Objection Certificate (NOC) for transfer of the same to someone else. He complained that his other telephone installed at his residence in Rawalpindi was disconnected for non-payment of arrears of the old telephone in Islamabad. He, therefore, requested for intervention.

On taking up the matter with the Agency, it stated that telephone No. 214931 was installed in the name of the complainant at Muzaffar Chambers, Blue Area, Islamabad and was closed on 1.8.1995 due to non-payment of PTCL's arrears amounting to Rs. 77,031. The Agency stated that no request/affidavit had been received in the concerned Telephone Division for change of the telephone from his name to someone else. The connection remained working in the name of the complainant till closure due to non-payment. The complainant's other telephone No. 531153 installed at his residence in Rawalpindi was closed on 20.1.1998, due to default of his telephone in Islamabad. That Special Magistrate, PTCL, initiated proceedings to effect recovery of PTCL arrears.

During a hearing that was held, the complainant produced a copy of an affidavit, whereby he had given the NOC for transfer of the telephone to one Mr. Muhammad Jamil. As per complainant's statement, it was got received in the office of General Manager, Islamabad, but the initials of the telephone official who received the affidavit didn't indicate as to who the receiving official was. It was observed that the complainant should have ensured in his own interest that the telephone was either closed or duly transferred to someone else's name. He was told to trace out the whereabouts of the new user and help the Agency in effecting recovery from him, otherwise, as per rules, it would be his responsibility to foot the bill. It was, however, suggested that his present residential number be restored, since the closure of that number, besides causing hardship to the subscriber, was also resulting in loss of revenue to the Agency. The representative of the Agency agreed to this suggestion. The case, was therefore, closed.

POSTAL LIFE INSURANCE

Complaint No. Reg. H/2264/2000 **Delay in Payment of Maturity Claim**

Mr. Muhammad Munir of Khushab stated that his father, who resides in Saudi Arabia, had on 3.3.1988 purchased a Postal Life Insurance Policy, which matured on 3.2.1998. The Head Office issued a cheque for payment of the insured amount, which was misappropriated by the staff of Post Office, Khushab. The complainant requested that the Post Office Department be directed to pay the amount of policy to the insurant.

On taking up the matter with the Agency, it informed that as per its record, payment of the maturity claim of Rs. 117,263 had been made to the insurant on 4.5.1998 by Mr. X, ex-Postmaster, Soraki Post Office, District Khushab. On receipt of the complaint, an inquiry was held, and it was found that the ex-Postmaster did not pay the amount to the insurant. The Agency stated that consequently recovery of the embezzled amount from the ex-Postmaster as arrears of land revenue has been ordered. It was directed that the Agency should pay the amount of Rs. 117,263 to the insurant.

Complaint No. Reg. H/1264/2000
Delay in Payment of Death Claim

Mst. Shamim Akhtar of Kotli, Azad Kashmir, stated that her husband had purchased a PLI Policy of Rs. one lac on 26.8.1994. He died on 30.8.1995 due to heart attack at the age of about 35. The PLI had refused to pay her the insurance claim.

On taking up the matter with the Agency it informed that the insurant had purchased the policy on 26.8.1994, which had to run for 25 years. The premia of the policy were to be paid on six monthly advance basis. The deceased had paid the first premium while the second instalment for 2/95 to 7/95 was due for payment in 2/95 but was paid on 28.8.1995, i.e. with a delay of over 6 months. The Agency stated that as the second instalment was paid late, the policy became void under Rule 39 of the PLI Rules and as such the death claim was rejected.

It was held that the Agency's explanation for rejection of the claim due to delayed payment was not based on sound reasoning. The mere fact that the Agency received the second premium without any objection is sufficient proof of acquiescence in condoning the delay in payment of the second premium. The plea of delayed payment was raised only when the complainant filed the claim. It was therefore recommended that the Agency should pay the claimant's insurance claim of Rs. 100,000.

DEFENCE DIVISION

Complaint No. Reg. H/9247/99
Non-grant of Family Pension

Mst. Ali Jan, widow of Nk Alam Khan, resident of Kalabagh (Mi-anwali) stated that her husband who had served in the Janbaz Force died during service in April, 1993. She had since been trying for family pension but was not enabled to get the same. It is very much appreciated that on a reference from this Secretariat, the General Headquarters gave utmost importance to the matter. It was replied that there was some problem regarding the attributability of cause of death of the deceased to military service, which problem has been now resolved, with the help of Medical Directorate GHQs. It was further stated that complete documents of the deceased have been dispatched to the concerned Sector Headquarters in Multan and after receipt from that end the case will be forwarded to FPO(PC) Janbaz Force for finalisation of pension.

Although relief was provided thus to the complainant, yet during the processing of the case, it came to light that there is a disparity in the rule position with regard to pension of Janbaz Force personnel and the personnel of regular Army and Mujahid Force. Personnel of regular Army and Mujahid Force whose death is confirmed by Medical authorities as, "Not attributable to but aggravated by Military Service", are eligible for special family pension/children allowance, but under the provisions of sub-clause 58 of Section 7 of National Guards Rules, 1995 the officers and personnel of Janbaz Force are eligible for grant of special family pension only if their death is, "attributable to Military Service" and families become deprived of all such monetary benefits after the death is declared as, "Not attributable to but aggravated by military service" (unlike for the personnel of regular Army and Mujahid Force).

In this particular case the Medical authorities were considerate and with persistent efforts of Janbaz Force Directorate, suitable modification has been made in the medical documents of the complainant's deceased husband, to enable the family to earn special family pension. This may not be possible in every case. It was considered desirable that the disparity in the pension rules be examined and removed. It was therefore recommended that the Government of Pakistan in the Ministry of Defence and Ministry of Finance should examine the rule position as stated above, with the assistance of the General Headquarters (Janbaz Force) and if necessary PP&A Directorate, in order to remove this disparity and introduce suitable amendment in sub-clause 58 of Section 7 of NGR, 1995, in order to bring it in line with the relevant provisions of pension regulations of regular Army personnel and Mujahid Force, so as to enable the personnel and officers of Janbaz Force to earn their/special family pension.

Complaint No. Reg. H/11161/2000
Non-payment of Pension to the Widow

Mst. Hazran Bibi, presently residing at Khokhar Bala, Chakwal, stated that her husband, late Muhammad Afsar, Sepoy No. 2664603, had served in 23 FF and was wounded during the 1971 War in the former East Pakistan. She stated that he was subsequently retired without any benefits and died in June, 1998. She applied to the FF Centre, which in turn addressed the GHQs for help, but she got no benefit. She stated that she has only one child and she has not been able to educate him.

On taking up the matter with the GHQs, they informed that the deceased had served only 6 years in the Army and was in receipt of special

pension which is not extendible to widows in the light of Controller of Military Pension Lahore Cantt I.O. No. 40 dated 16th July, 1985.

It was noted that the rules do not permit transfer of special pension to the widows. A separate case was therefore initiated for grant of some benefit to such like widows. The Military Accountant General had also supported the proposal of some benefit in similar cases. The matter was taken up with concerned quarters in the context of some other cases as well. Consequently, Government of Pakistan (Finance Division) issued orders vide U.O. No. F.14(1)-R-7/96-167/2000 dated 5.4.2000, allowing ordinary pension at the rate of Rs. 150 per month to such widows who were not in receipt of any pension. This is to be with effect from 5.4.2000.

In view of the same, it was hoped that necessary action will be taken by all concerned to enable the widows not in receipt of any pension, to get this benefit at the earliest. It was observed that the respective Regimental Centres on directions of GHQs and DASBs have a heavy responsibility to discharge this function. The present case was disposed of with the request to the Commandant 23 FF to initiate the widow's case for the pension.

Complaint No. Reg. H/5819/2000
Delay in Sanction of Disability Pension

Mst. Zarina Mai, widow of Taj Muhammad, resident of village Sooraj Miani, Multan, stated that her husband had been working under GE (Army), MES, Multan as Labourer. During service he had fallen ill and was admitted to the CMH Multan. He was boarded out of service and died on 28.12.1999. His case for disability pension after completion of formalities was forwarded to department concerned in the lifetime of her husband, which could not be finalised. She stated that the deceased has left minor children and she has no source of income except family pension, which has also not been granted so far.

On taking up the matter with the DGW&CE (Army), GHQs Rawalpindi, he informed that the matter has been taken up with Ministry of Defence for approval/finalisation. This Secretariat also made a reference to Ministry of Defence for an early decision. In response, Ministry of Defence informed that matter has already been referred to Finance Division (Military) for their concurrence/approval. Subsequently, it was informed that disability pension has been sanctioned to Mr. Taj Muhammad, Ex-

Labourer, and its benefits have also been extended, in the form of family pension, to his widow.

Complaint No. Reg. H/7749/2000
Delay in Payment of Family Pension

Mst. Khalida Khanum of Kot Addu, Muzaffargarh, stated that her husband, Ex-Pak No. 65561, PAF Warrant Officer, Ch. Muhammad Akram, died on 28.11.1999. The case, complete in all respects, for grant of family pension to her, had been sent to the CAAF, CMA, Karachi but they redirected it to CAAF (Pension Cell) Rear Air Headquarters, Peshawar. She further stated that in spite of reminders, she had received no response.

On taking up the matter with the Rear Air Headquarters, Peshawar, they replied that after verification of her documents by the District Armed Services Board, Muzaffargarh, the widow has been granted ordinary family pension plus 91% increase amounting to Rs. 640.38 and the case forwarded to CAAF, Rear Air Headquarters, Peshawar for issuance of PPO and pension book. Subsequently, the Rear Air Headquarters, Peshawar confirmed that PPO No. 163/2000, dated October, 2000 has been issued in favour of the widow.

CONTROLLER OF MILITARY PENSION

Complaint No. Reg. Q/33/2000
Delay in Grant of Increases of 25% in Pension from 1.7.1999

Mr. Muhammad Din residing in Quetta complained that he had not received 25% increase allowed in pension w.e.f. 1.7.1999. On taking up the matter with the Agency, it promptly did the needful and forwarded the revised pension payment order (PPO) vide letter dated 25.4.2000 to this Secretariat, for onward transmission to the complainant. In his rejoinder, the complainant pointed out some discrepancies in the revised PPO and stated that his monthly pension comes to Rs. 337 instead of Rs. 305/44, as revised by the CMP. On inviting the attention of the Agency, the CMP accepted the objection of the complainant and issued a revised PPO for Rs. 337/33 p.m. as pension. The complainant gratefully acknowledged the relief.

Complaint No. Reg. H/10167/2000
Failure to Grant Increase in Pension

Mst. Marium Begum, presently residing in Karachi, who is receiving family pension in respect of her late husband, stated that the 25% increase in the same allowed by the Federal Government with effect from 1st July, 1999 has not been granted to her. The matter was taken up with the Controller of Military Pensions, Lahore Cantt., who replied that payment authority for the increase of Rs. 94.20 p.m. in the family pension of the widow complainant has been sent to the National Bank of Pakistan, Liaquatabad Branch, Karachi vide PPO dated 22.10.1999. On enquiry, the Bank intimated this Secretariat that they had allowed payment to the widow including the arrears with effect from 1.7.1999.

EDUCATION DIVISION

Complaint No. Reg. H/1059/2000
Cancellation of Results on Allegation of Use of Unfair Means After Declaration

Miss Saira Nuzhat in her complaint received from Tripoli (Libya) stated that results of HSSC Part-I and II in respect of Tripoli/Benghazi Centres were withheld by the Federal Board of Intermediate and Secondary Education (FBISE) on allegations of use of unfair means based upon some fabricated complaints from some members of the community, who were against each other and the school administration. Subsequently, results of these two centres were declared on 7th September, 1999, charge-sheeting 39 students of Part-I and 28 students of Part-II for alleged use of unfair means, after the answer sheets had been checked by subject specialists. The decision was of the Special Committee of the Board. The successful candidates were issued mark-sheets. Results of 3 more candidates who had been declared successful were cancelled on 5th October, 1999. Again, on 21st October, 1999 results of another group of 6 Part-II candidates, who had obtained top positions, including the complainant, were cancelled. She further stated that she and her father had made appeals to Chairman after paying the fee of US\$ 50, but their appeals as well as those of 60 other candidates were turned down, debarring them from one future examination. She stated that this was an unfair penalty, which would ruin her career, and pleaded for her exoneration.

The Agency stated in its report that on receipt of complaint/reports of large scale copying at the Examination Centre of Pakistan Community

School/College, Benghazi (Libya), HSSC Part-II Examination, 1998, results of 41 candidates were cancelled. Similar complaints were received in the year 1999 in respect of the same Centres, i.e. Benghazi (Libya) and also in respect of Tripoli (Libya). Therefore results of both the Centres in respect of HSSC Part-II Annual Examination 1999 were withheld. As a result of subsequent inquiries against 75 candidates, cases were registered against them and various penalties were imposed accordingly. Six students including the complainant were separately proceeded against on receipt of another complaint and they were also found guilty of use of unfair means and their results which had already been declared, were cancelled.

The complainant stated in her rejoinder that the proceedings against 75 candidates had been initiated and she alongwith 5 candidates was not amongst those 75 candidates. She and 5 other candidates were included in the inquiry subsequently, due to community politics of Pakistanis in Libya and she was made a victim of fabricated complaints, which were false. She further stated that she had been admitted in MBBS course at the Al-Fateh Medical College, Tripoli and parents of those students who could not be admitted in the professional colleges made such complaints against her.

A hearing was held, which the complainant was not expected to attend, being abroad. During the hearing, answer sheets of all the 6 candidates including that of the complainant were examined. Remarks of the Committee of the Board which had already examined these answer sheet were also seen. It was established beyond doubt that the complainant who had appeared under Roll No. 540286 and another candidate with Roll No. 540285 had been copying each other. The answer scripts of both the roll number were compared and most of the answers were found to be the same or similar in content and text.

The representative of FBISE stated that they had warned the Embassy after 1998 about mass cheating complaints, and advised that the Examination Centres at Benghazi and Tripoli should be closed, but this was not done. This time, the Board had decided to close these examination centres because of use of unfair means. The complainant is not entitled to any relief. However, the Ministry of Foreign Affairs was directed to carry out a proper inquiry in the matter, to fix responsibility and to apportion blame; the officials found responsible for lapses/involvement should be proceeded against under the Efficiency and Discipline Rules.

ALLAMA IQBAL OPEN UNIVERSITY***Complaint No. Reg. H/198/2000*****Failure to Change the Course in spite of Requests**

Mst. Naveed Akhtar of District Toba Tek Singh (Faisalabad) stated that she took admission in CT Course of the Allama Iqbal Open University (AIOU) and the University sent her books relating to Course Code 635 instead of Code 604. She submitted her assignments in Course 635 to her tutor and also took the examination, after showing the 'parts' of her assignments to the Centre Superintendent. But in the Result Intimation Card she was shown as absent against Course 635. She requested for a correction of this mistake and issuance of revised Result Card.

AIOU reported that the student was enrolled in CT Course Codes 604, 605, 606 and 634 during the Autumn Semester of 1998. She wanted to change the Course 604 to 635 and the request was not acceded to, as examinations had been already conducted and results declared. During the hearing, which was held, the complainant stated that she wrote many letters to the University to correct the factual position, but to no avail. She approached the Regional Director, Faisalabad, who deleted Code 604 and added Code 635. The tutor also checked her assignments. She produced the copy of the RD's Amendment in this respect. AIOU's representative stated that the complainant applied in admission form for Code 604 and she should have returned the book of Code 635 if it was sent to her inadvertently. It was pointed out that the amendment issued by the RD of the University indicated that the complainant was not at fault. It was recommended that the Agency should try to adjust her case and issue the revised result. It was also recommended that necessary disciplinary action be taken against the delinquent officials.

FINANCE DIVISION**ACCOUNTS OFFICES*****Complaint No. Reg. H/6422/2000*****Delay in Payment of G. P. Fund Balance**

Professor Ghazi Marjan, presently residing in Bannu, had retired from service on 1.1.2000 after serving for 35 years in the Education Department, NWFP. He complained that he had not been paid his G. P. Fund balance by the DAO, Bannu despite having contacted him a number of

times. He complained that the matter had been delayed on one pretext or the other by the DAO, Bannu and the office of AG, NWFP, Peshawar. He requested that the AG, NWFP be directed to release his G. P. Fund balance for payment to him.

On taking up the matter with the Agency, it reported that final payment of G. P. Fund balance amounting to Rs. 970,638, had been paid to the complainant. The complainant gratefully acknowledged the relief.

Complaint No. Reg. H/3824/2000
Delay in Finalisation of Family Pension

Widow of Mr. Muhammad Akbar, who was an employee in the Post Office and died due to heart attack, complained about failure of the AGPR, Peshawar to finalise the case of her family pension.

On taking up the matter with the Agency, it promptly took action and informed that Pension Payment Order had been issued to the Post Office, Shergarh, Oghi, the place of residence of the complainant, with a copy endorsed to the complainant. Representative of the Agency also appeared for a hearing and confirmed the position. The complainant was asked to get in touch with the aforementioned Post Office to receive her Pension payment.

Complaint No. Reg. Q/08/2000
Delay in Payment of G. P. Fund Balance

Mr. Ahmad Nawaz, who had retired as Qanungo under the Balochistan Government, complained about the delay in payment of G. P. F. balance. On calling a report from the AG Balochistan, he intimated that an authority dated 21.11.1996 had been issued to the Deputy Commissioner, Jhal Magsi for releasing the amount of Rs. 103,526 on account of final payment of G. P. F. balance to the complainant. It was stated that even the amount has been drawn by the complainant from the Treasury Officer Gandawa. In his rejoinder, the complainant denied having received payment of his G. P. F. amount.

The matter was referred to the Deputy Commissioner, Jhal Magsi for holding an inquiry in the matter. Consequently, he reported that the G. P. Fund balance of the complainant amounting to Rs. 103,526 was still lying unpaid with him, because the complainant had not bothered to visit his office and that he may be advised to meet the Deputy Commissioner

for receiving of his G. P. F. balance. The report of the Deputy Commissioner, Jhal Magsi was conveyed to the complainant and he was advised to receive the money.

HOUSE BUILDING FINANCE CORPORATION

Complaint No. Reg. P/1308/2000

Non-closure of Account

Mr. Muhammad Aman Khan of Tehkal Bala, Peshawar, complained against the HBFC for latter's failure to return the original documents on the closure of the Loan Account of his late father and redemption of the mortgaged property. The complainant had made several efforts with the HBFC authorities, who had declined to hand over the original documents to him. In its report the Agency informed that the complainant being one of the legal heirs had approached the concerned office for the needful, but he was informed that HBFC is not in a position to do the needful without a Succession Certificate. The complainant had been advised to provide the same, after which the original documents could be delivered to him and the mortgaged property redeemed. The case was fixed for a hearing, during which the complainant informed that he had done the needful and his grievance had been redressed. However, he pointed out that the Agency had not guided him properly in the first instance.

NATIONALISED BANKS

Complaint No. Reg. K/24/2000

Request for Refund of Mark-up Paid in Excess

Mr. Arbab Ali of Khairpur Nathan Shah, District Dadu had taken a loan from the National Bank of Pakistan. He alleged that in violation of the relief package announced by the State Bank of Pakistan, the officials of Bank had recovered mark-up from him in excess of the package. When confronted with the allegation, the Agency reported that the excess amount of Rs. 11,752 recovered from the complainant, had been refunded. The Agency also forwarded a letter of satisfaction from the complainant, confirming redressal of his grievance. However, cognisance was taken of the failure of the Bank to redress the grievance of the complainant in the first instance when he approached it. It was, therefore, recommended that after a due inquiry, departmental action should be taken against the concerned officials, in order to ensure that such instances of mal-administration are not repeated.

FOOD & AGRICULTURE DIVISION**AGRICULTURAL DEVELOPMENT BANK OF PAKISTAN (ADBP)*****Complaint No. Reg. K/3752/99*****Unjust Burdening of Liability to Loan Not Taken by the Complainant**

Mr. Muhammad Essa of Khairpur Nathan Shah, District Dadu, complained against the recovery of ADBP loan which was never taken by him. On calling a report from the Agency it transpired that this is one of the fraud cases. The Agency reported that Mr. X, the Manager, involved had been dismissed and the Mobile Credit Officer (MCO), Mr. Y, had committed suicide. However, the statements of the Cashier showed that payment was received by the complainant and his left thumb impression was obtained on the back of the cheque.

During the course of a hearing that was held and detailed scrutiny of papers, it was observed that Survey Nos. 302, 380 and 381 of Deh Mehar which were mortgaged against the said loan in the name of the complainant were not actually held by him nor entered in his name in the Record of Rights, rather, these were in the name of someone-else. It was observed that the Cashier had given a misstatement that the amount was received by the complainant. It had not been actually received by the complainant and the Bank authorities had admitted that it was a case of fraud. It was held that the complainant had not taken the loan and he should not be required to make the repayment against the same. While disciplinary action has been taken against the Manager, the Cashier is still in service and it was recommended that disciplinary action should be taken against him for his misstatement and possibility of his involvement in the fraud should also be investigated.

Complaint No. Reg. L/3876/2000**Embezzlement in the Amount of Loan**

Mian Pathanan, resident of Chak No. 311/EB, Sahooka, Tehsil Burewala, District Vehari, had obtained a loan from the Burewala Branch of the ADBP, for the purchase of a tractor, and he regularly paid the instalments of the loan. On 9.10.1994, he deposited Rs.23,690, which the officials of the Bank did not credit to his account. He reported the matter for redressal of his grievance to the concerned Bank Manager, the Regional Manager, ADBP and also to the Deputy Commissioner, Vehari, but without any result.

On taking up the matter with the Agency, it admitted that the complainant deposited the amount in the Bank, which was not accounted for in the account books and was embezzled by the staff. An inquiry was held in the matter, as a result of which services of the concerned Cashier and Accounts Officer were terminated. The Agency stated that the matter of reimbursement of Rs. 23,690 to the complainant is still under consideration. It was recommended that the Agency should credit the amount of Rs. 23,690 to the account of the complainant immediately.

HEALTH DIVISION

Complaint No. Reg. H/808/2000

Discrimination and Violation of Merit in Selection Against Federal Employees' Seats

Miss Ayesha Maqbool of Islamabad stated that the Ministry of Health had invited applications for admission to 1st year MBBS in Fatima Jinnah Medical College, Lahore from daughters of Federal Government employees. The selection criteria was based on giving 50% weightage of F.Sc marks and 50% to the Entry Test held in respective Provinces. She stated that an anomaly had been created in the marks obtained in the Entry Test held in the Provinces of the Punjab and NWFP by different Agencies. The results of the entry test of Punjab showed that highest marks were around 70%, while that of NWFP were around 99%. This had given an enormous edge to the students of NWFP over those of the Punjab. As a result, most of the students of NWFP were on top of the list due to high score in entry test, although their marks in F.Sc were quite low. She requested that either the entry tests of both the Provinces be equalised in some manner, or, only F.Sc marks be considered for selection, as in the past. The matter had been brought to the notice of the concerned authorities, but they paid no attention.

During a hearing that was held the complainant's father provided a comparison list of the result which also proved the contention of the complainant. In order to ward off these anomalies, it was suggested that merit should be determined within the candidates of a Province and the seats should not go beyond the quota of that Province. It was recommended that the Agency should consider revision of its policy in order to eliminate such discrimination.

Complaint No. Reg. H/6137/2000**Failure to Issue Selection Order for Admission in B.Sc Physiotherapy**

Rana Muhammad Tahir of Islamabad stated that he applied for admission in B.Sc Course in Physiotherapy in Jinnah Postgraduate Medical Centre (JPMC) on 4.3.2000 in response to their advertisement in the press. He deposited the requisite fee of Rs. 850 for the written test on 7.2.2000 and appeared in the test and before the Interview Committee on 28.3.2000. He was declared successful vide Director, JPMC's letter dated 13.4.2000 and was directed to submit his original documents and collect his selection order on 24.4.2000. He submitted his original documents and obtained a receipt for the same. However, the concerned Officer In charge of Education & Training Section, JPMC, Karachi, declined to give him the selection order without assigning any reason. The complainant wrote to the Director JPMC in this regard, but there was no response. He requested that the Agency be directed to issue the selection order.

A report was called and the hearing was held. The facts as aforementioned clearly brought out that the JPMC had duly selected the complainant for the course. It was directed to honour its commitment and issue selection order to the complainant at the earliest, as the classes had already begun from 3.7.2000.

NATIONAL COUNCIL OF TIBB***Complaint No. Reg. H/3100/2000*****Delay in Issuance of Registration Certificate**

Mr. Nadeem Ahmad Shahid of Faisalabad complained that he had passed the four years Diploma Course of the National Council for Tibb (NCT). He had cleared the examination and applied for registration, but despite the lapse of three years he had not been registered as a Tibb. On calling a report from the National Council of Tibb, it alleged that the complainant submitted his application on 18.8.1997 without endorsing his enrolment number; it was found that there was a fraudulent entry of his name in the enrolment register in place of another person. It was stated that the then Controller of Examination and a clerk had committed serious irregularities, including tampering and forging of record, and the complainant had made the fraudulent entry in collaboration with them. Disciplinary proceedings were initiated and after due inquiry both were removed from service. However, appeals from them are now pending before

the Council. The Agency alleged that the complainant appeared to be equally involved in the commission of the offence.

A hearing was held, which was attended by both the parties. The complainant produced his roll number slips for the four examinations conducted by NCT as well as the result cards of all the examinations, which he had passed successfully. The question is that if the complainant was allegedly involved in record tampering and forging, why were roll number slips and result cards issued to him for four years. It was clear that he was being victimised. NCT's representative admitted the slackness on the part of the Council, in not keeping a check on the Controller of Examinations and maintenance of proper record.

There was no evidence to establish the involvement of the complainant in any fraud. It was, therefore, recommended that the registration be issued to him. The Agency was also asked to keep its house in order through a system of checks and counterchecks, in order to avoid recurrence of such cases.

HOUSING & WORKS DIVISION

ESTATE OFFICE

Complaint No. Reg. H/3715/2000

Unjust Cancellation of Allotted House

Mr. Ziafat Hussain, Naib Qasid, working in the main Secretariat, Islamabad sought intervention for restoration of allotment of Quarter No. 5/5-A, Gali No. 34, G-7/2, Islamabad, which had been allotted to him earlier. Comments of the Agency were called and a hearing held. The complainant stated that he was allotted the said quarter on account of his being a disabled person (he had lost one arm in a road accident). The allotment of the quarter was withdrawn by the Ministry of Housing and Works, but he had not been provided any alternate accommodation. The Joint Estate Officer stated that the allotment of Quarter No. 5/5-A, Gali No. 34, G-7/2, Islamabad continues in the name of the complainant. The occupant of that quarter was to be moved to another accommodation which could not materialise due to civil court proceedings. He assured that as soon as the stay granted by the civil court was vacated, possession of Quarter No. 5/5-A, Gali No. 34, G-7/2 will be delivered to the complainant.

Complaint No. Reg. H/6971/2000
Failure to Deliver Vacant Possession of Allotted House

Ms Rehana Rafiq, Head Nurse, Pakistan Institute of Medical Sciences (PIMS), Islamabad sought intervention for delivery of possession of Quarter No. 8/2-E, F-6/4, Islamabad which was allotted to her on 13.3.2000 in exchange of Quarter No. 2/7-D, G-9/2, Islamabad.

Comments of the Agency were called and a hearing was held. The Agency stated that Quarter No. 8/2-E, F-6/4, Islamabad was earlier allotted to Mr. Bashir Hussain Nazim of the Ministry of Religious Affairs and that after his superannuation, he was given extension and his reemployment contract expired on 29.4.2000. As per rules, he was entitled to retain this house upto 28.10.2000. Meanwhile, on the request of his son, Mr. Moazzam Bashir, Second Secretary, CBR, the Quarter had been allotted to him under Rule 16(14), PAR 1993 and hence it was not available for allotment. The complainant stated that she had developed backbone problem after a fall from the stairs of her present 4th floor Flat and that she had discontinued living in the said flat. She requested that either possession of the quarter allotted to her may be given or some other accommodation on ground floor may be provided to her. The Estate Office offered Quarter No. 10/3-D, G-9/2, Islamabad, which was readily available. The complainant stated that as this too was in the first floor, she may be provided accommodation on ground floor. The Estate Office made a commitment to provide the first available ground floor flat or quarter of 'F' or 'D' category to the complainant. He proposed that the complainant may also assist the Estate Office in locating an undisputed ground floor accommodation. The Estate Office was accordingly advised to provide her the first available 'D' or 'E' type accommodation on ground floor in lieu of her present flat on the 4th floor.

INFORMATION & MEDIA DEVELOPMENT DIVISION

PAKISTAN BROADCASTING CORPORATION

Complaint No. Reg. H/10764/99
Delay in Payment of G. P. Fund Balance

Sh. Iqbal Ahmad, presently residing in Khanewal complained that he was terminated by the Pakistan Broadcasting Corporation on 1.9.1990 but his G. P. Fund balance had not yet been paid to him. He requested that the PBC be directed to make immediate payment of the same. On taking

up the matter with the Agency, it stated that some missing credits in the G. P. Fund account of the complainant had been traced, and a cheque dated 19.2.1999, amounting to Rs. 6,766 drawn up in favour of the complainant. It was confirmed that the complainant had collected and encashed the cheque.

PAKISTAN BAIT-UL-MAL

Complaint No. Reg. H/22148/2000

Delay in Payment of Approved Financial Assistance

Mst. Fazal Noor widow of Dhalu Khan and Mst. Sardar Begum widow of Muhammad Yousaf, residents of Shahdadpur, Tehsil Sarai Alamgir complained that the Pakistan Bait-ul-Mal had sanctioned a monthly stipend of Rs. 300 to each of them, but after the change of Government, payments were stopped. The widows requested that since the payments had been resumed now, their payments should also be got released. The case was taken up with the Pakistan Bait-ul-Mal and was actively pursued. Finally, the Agency reported that payment of Rs. 3,600 had been released by cheque to each of the two widows as stipend of one year, and their grievances redressed.

PETROLEUM & NATURAL RESOURCES DIVISION

SUI NORTHERN GAS PIPELINES LTD (SNGPL)

Complaint No. Reg. H/2877/99

Delay in Giving Sui Gas Connection

Mr. Abdul Jalil, Councillor/Senior Vice Chairman of Municipal Committee, Jand, District Attock complained on behalf of 12 inhabitants of his town for delay in providing Sui Gas connection to them. Mr. Mian Muhammad and five other individuals were still waiting for the issuance of Demand Notes in spite of completion of all formalities. Mr. Muhammad Asghar and five other individuals had already deposited the required amount with the Agency and were still waiting for the provision of Sui Gas connection to their premises.

On taking up the matter with the Agency, it promptly issued Demand Notes to the first six complainants. As for the other six complainants, who had deposited the required amount of Rs. 2,000 each, it was recommended that the Agency should have the Sui Gas facility provided to

them within 30 days. As far as those to whom Demand Notes have yet to be issued, a period of 60 days was given to the Agency for completion of all formalities and provision of Sui Gas. It was desired that Mr. Abdul Jalil, Councillor/Senior Vice Chairman be informed accordingly by the Agency.

Complaint No. Reg. H/3658/2000
Excessive Billing

Mr. Abdul Qadeer Khan of Rawalpindi stated that the Agency sent him an excessive bill of Rs. 5,609 and when he approached the concerned authorities they gave him a rebate of Rs. 601. The complainant argued that the very fact that he was given a rebate, although minimal, proved that there was something wrong with the impugned bill. The complainant further put forward an argument that he had never received such a high bill and he wondered on what formula the Agency had calculated the amount of Rs. 601. He also presented the trend of his last three years bills, which did not justify the bill of Rs. 4,609. The statement of his gas bills from January, 1999 to May, 2000, provided by him, indicated that his bill had been always under Rs. 400.

The charging of this excessive bill is devoid of any cogent explanation on the part of Agency. It was therefore recommended that the complainant be furnished fresh bills for the months under question, based on the general trend of billing obtaining for the last 12 months, and complainant shall pay the gas charges only in accordance with that trend.

LABOUR DIVISION

EMPLOYEES OLD AGE BENEFITS INSTITUTION (EOABI)

Complaint No. Reg. H/2319/99
Request for Payment of EOABI Pension

Mr. Ghulam Akbar resident of Dir, presently residing in Karachi, complained against the Employees' Old Age Benefits Institution (EOABI) on behalf of his mother, who had been denied Survivor's Pension in respect of his deceased father/her late husband. According to the complainant, his father was employed in Habib Sugar Mills, Nawabshah and remained in service of the Mills for 22 years. He died while on duty. The complainant's mother approached Sukkur Office of the EOABI, but they kept on delaying the payment of pension for years. Finally, the request was

turned down on the plea that his father expired on 21.3.1986, whereas the benefit became available w.e.f. 1.7.1986. An appeal was also preferred to the adjudicating authority, the Zonal Office of EOABI Hyderabad, but the same was also dismissed.

During investigation of the complaint, the matter was examined in the light of the Finance Act, 1986 and Ordinance No. XXIII of 1993, further amending the EOABI Act, 1976. It was observed that with the amendment, it was provided that the surviving spouse of the deceased person was entitled to Survivor's Pension till death. The widow of the deceased, Mst. Raifoon is still alive. Under Section 22-B of the EOABI Act, 1976 (as amended w.e.f. 1.7.1986), the benefit which has been provided, is as follows:-

“In the case of the death of an insured person, while not in insurable employment but after he had completed five years insurable employment, the surviving spouse, if any, shall be entitled to a life pension equal to the minimum pension.”

In view of the fact that the deceased employee had put in 22 years of service in the Sugar Mills, Nawabshah, it was considered fair that the shortfall period of 3 months and 10 days between the death of the employee and the beneficial amendment of the law, be relaxed. It was therefore recommended that the Survivor's Pension, with arrears, be granted to the complainant widow w.e.f. 21.3.1986.

Complaint No. Reg. H/23018/99
Delay in Payment of Benevolent Fund

Mst. Akhtar Bi of Tharjal Kalan, Tehsil Gujar Khan, District Rawalpindi, complained against Pakistan Railways for delay in the payment of Benevolent Fund grant, relating to her late husband. On taking up the matter with the Agency, it intimated that the late husband of the complainant retired on 2.4.1988 and died on 17.3.1991. However, the documents for payment of Benevolent Fund were received on 17.2.1999, which too were incomplete. She obtained death certificate of her husband on 26.11.1995 from the concerned Union Council of Tehsil Gujar Khan and pension papers were submitted again in 1997, i.e. after the lapse of 6 years from the sad demise of her husband. Again, the non-marriage certificate had been sent to her to be filled in properly and to be attested by a First Class Magistrate. The Agency promised that on receipt of the same, payment of Benevolent Fund arrears will be made to the complainant.

On a follow up of the matter, the Pakistan Railways Servants Benevolent Fund Organisation reported in March, 2000 that sanction for Rs. 31,635 had been issued for payment to the widow.

WATER & POWER DEVELOPMENT AUTHORITY (WAPDA)

Complaint No. Reg. H/4547/2000

Issuance of Heavy Demand Note of Rs. 22,529

Mst. Riaz Fatima, resident of Dina, Tehsil and District Jhelum, a widow, stated that she had no source of income except the pension of her husband, who retired as a school teacher. She has the liability of two daughters and a son studying in 2nd year. She applied for electricity connection. The demand note amounting to Rs. 22,529 issued by the Agency was too heavy to pay. There was hardly any house in her village without electricity. There were a number of connections, given from cable to cable, but the Agency was denying her the same facility.

The Agency stated in its report that the heavy demand note was mainly due to the cost of two poles required for energizing the premises of the complainant as the distance from existing LT Line to the house of the complainant was 170 feet, and the policy of cable to cable connections had been done away with. The complainant could not turn up for the hearing which was fixed, might be due to her financial problems. The Agency's representative informed that as per the latest instructions, no service connection beyond 40 metres from the service pole was allowed. However, he admitted that there are a number of connections given beyond 40 metres, in addition to cable to cable connections provided in the past by the Agency.

Keeping in view the widow's financial position, having no source of income except little pension for her husband, having the liability to marry her two daughters and education of a son, it was recommended that she may be allowed either a cable to cable connection, or, permission to have service connection beyond 40 metres in relaxation of rules as a very special case be given.

Complaint No. Reg. H/1086/2000

Refund of Over Charged Amount

Mst. Nazra Bibi of Kahuta, a widow, stated that her electric connection was sanctioned in October, 1998. The first bill she received was in

December, 1999, after a delay of 14 months. She being a widow with limited means was forced to borrow money and pay the bill in order to avoid disconnection. The accumulation of units also placed her in the higher tariff bracket. She requested that her bill be revised and the excess amount so charged be refunded.

The Agency stated that the meter was installed in 1/99 and the first bill was issued to her in 4/99; thereafter, due to the negligence of the meter reader, the consumer was not billed upto 12/99; the official at fault is being asked to explain the reasons for non-billing. Record showed that the complainant was billed for 1825 accumulated units in 12/99, which placed her in the higher tariff slab. It was recommended that the complainant be provided slab benefit for the period 1/99 to 12/99 and the bill revised after adjustment of the payment already made by her. Moreover, late payment surcharge be waived off; and disciplinary action taken against the delinquent official for misconduct.

Complaint No. Reg. P/74/2000
Non-replacement of Transformer

Mr. Gul Akbar of village Kalu Khan (Swabi) complained against PESCO about non-replacement of the 200 KVA transformer of their locality which was burnt in January, 2000. He had requested the Agency for replacement of the same but in vain.

On taking up the matter with the Agency, it reported that the 200 KVA transformer of the village was damaged on 15.1.2000 and certain formalities had to be completed; after the same the case was sent to the Chief Executive, PESCO, Peshawar for release of a new 200 KVA transformer. The Agency subsequently reported that the 200 KVA transformer had been replaced on 20.3.2000

Complaint No. Reg. P/133/2000
Delay in Completion of Electrification Work

Mr. Muhammad Alam and others of village Panr, Mingora, Swat stated that eight LT poles, two HT poles and a 100 KVA Transformer were sanctioned for their village in June, 1999. The eight LT poles were installed but the remaining work was yet to be completed. As a result, electric supply had not been provided to their village in spite of several representations made to the XEN, Construction Division, Nowshera.

On calling a report, the SDO, Construction Sub-Division No. 1 of the Peshawar Electric Supply Company (PESCO), Nowshera informed that the work was in progress and final report will be submitted at the earliest. The case was fixed for a hearing. Before the same could be held, the complainant informed on 7.8.2000 that the Transformer had been installed and the power line energised. He gratefully acknowledged that it was due to the intervention of this Secretariat.

Complaint No. Reg. P/5215/99
Unjust Imposition of Fine

Mr. Wazir Khan of Shiwa Totki, Tehsil Banda Daud Shah, District Karak, NWFP stated that he was served with detection bill containing a fine of Rs. 13,177 for the month of August, 1999 by the WAPDA. He stated that the same was unfairly imposed for unknown reasons, specially when he was not a defaulter. It is unfortunate that neither a report was submitted nor the SDO, Latamber, the officer concerned, appeared for the hearing when fixed. Accordingly, the unfair fine of Rs. 13,177 was set aside and the Agency was asked to issue a revised bill to the complainant on the basis of his actual meter reading. As regards the conduct of SDO, Latamber, the Superintending Engineer, Bannu was directed to hold a proper inquiry in the matter, so as to ascertain as to why the officer dealt with the matter so negligently. It was recommended that disciplinary action should be taken against him after following the proper procedure, under intimation to this Secretariat.

Complaint No. Reg. P/603/2000
Unjust Billing

Mr. Muhammad Khan stated that he was the owner of a Cane Crushing Machine situated at village Mayar District Mardan and the electricity used to be supplied on seasonal basis. On termination of the cane crushing season of 1998, the consumer requested the SDO to disconnect the supply, which was done. The bills were being issued by the Revenue Officer despite the issuance of disconnection order by the SDO. On investigation of the complaint, the Revenue Officer admitted that arrears of Rs. 19,750 kept on accumulating due to non punching of DCO by WAPDA Computer Centre.

A hearing was held. From the perusal of the record it transpired that supply of electricity used to be restored every year on proper written request, clearance of arrears and payment of reconnection fee by the con-

sumer. The bills issued during the period 1998-99 were not bonafide, as the cane crushing machine was not used due to non-availability of power supply. It was therefore recommended that the consumer be charged for his actual consumption upto meter reading 23,965 as recorded on 20.4.1998 and the extra amount charged from him be refunded in the form of credit to his account.

Complaint No. Reg. L/4857/2000

Unjust Supplementary Demand Notice – Years After the Full Payment of the Cost and Energization of Connection

Mr. Nazar Abbas of Daska, District Sialkot requested that unjust supplementary demand notice of Rs. 6,020 issued to him on 31.3.2000 be got withdrawn, because he had already made payment of demand notice issued in 9/97, after which his connection had been energized.

The case was taken up with the Agency, which stated that it was true that the complainant had made full payment and his connection had been energized in 1997. However, subsequently checking of the site in early 2000 showed that the installed cable was 83 metres long instead of 30 metres. Consequently, the audit party had asked for the recovery of difference of cost from the complainant, for which a demand notice was issued to the complainant.

The Agency's representative was informed in a hearing held in the Lahore Office that it had repeatedly been pointed out that the responsibility of drawing up correct estimates was that of the Agency, which had a full-fledged section for preparation and checking of such estimates in accordance with the Agency's Rules. General Manager WAPDA had issued clear directions vide Circular letter No. 4453-62/GMCS/D(R&CP)/WM-321 dated 28.7.1992, that after the energization of connection no supplementary demand notice would be raised against the consumer.

Since the consumer had already paid the full amount and it was not his fault that an incorrect demand notice was sent to him, the Agency was directed to withdraw the supplementary demand notice.

Complaint No. Reg. L/11281/99
Refund Claimed for the Cost of Stolen Meter

Malik Ghulam Rasul of Hafizabad complained that electricity meter, installed outside his premises, had been stolen by unknown persons in November, 1999. He had lodged an FIR and requested WAPDA for installation of a new meter, but he was forced to pay the cost of the same. He requested that GEPCO be directed to refund the cost of meter, since this was a case of stealing of the meter from outside his premises.

The case was taken up with the Agency, which admitted that the complainant had lodged an FIR against stealing of the meter and had made payment of the cost of new meter, since this was the normal practice.

The Agency's representative was asked as to why had its functionaries violated the directive of General Manager (C&S) WAPDA House, Lahore issued vide Circular letter No. 6116-6168/GMCS/D(R&CP)/59017 dated 9.8.1994, in which it was clearly mentioned that if the meters were installed on poles or outside the premises, then the damaged/burnt meter etc., would be replaced without recovering any cost from the consumer. The Agency's representative could not give any satisfactory reply. In view of the same, the Agency was directed to refund the cost of the meter to the complainant.

Complaint No. Reg. L/2218/2000
Unjustified Detection Bills

Mr. Mazhar Amin of Gujranwala complained that two detection bills, one for his domestic meter and the other for his commercial meter, amounting to Rs. 3,820 and Rs. 5,854 respectively were sent to him. He requested that WAPDA be directed to withdraw these unjustified bills. He further stated that he was a minor user of electricity, who had always been paying his bills and nothing was outstanding against him.

The case was taken up with the Agency, which stated that on checking the premises of the complainant, it was found that he was stealing energy and consequently a detection bill had been charged from him for six months for his domestic meter, and for three months for his commercial meter. Investigation of this complaint had been carried out under the orders of the Chief Executive, Gujranwala; and after investigation, departmental action had been taken against the LS-II, ALM and the meter reader, but the detection bills were stated to be justified.

The case was examined with data made available and details. It was noted that the complainant was a minor user of electricity. Check meter had been installed on 14.9.1999 on both the meters. On comparison of the consumption of the check meter and billing meter it was found that the consumption of the complainant was almost the same. The case of illegal abstraction of energy, thus, could not be established, against the complainant. Consequently the Agency was directed to withdraw the unjustified detection bills.

Complaint No. Reg. L/4287/2000
Unjust Demand of Reconnection Fee

Ch. Manzoor Hussain of Gujranwala complained that his meter was declared 40% slow and he requested WAPDA for a check meter which was installed in 1994. The check meter showed that his billing meter was not 40% slow; rather it was 6.5% fast, yet WAPDA had arbitrarily removed the check meter and the old meter, disconnecting his supply. Subsequently, the SE had withdrawn the slowness bill and his meter was restored, but WAPDA had later on sent a supplementary demand notice for reconnection which was not justified. He requested that the same be got withdrawn.

The case was taken up with the Agency, which admitted that the meter of the complainant was disconnected for non-payment of a wrong detection bill, which was subsequently withdrawn, but in the meantime the electricity supply to the premises of the complainant was disconnected in 12/94. The same was reconnected in 9/95, because the complainant was asked specifically to apply for a Reconnection Order (RCO), which he did in 1995. His connection was running, but he had to pay the RCO fee for reconnection.

The case was discussed in a hearing in Lahore Office and the Agency's representative was asked that when the check meter had shown that the complainant's meter was not slow but actually 6.5% fast, what was the justification for disconnecting the meter since the bill for slowness was obviously totally unjustified and had been got withdrawn by the SE. He could give no satisfactory reply. He was asked as to why was the fast meter not replaced by the Agency on its own, which was its duty and why had the complainant been asked to apply for an RCO. Again, he could give no satisfactory reply.

Consequently the Agency was directed to withdraw the demand notice for RCO fee from the complainant.

Complaint No. Reg. L/5879/2000
Unjustified Slowness Bill

Mr. Wazahat Naseem Kazmi of Gujranwala complained that he had been sent a huge bill of Rs. 12,977 for six months, ascribing slowness to his meter which was not justified. He pleaded that if his meter was slow, it should have been replaced by the Agency immediately. He requested that WAPDA be directed to withdraw the bill.

The case was taken up with the Agency, which stated that on installing a check meter on the complainant's meter, which was suspected of slowness, it was found that the meter was 58.9% slow; hence detection bill for 5/99 to 10/99 had been charged from the complainant after getting it approved from the competent authority. The Agency further stated the check meter and the old meter were still on site and the consumption of 9 months had also confirmed the slowness of 59%.

The Agency was asked to justify charging of slowness bill for six months when the Director General (R&CP) WAPDA House Lahore, vide letter No. 2444-46/MD(D)/DG (R&CP)/56217 (L) dated 8.5.1996 had already directed that if meter reading staff was vigilant, it should be possible to detect slowness within one reading cycle or two. On the other hand, the complainant had been charged the slowness bill for six months. Moreover, the DG (R&CP), WAPDA's directive had specified that if the bill is charged for more than 3 months, the concerned staff of the Agency should be charge-sheeted. The action of the Agency was contrary to the directive of its Head Office. The comparison of the billing data also showed no justification for charging the slowness bill for the past six months, keeping in view the consumption of the previous year.

Accordingly, the Agency was directed to charge the complainant slowness bill for two billing cycles only.

KARACHI ELECTRIC SUPPLY CORPORATION (KESC)***Complaint No. Reg. K/179/2000*****Unfair Imposition of Liability of Electricity Charges Relating to Earlier Occupants of the Premises**

Mr. Abdul Ghaffar Soomro, Secretary to Government of Sindh stated in his complaint that he had occupied Bungalow No. 7, Bath Island, Karachi (owned by the Government of Sindh). The arrears of electricity charges amounting to Rs. 128,595 were outstanding against the premises. He had requested the Government of Sindh to recover the said amount from the persons who had remained in occupation of the premises. The Controller, Billing, KESC, was asked by the Services and General Administration Department, Government of Sindh in its various letters that the bills pertaining to the complainant be issued to him separately for payment, but no action was taken by the KESC. The current bills were being regularly paid by the complainant since his occupation, but because of non-payment by previous occupants, the bills showing arrears along with penalty were being issued to the complainant, who requested that the KESC be asked to split the bills, charging him only for the period of his occupation and by not imposing penalties due to arrears relating to previous occupants.

During a hearing that was held, the Controller Billing, Clifton Zone, Karachi informed that the total amount relating to the period of occupation of the complainant came to Rs. 53,681.61, out of which Rs. 18,486 had already been paid by the complainant. In a similar case No. K/866/94 also it was held that in such a situation the present occupant should be absolved of the responsibility of payment of arrears outstanding against various earlier occupants and KESC be directed to indicate the break-up so that the AGPR should deduct the relevant amount from the salary of officers concerned and credit the same to the account of KESC. As the present case was also an identical one, the same action was recommended to be taken.

Complaint No. Reg. K/2799/99**Unjust Issuance of Supplementary Bill – Request for Deletion**

Mr. Anwar Durrani of Karachi complained against the Karachi Electric Supply Corporation (KESC) for issuance of a supplementary bill for 193,514 units, amounting to Rs. 1,185,905 to him for the past 3 years. It was without taking a proper reading. The complainant stated that he was

a regular payee of electricity bills which were sent to him on actual consumption basis, while the supplementary bill was on a presumptive average basis.

On taking up the matter with the Agency, it was found that the bill had been initiated merely on the report of the Task Force of KESC and there was no justification. During the visits of the complainant to the Agency, it reduced the bill to Rs. 652,072. During the hearing that was held, the Controller Billing, Saddar Zone, KESC also confirmed that the supplementary bill had been issued on a presumptive basis and had been formally approved by CE Billing without going into its justification. It was recommended that the supplementary bill be held as null and void and the complainant be billed strictly on the basis of meter readings.

CHAPTER - IX

IMPROVEMENTS MADE BY AGENCIES TO COUNTER MAL-ADMINISTRATION

In addition to redressal of numerous grievances brought before us in individual complaints, one of our primary objectives is to impress upon the Agencies the basic need of eliminating the very causes of the complaints and to have an in-built system of redressal of grievances. We have constantly taken up this task in hand. As a result of the same, the Agencies have taken steps towards alleviating the causes and mal-administration prevalent in their organisations. The latest position reported by some salient Agencies in this respect is given below.

WATER & POWER DEVELOPMENT AUTHORITY (WAPDA)

New Connections

The procedure of providing new connections has been simplified. The previous Application Form considered complicated by consumers has been replaced with a simple one-page Form. Availability of sufficient material in stores has also been ensured to minimize waiting time.

Failure of Supply

A new consumer-friendly culture has been introduced in staff, particularly in the staff at Complaint Centres. They have been educated to

be polite and courteous to consumers, and asked to extend all possible help even at odd hours when attending to complaints.

Mobile Transformers have been arranged in all major cities for immediate restoring of supply in case of damage of transformers.

The Complaint Centres have been equipped with adequate T&P to ensure safe working conditions for staff to prevent accidents.

Meter Reading

Meter Reading Cards have been provided at all consumer premises to ensure correct meter reading to enhance satisfaction of the consumers.

Replacement of Defective Meters

Large quantities of three-phase and single-phase energy meters have been procured, to bridge the gap between supply and demand. Instructions have been issued to all the Regional Electric Supply Companies to ensure replacement of all the defective meters as soon as possible.

Bill Distribution

Bill distribution at consumer premises well ahead of the Due Date has been ensured through monitoring, and by placing Bill Distributors at the disposal of SDOs.

Payment of Energy Bills

All Banks in the cities have been authorised to collect payment of Energy Bills instead of the previous practice of paying of bills only in scheduled Banks to facilitate consumers. Selected Post Offices have also been authorised to collect payment of Energy Bills. Their payment through cheques has also been authorised.

Improvement of Payment Arrangements

5538 scheduled banks have now been authorised to receive electricity bills. In addition 2441 Posts Offices have also been authorised to receive electricity bills.

One Window Operation

To save the consumers from running from pillar to post for the redressal of their grievances, One-Window Operation has been introduced which is in successful operation in the field. Through this mechanism all sort of complaints such as delay in giving new connections, unjustified detection bills or estimates, excessive/bogus billing/readings are processed/solved on the spot, and after elapsing of specified time, the consumer is informed of the redressal.

Open Kutcheries

Grievances of consumers are being effectively redressed by holding Open Kutcheries frequently by Chairman WAPDA/CEOs/SEs/XENs with prior announcement through public media.

Complaints Appearing in Press

Prompt action is being taken to redress complaints appearing in Newspapers.

Discipline

Discipline has been enhanced in the ranks, and staff efficiency and performance have been improved through various accountability and incentive measures.

Decentralisation of Powers

Authority has been delegated right up to the level of SDOs so that violation of Efficiency & Discipline Rules by Meter Reader/Bill Distributor and Line Staff could be dealt with minimal delays to enhance staff efficiency and conduct. Strict disciplinary action under WAPDA E&D Rules is being taken against WAPDA employees found involved in harassment, highhandedness, corruption, excessive/bogus billing, etc.

Charging of Detection Bills to Domestic Consumers

The powers for charging of detection bills to Domestic consumers upto 5 KW load have been defined by formulating a structured procedure for charging of detection bills to minimise causes of complaints. Chairman WAPDA has issued special instructions to all field formations regarding charging of Detection Bill due to discrepancies in meter or other reasons.

The penalty has been restricted to 3 months period for domestic consumers and upto 5 KW load, which has been perceived as a great relief by the general public.

Incentives to Industrial and Agricultural Consumers

Various incentives have been offered to sick/disconnected Industrial consumers to recapture their demand in the system. Tariff rates of Agricultural consumers have also been considerably reduced to provide incentive to this crucial sector of the economy.

Toll Free Telephone Access

To facilitate the consumers and to offer easy access, a toll free telephone No. 080011888 has been set up in Chairman WAPDA Complaint Cell. E-mail facility is also available at all the Regional Electric Supply Companies.

One Window Operation

One Window Operation has been started to solve the billing complaints of consumers. Now the consumers are not supposed to visit various offices for correction of their energy bills.

Central Complaint Cells

Central Complaint Cell with dedicated telephones for incoming and outgoing calls are working round-the-clock, for attending the electricity complaints of consumers. These Complaint Centres have also been established at each SDO Office and are manned round-the-clock to redress the complaints of the consumers. Wide publicity has been given in this respect.

Committees for Resolving Billing Disputes

Committees have been formulated to resolve the billing disputes at Circle and Headquarters level for immediate resolution of the billing disputes.

Placing of Meter Reading Cards at Consumer's Premises

Meter Reading Cards have been placed at consumer premises for ensuring reading every month by the Meter Readers and subsequent checking by the Supervisory Staff/Officers.

Stable Power Supply to Consumers

To improve low voltage problems of various areas 47 Grid Stations have been upgraded and 320 KMs 11 KV lines have been constructed during the year 2000.

Surveillance Directorates

To cater for wrong billing complaints and eradication of theft of electricity surveillance directorates have been established at each DISCOS which is yet another step to ease energy consumers.

PAKISTAN TELECOMMUNICATION COMPANY LTD (PTCL)

Establishment of Complaint Cells

In compliance with Wafaqi Mohtasib's earlier recommendations, Complaint Cells have been established in the Regions as well as at the Headquarters. The Regional General Managers were also directed to strictly follow PTCL Headquarters guidelines dated 31.01.2000, in order exercise better Vigilance and to ensure timely implementations of Ombudsman's Directives.

Provision of New Telephone Connections (NTCs)

New telephone connections are being provided strictly on first come first served basis. Approximately 307,000 new telephone connections have been given during the year 2000, in order to effectively deal with the pending demand and to reduce customer complaints regarding non-provision of NTCs.

Establishment of Headquarters Hotlines

The Headquarters Hotlines were established during July, 1999 in order to address and immediately resolve complaints of the PTCL customers, which are unable to get their telephone service related complaints resolved at the regional level. By extensive advertising of the PTCL's

Headquarters Hotline, streamlining operation of the Hotline and effective daily follow-up of the complaints lodged by the PTCL customers, significant reduction in customer complaints regarding defective telephone services has taken place. Effective management and vigilant operation of the Headquarters Hotline has also resulted in increased customer confidence in the PTCL.

Increased Effectiveness of Headquarters' Vigilance Committee (HVC)

On recommendations of the Honourable Wafaqi Mohtasib regarding the Vigilance Committees already in practice, all of the complainants of Excessive Billing are invited to attend hearing(s). The decisions of Vigilance Committees are also conveyed to the customers along with reasons of the decision taken. Also, in case of any customer who is unable to attend on the designated date and time of hearing due to some valid reason beyond his control, under prior intimation to the Vigilance Committee, he is given another chance.

Pre-paid Card System Facility

Most Modern, Pre-paid Card System was introduced during October, 2000 for enabling common man to enjoy telephone facility as and when required, without obtaining a telephone connection, and at the rates equal to regular PTCL telephone holders for making local calls and long distance calls, and being able to call overseas at only 5 per cent higher charges. The PTCL calling cards have been very widely accepted by the general public.

Long Distance Calling Rates

Long Distance Calling rates were again reduced during July, 2000 by the PTCL to make the telephone facility more affordable to the common man.

Replacement of EMD Exchanges

Many (obsolete) EMD exchanges were replaced during 2000 in order to reduce Customer complaints of excessive billing and to minimise telephone service quality complaints.

Replacement of Old, LS Cable

Replacement of old, defective lead sleeve (LS) cable was carried out in many Telecom Regions during the year 2000, in order to reduce customer complaints regarding poor voice quality, interference, noise etc.

Computerised New Telephone Connection Registration

Application Registration for New Telephone Connection (NTCs) has been computerised initially at two exchanges in Karachi. This has brought PTCL officers and staff under strict observation regarding prompt issuance of demand notices and installation of new telephone connections. This has substantially curtailed installation time for NTCs. Experience at Karachi is being used as a model for employing computerised registration of NTCs in the whole country.

Institution of Computerised Faulty Management System (CFMS)

CFMS was implemented at Karachi during year 2000. This has resulted in immediate address and rectification of customer complaints regarding their telephone service, and availability of very effective Management Information System (MIS).

ED PCOs

Extra Departmental (ED) PCOs were resulting in enormous customer complaints regarding overcharging, at the same time depriving the PTCL as well the Government of Pakistan (in respect of Excise Duty), of substantial Revenues. Therefore, all of the Extra Departmental PCOs have been closed. As a policy, all the ED PCOs holders have been given the option of getting Card Pay phones installed at their premises.

C. L. I.

Caller Line Identifier (CLI) facility has been made available at many of the digital exchanges during the year 2000 and contracts were awarded for provision of CLI facility at most of the remaining Digital Exchanges.

Code Barring Facility for Restricting Calls to Mobile Telephones

Code Barring Facility has also been offered to the PTCL customers during year 2000 for restricting calls to mobile telephones, in addition to

the existing code barring facility. This will help in reduction of Excessive Billing complaints.

Availability of PTCL Infrastructure for Cable TV Systems

PTCL has also advertised through press for getting applications from interested operators of cable TV systems, for use of PTCL infrastructure on payment basis. This will facilitate public's access to cable TV.

Establishment of Legal Department

A full-fledged Legal Department has been established at Islamabad for taking care of all legal matters by professional lawyers as and when deemed necessary. Customer complaints are referred to Legal Department for resolving the same according to applicable laws.

Provision of Internet Access Network

Full cooperation is being rendered to the Internet providers for ensuring internet access to each and every corner of the country with single pulse 131 XXX facility for ensuring single unit, time independent local call charging while using internet.

SUI NORTHERN GAS PIPELINES LTD (SNGPL)

Unification of Due Dates

The work of unification of due dates of all utility bills was considered for implementation in Faisalabad City. To date, all billing zones of WAPDA and SNGPL in Faisalabad have been unified.

WAPDA and SNGPL have now started unification of due dates of all utility bills was considered for implementation in Faisalabad City. To date, all billing zones of WAPDA and SNGPL in Faisalabad have been unified.

WAPDA and SNGPL have now started unification of due dates in Lahore Cantt. This will enable consumers to pay their bills on the same day and will thus reduce visits made by consumers to banks for payment of their utility bills.

Monitoring of Collecting Banks

The Company has instructed its Regional Offices to set-up monitoring teams to oversee whether the banks are receiving bills as per agreed and extended timings. Details of those bank branches which do not follow the designated timings will be forwarded to the State Bank of Pakistan for appropriate action.

Rounding Off

The Company was the first to round-off its bills to the nearest Rs. 10 so as to reduce the time spent by the consumers while paying gas bills as small change does not have to be paid or received at the bank. The differential caused by rounding off is adjusted in the following month's bill.

Timely Delivery of Bills

All gas bills are now being delivered by couriers throughout the Company's area of operations and complaints of non-delivery have been reduced by about 75% since the introduction of this system in November, 1998. In case the consumer does not receive his gas bill on time and has to pay a surcharge, the surcharge is debited to the courier's account and deleted from the bill. This punitive provision in the contract ensures that the bills are delivered on time by the couriers.

If any consumer does not receive his gas bill on time, he can call our local office and a duplicate bill will be immediately issued to him. Computers have been installed to issue computerised duplicate bills so that consumers do not have to wait for obtaining these and this facility is being gradually extended.

Consumer Service Centres

SNGPL has established Consumer Service Centres in Lahore which deal with Billing and Operational complaints from 0600 hrs to 2200 hrs, six days a week. The Consumer Service Centre at the Head Office also receives payment of bills during office hours.

The following centres have also been established throughout the Company to receive gas bills directly. The working timings are 0900 hrs to 1600 hrs.

Regions	Cash Points
Abbottabad	3
Bahawalpur	4
Faisalabad	5
Gujranwala	3
Islamabad	6
Lahore	7
Multan	5
Peshawar	4
Total:	<u>37</u>

A report on the establishment of Consumer Service Centres providing all facilities dealing with Billing, Operations and Sales is being considered and these centres will be set-up throughout the system once the required funds, the equipment and the infrastructure are available.

Availability of Bill on Internet

SNGPL's bills for Lahore Region are available on the Company's web site (www.sngpl.com.pk) for information of consumers. The software will be modified so that consumers can download hard copies of these bills for payment. This will give them an additional three days as compared to bills delivered by couriers.

Collection of Bills Through the Post Office

The Company has discussed the matter regarding collection of bills through the Post Office with the Postal authorities and an agreement to this effect has been signed. In Lahore City, bills are being collected through the Post Office w.e.f. 09.09.2000 and this facility will be extended throughout the country over a period of time.

Advance Payment Plan

The Company has been receiving bills through its Advance Payment Plan since September 1998. The following incentives are presently being offered to consumers:-

One year Advance Payment	:	6.0% discount
Two years Advance Payment	:	13.0% discount
Three years Advance Payment	:	22.0% discount

Phone Banking

The Company has initiated a pilot project in association with Union Bank and ABN Amro Bank to assist consumers to settle their bills through direct debiting of their accounts via telephone. This also entirely eliminates the visit to the banks and the bills can be paid in the comfort of the consumers' home. The scheme is presently in its early stages.

Billing Complaints

Overall billing complaints such as provisional bills to old consumers, non-delivery of bills, undue arrears, meter reading errors and punching errors totalled approximately 7,600 for 1.9 million consumers during November, 2000 i.e., about 4 complaints per 1,000 consumers.

The Company is working on a computerised online facility for processing of new connections which will eliminate issuance of provisional bills.

Recruitment

All posts for direct recruitment are being advertised, so as to provide an equal and fair chance to the prospective candidates to compete on merit. At the same time, in line with the present agreement with the Collective Bargaining Agent (CBA), a clause is being added for allowing requisite priority to sons/daughters of employees and ex-employees.

Quality Control

Special emphasis is being given to quality control.

Performance of Employees

The performance of employees is being monitored and strict accountability has been enforced so as to improve behaviour of the employees towards consumers and increase productivity.

HOUSE BUILDING FINANCE CORPORATION (HBFC)

The Agency has intimated the following improvements made/steps taken by it in order to alleviate complaints:-

- (i) Master data of the clients is being corrected and simplified and new simplified schemes accounts have been corrected.
- (ii) Practice of issuing unaudited account position has been completely dispensed with and audited balance is being provided to the partners upon submission of payment receipts.
- (iii) Accounts are being closed normally within 15 days time.
- (iv) Extension of simple interest facility in all Interest Bearing Loans instead of compound interest.
- (v) Waiver of 80% demand charges on clearance of full default or outstanding balance.

Besides, in order to bring efficiency in the working of the Corporation and to provide better and quick service, the following measures have also been taken:-

- (vi) Weekly meeting chaired by Managing Director is held on every Monday to review the overall performance and speedy redressal of client grievances.
- (vii) Effective monitoring of account closing and delivery of documents on weekly basis.
- (viii) In each District Office a Notice Board in Urdu/English has been provided at conspicuous place providing necessary guidance/information to the

clients together with phone number of their General Manager/Executive Director, facilitating them to report complaints of delay and inaction, if any, to higher authorities.

- (ix) For quick disposal of complaints and redressal of grievances a “Guideline for Disposal of Complaints” has already been issued.
- (x) A Complaints Box is available on the front door of each District/Zonal Office.
- (xi) Entry of touts and brokers has been banned in HBFC all over the country. Notices in this regard have been placed on prominent places.

AGRICULTURAL DEVELOPMENT BANK OF PAKISTAN (ADBP)

The Agency has stated that the ADBP is the largest and premier Agricultural Development Financial Institution of the country. Out of the total institutional agricultural credit of Rs. 39.688 billion disbursed in the country during 1999-2000, ADBP’s share works out to be 62% and the rest 38% has been advanced by all other Banks and Development Financial Institutions. The Bank advanced credit of Rs. 24.424 billion to 398,000 borrowers during 1999-2000. Only 186 borrowers have lodged complaints with Ombudsman’s Secretariat during the period from January to December, 2000.

It has been observed by the Bank that the borrowers lodge most of the complaints to avoid recovery proceedings under the provisions of Land Revenue Act. During January to December, 2000, ADBP carried out recovery campaign on war footing due to which the Bank has been able to effect record recovery of agriculture loans to the tune of Rs. 31,844.6 million.

The Agency states that the record recovery and lion share of 62% in overall credit disbursement bears a testimony to ADBP’s efficient credit delivery system. However, in order to further improve the recovery, gear up its efficiency, improve quality of lending and check mal-administration, the Bank’s management has taken the following measures:-

- (i) In all loans cases, besides NIC, photo copies of latest photographs duly attested by the MCO will be

obtained. One for case file and the other for deposit account through which the disbursement of loan will be made.

- (ii) The new intending borrowers are introduced through bank's old borrowers at the time of getting loans and their antecedents confirmed with the view to avoid impersonation and fraud.
- (iii) With the view to avoid misutilisation of tractor loans, the registration of the tractor is being made in the joint name of ADBP and the borrower(s).
- (iv) Instead of making cash payment the bank has started to disburse the loan in kind while placing supply order(s) on the manufacture/dealer concerned for supply of the items, especially in cases of tractor, machinery and tube-well loans.
- (v) As a policy of the bank Mobile Credit Officers/Managers/Regional Managers are being posted in the field keeping in view their clean service record/integrity and laid down criteria.
- (vi) The Regional Managers have been delegated administrative powers of transfer and posting of the staff within the region in order to:-
 - improve the operational activities,
 - eliminate corruption,
 - speedy disposal of the complaints received,
 - better utilisation of human resources,
 - maximization of recovery efforts of loans,
 - discourage imprudent lending.
- (vii) Basic information with reference to loan disbursement and recovery procedure has been displayed at each branch for benefit of the borrowers.
- (viii) Senior management of the bank regularly visit field offices to monitor the field operations.

- (ix) Scope of revolving credit scheme is being enhanced to curb mal-practices and to simplify procedural requirement for loan disbursement/recovery.
- (x) Efforts are afoot to computerise field operations to ensure effective monitoring which will check mal-practices.

For speedy probe, the Bank has strengthened its Enquiry Cell farmers community. Besides the normal monitoring and implementation channels ADBP has introduced Website and E-mail for receipt of complaints. The Website address is www.adbp.org.pk and E-mail could be sent on adbp@isb.paknet.com.pk. During January to December, 2000, 1,194 complaints were received in the Bank's Head Office out of which 1,185 complaints have been disposed off during the same period, which gives a disposal percentage of 99.2%. Out of the total number of complaints only 136 complaints were found genuine which works out to be 11.39% only.

The employees found responsible for malpractices, corruption, inefficiency and misconduct are being dealt with under the E&D Rules. 149 disciplinary cases were decided during January to December, 2000, out of which 38 employees have been awarded major penalties, (10 dismissal/removal, 28 reversion) and in 111 cases minor penalties had been imposed.

In order to reinforce administrative-cum-financial discipline, the audit system of the Bank has been invigorated which has not only reduced the audit paras/observations from 60,475 to 23,444 (July 2000 to December 2000), it is also expected to go a long way in reducing the genuine grievances of the borrowers.

ACCOUNTANT GENERAL PAKISTAN REVENUES (AGPR)

A Complaint Cell has been established in the AGPR Office and two Assistant Accountant Generals have been deputed to attend to the complainants from 11.00 a.m. daily. As much as 405 complaints were dealt with at personal level during the year. As a result of this arrangement, number of complaints are continuously reducing.

Moreover, for facility of the Federal Government employees the AGPR Office has also started one-window operation and opened counters to provide information about bills, cheques, G.P.F. Final payment, pension,

pay fixation (Service Books) and Reconciliation etc. With this arrangement it is hoped that better and prompt services would be provided to the clients.

STATE LIFE INSURANCE CORPORATION (SLIC)

The Agency last reported that their Field Staff had been provided with written material containing the descriptions of plans, riders and privileges and conditions of the insurance policies. With the same, they are supposed to educate the prospective clients before they purchase the insurance policies. Regular training courses have been also arranged to educate the field personnel. Efforts will be made to make the training programmes more effective. It has been stated that if field staff are found responsible for having procured insurance without properly educating the prospective clients, disciplinary action will be taken against them.

As regards medical reports, the Agency stated that in case of any doubt it would personally call the respective medical officers and look into the results of the tests provided carefully. The Agency further indicated that the standard of investigation is being improved. Senior and experienced Claim Examiners of the Agency are being deputed to different Zones for providing training to the junior Claim Examiners. Plans are also being chalked out for extensive training through seminars.

MINISTRY OF HOUSING AND WORKS

Steps as below have been taken in order to improve the working of the Estate Office, the system of allotment of government residential accommodation and allied matters:-

Updation of General Waiting List

The General Waiting List of Estate Office, Islamabad is being updated under the directions of Minister of Housing and Works. Similar action has been taken in case of other stations. The Provisional General Waiting List for Islamabad has been completed and circulated to the Ministries/Divisions for confirmation of the particulars of their employees. Thereafter the final list will be circulated and allotments will be made accordingly.

Ejection of Ineligible Occupants

Action is being taken to eject such occupants from Government owned accommodation who are not eligible for allotment.

Payment to Owners of the Hired Houses

Hand delivery of cheques to the owners of hired houses by the Estate Office is being discouraged. Instead, the cheques are now being delivered to the Banks of the owners through Special Delivery/Post.

Rent Recovery

The system of rent recovery and its upto date record in the Rent Section of the Estate Office is being computerized. The same is expected to eliminate the lack of precise information of rent recovery from allottees of government accommodation. With the same, it will also be ensured that rent recovery @ 5% of salary is definitely made from all the allottees of government accommodation.

Amendment in Pakistan Allocation Rules (PAR) 1993

As per instructions of the Minister, the officials of Estate Office in collaboration with Monitoring Team and other senior officials of the Government are examining the necessary amendments in the PAR-1993.

PAKISTAN RAILWAYS

Pakistan Railways have reported the steps taken as below in this respect:-

Creation of Coordination Cell/Complaints Cell

A new section of Coordination has been created in Personnel Branch, Railway Headquarters Lahore. This section will be coordinating all Personnel Management matters of Pakistan Railways. A Complaint Cell is working in this Section. Uptil now this cell has dealt with 200 complaints out of which 75% have been redressed.

Reception Counter

A Reception Counter is being maintained by Welfare Staff to guide all personnel for their official visits, interviews with GM/CPO/DCPOs,

Railways Headquarters Lahore. The staff at the Counter guide the representationists to the proper office for redressing their grievances.

Vigilance Directorate

A Vigilance Directorate has been established under the direct control of Ministry of Railways, with a view to checking mal-administration and to alleviating complaints. Vigilance Cells have also been established at the Divisional Headquarters. The Directorate has unearthed about 900 cases of mal-practices/mal-administration. Actions are being taken on case to case basis, which have helped the Railways to improve its overall efficiency and functioning.

CAPITAL DEVELOPMENT AUTHORITY (CDA)

In order to eliminate complaints and to improve working of CDA in general and particularly of public dealing formations of the Authority viz Estate Management, Building Control Sections, Land Survey, Lands & Rehabilitation Directorate, the Chairman, CDA decided to create a One Window Directorate in CDA on 24.5.2000. The cases of public received on the counters of the One Window Directorate, are marked to the concerned formations of the Authority and are promptly disposed of due to vigorous follow up by the staff of the One Window Directorate.

Secondly, Director Security & Inquiries, CDA has also been assigned the task of monitoring and coordinating the disciplinary cases of CDA officers/officials and also to ensure their punctuality in attendance through surprise checking. The Army Monitoring Team is also playing a positive role in this regard and have introduced new Identity Cards/Tags to be worn by all CDA employees while on duty. All the above actions have greatly helped in improving the performance and overall image of CDA.

CHAPTER - X

RECOMMENDATIONS

Consequent to dealing with the complaints ever since the establishment of this Office in 1983, useful recommendations have been made for ensuring good governance and eliminating various types of mal-administration and resultant complaints. In the past years, there has been a substantial outcome, as a result of the same. However, many basic recommendations which have been made at the cost of repetition from year to year, still await the fate of implementation.

Implementation of Earlier Recommendations

It is essential that each Agency, whether a Ministry, Division, Department, Corporation or any other organisation, should carefully examine various general and specific recommendations made in our Annual Reports. It is suggested for this purpose that each of the Agencies should constitute a Special Monitoring Committee headed by an officer at least of the rank of Joint Secretary, which should examine the recommendations made in our Annual Reports, at least in the previous three years, and assess the precise position about their implementation. The Committee should oversee the work of complete and meaningful implementation of these recommendations. In case of difficulty in some specific cases these Committees should even suggest changes in Rules, Regulations and Law if essentially required. While the objective of the Agencies should be to get their revenues collected correctly, it has to be ensured that the consumers and citizens are not harassed in the process. The implementation of these

useful past recommendations is considered essential in order to reduce the present repetition of similar complaints on a large scale. The outcome of the work of these Committees should be personally examined by heads of these Agencies and a consequent report about the implementation of the earlier recommendations should be furnished to the Wafaqi Mohtasib (Ombudsman)'s Secretariat within three months.

Grievances Redressal System within the Agencies

It is essential that each Agency should have within itself an effective system of redressal of grievances of the general public. For this purpose it is recommended that each of the Agencies should nominate a fairly senior officer as a Vigilance Officer. He should be fully responsible for attending to the complaints of members of general public coming in contact with the Agency. His name and designation should be prominently displayed within the premises of the Agency. Particular timings should be fixed for meeting him, which should also be prominently indicated. However, he should be available to members of the general public at other times as well for reporting any urgent matters. In addition, various senior officers of the Agency should also fix specific timings for attending to the complaints of general public.

Specific Recommendations

Like every year, specific recommendations are being made in respect of each of the salient Agencies. As already stated, there is bound to be an element of repetition, because the state of implementation of the earlier recommendations has not been precisely reported by the Agencies.

Water and Power Development Authority (WAPDA)

- i) WAPDA officers must ensure that the meter readers take monthly meter readings regularly and accurately. They should exercise effective control in this respect. The SDOs and XENs should check a specified percentage of the same. In case of delinquency, strict disciplinary action under the E&D Rules should be taken against the defaulting officials.
- ii) Chairman, WAPDA should direct all the Heads of the Electric Supply Companies to strictly observe the procedures laid down by WAPDA itself for the serving of detection bills in cases of elec-

tricity theft, doubtful meters and those with bogus/tampered seals etc.

- iii) The Agency should establish Complaint Cells at least at XEN/SE's level, in order to look into the various complaints of harassment by general public in the form of unjust detection bills, alleged electricity theft etc.
- iv) Sufficient quantity of meters of various types should be available at all times with every Division in order to replace the defective, slow, doubtful meters, or, in order to install check meters. Steps should be taken immediately to curb the billing of the consumer on the basis of a defective meter. No conclusion should be arrived at about the slowness or fastness of a meter without proper M&T test results.
- v) Timely feeding of data to the WAPDA Computer Centre should be ensured. This is all the more essential in the case of a reconnection, or, when a meter is declared defective, or, when a new meter is installed. Delays result in public grievances of average billing, detection bills and inflated bills. Action should be taken against those found guilty of delaying the feeding of data to the computer and charging arbitrary bills.
- vi) Before charging the consumer of a domestic meter on the basis of commercial tariff (on the allegation that the supply is being used for commercial purpose), an immediate notice should be given to the consumer, asking him to apply for a separate commercial meter within 30 days, in accordance with the rules of WAPDA. If the complainant does not get a new independent commercial meter installed, then a 7 days notice should be given to him that his domestic meter is liable to be disconnected. Further action should be taken strictly in accordance with WAPDA's laid down rules.
- vii) Action should be taken against those who force a consumer to pay the cost of the defective burnt meter or a burnt transformer without a proper inquiry and ascertaining whether the responsibility rests with the consumer or not. In this case also, WAPDA's laid down procedure, which is being violated, must be complied with.
- viii) Advance notice must be issued by WAPDA invariably to the consumers before disconnection of electricity or imposition of fines

giving the rationale thereof. Change of meters, inspection of premises and any other required action should also be proceeded by advance notice.

- ix) Pension, G. P. Fund final payments and grants out of WAPDA Welfare Fund must be processed expeditiously and be handled personally, on priority basis by the concerned staff and officers.

Pakistan Telecommunication Company (PTCL)

- i) Disconnection of telephones should always be preceded by proper notices to the customers, clearly indicating the reasons for the proposed action.
- ii) Demand Notes should be issued to the applicants for new connections only when the network/switching availability so permits. In this connection the PTCL Headquarters have issued circular instructions No. M.16/42/93/4.1.10, 20 dated 16.6.1994 as follows:-

“henceforth no demand note should be issued unless the network/switching availability so permits. Issue of demand notes now onwards would deem to be a surety for installation of telephone on receipt of paid copy.... Those which are not possible due to network or switching limitations, individual applicant may be approached in writing explaining the position and requesting for (his) option whether (he) would like to get the money refunded, keeping the seniority intact, or would like to wait till the situation improves.”

These instructions should be strictly adhered to and in case of delay mark-up @ 15% per annum should be paid from the date of actual payment of the Demand Note to the date of installation of telephone.

- iii) Demand Notes should in no case be provisional or conditional. These should be final, so that no supplementary Demand Notes are issued after the same.
- iv) Telephone connections should be given by strictly following the priority list according to date of application.

- v) Telephone bills should be sent to the customers within 15 days of the close of the month to which they pertain, and at least 15 days clear time should be given for depositing the amount.
- vi) In order to avoid misuse of telephones by the Agency's staff, DP boxes/cabinets/exchanges should remain properly locked and their keys should remain with the supervisors concerned, who should only open them at the time of repairs/removal of faults etc., or, at the time of giving new connections. Surprise visits should be undertaken by the SDOs/Divisional Engineers in order to ensure the same.
- vii) Strict vigilance should be kept on the mal-practices in Extra Departmental Public Call Offices (EDPCOs).
- viii) The Vigilance committees at the Divisional, Zonal and the Headquarters levels should give sympathetic consideration to the complaints. Personal hearings should be invariably afforded to the complainants and past trend of the calls should be duly examined.
- ix) It is high time that the Agency should do away with the concept of 'Defaulter Premises'. It is unethical, immoral and even unconstitutional to penalise the new occupant of a premises on the basis of arrears accumulated on the accounts of the previous occupants. The Agency should rather evolve a system of locating the defaulting previous occupants and recovering the due amounts from them.
- x) Amounts of paid bills should be promptly entered in the computer, so that no arrears appear on account of bills already paid.
- xi) Staff at the telephone exchanges and field staff should remain available during and after working hours and should behave courteously with the customers. Training/refresher courses should be arranged for their various levels regularly.
- xii) In all the major cities the Telephone Directories were supplied quite a few years ago and are hence outdated. New Telephone Directories should be supplied immediately and it should be ensured that the same are supplied to the customers regularly after every two years.

Sui Northern Gas Pipelines Ltd (SNGPL) Sui Southern Gas Company Ltd (SSGCL)

- i) Gas connection should be given strictly on priority basis in the order of date of application. Fresh applications should be checked and discrepancies pointed out at the time of submission instead of returning them with objections.
- ii) Demand Notes should be issued only when gas supply can be readily given.
- iii) Gas bills should be sent to the consumers on monthly basis and 15 days clear time should be allowed for depositing of the amount.
- iv) Disconnection of gas should not be undertaken without proper prior notice of the consumer, giving reasons for the proposed disconnection.
- v) Proper Five Year and Annual Development Programmes for expansion of the Gas supply system should be prepared, got approved and followed for the purpose of expansion of gas supply in a systematic manner.
- vi) Due consideration should be given for Gas supply to localities which are prepared to pay 100% cost of laying the Gas pipeline.

State Life Insurance Corporation (SLIC)

- i) Instead of confining themselves to the objective of maximum sale of Insurance Policies, the Agency, its officers and especially the Insurance Agents should give importance to correctness of procedures and information at the time of entering into insurance contracts.
- ii) For this purpose, first of all relevant information for prospective purchasers of Insurance Policies should be precisely and clearly available and printed on the relevant forms and documents.
- iii) The prospective customers should be fully informed about the pitfalls and losses they are likely to incur in case of discontinuation of the policy and seeking cash surrender value. This should be amply highlighted through literature and promotional material of SLIC.

- iv) Training and motivation of insurance personnel in respect of above is highly essential. Sales Representatives, Sales Officers, Sales Managers and Area Managers should be imparted specific training regularly.
- v) These officers should also be imparted the realisation of their responsibility towards securing business based on correct and precise information.
- vi) A certain percentage of the Insurance proposals should be checked by the superior Field Staff and Officers before the insurance form is forwarded to the Underwriting Cell of the Agency, where all aspects of the form should be precisely appraised before Underwriting is agreed to.
- vii) The Field Officers should be made to fully understand the limitations of their authority. In case of a violation in this respect SLIC should take full responsibility for giving the benefit to the customer.
- viii) In no case the field staff should accept the instalments of premium from the customers, as this is simply not allowed. They should also desist from depositing the premia on behalf of the customers.
- ix) Quite a few of the refusals to pay the claims of insured amounts are based on alleged incorrectness of the medical information regarding the insured person at the time of insurance. In order to safeguard the same, the medical examinations should be carried out thoroughly, including the relevant tests and professional medical assessment.
- x) As the customers are put to disadvantage by non-payment of premium, it is morally incumbent on the Agency to issue notices regarding non-payment to the customers. This is all the more important when a policy is becoming paid up or when a policy is about to lapse.

House Building Finance Corporation (HBFC)

- i) Account Statements be issued to the customers regularly, preferably by Registered Post. They may also be asked to acknowledge receipt of the same, in order to avoid allegation of non-receipt.

- ii) Regular audit of the Accounts of the borrowers should be carried out in all the Branches.
- iii) All Account Statements that are issued should be audited. In no case the pretext of un-audited statement should be used for justifying contradictory figures.
- iv) The issue of contradictory statements from the Local, Regional Offices and Head Office of the Agency should be strictly avoided. There should be only one and only Statement of Account for a certain period, without any contradiction.
- v) Accounts should be fully computerised in all the Branches for the above purposes.
- vi) Any additional charges levied on the customers should be only after issue of advance notice to him.
- vii) Difficulties of the customers at the time of closure of accounts should be eliminated by the Agency in all respects. On the request of a customer for closure of his account, a precise Account Statement should be provided to him/her, without any contradictions compared with the previous statements. The closure should be normally ensured within a week of the request of the customer and property documents of the mortgaged property should be returned alongwith that.
- viii) Remission relating to widows, orphans and retired persons as envisaged in HBFC's Operational Circular No. 248 dated 23.7.1997 should be given promptly and by a humane and helpful interpretation of the same.
- ix) Operational Circulars should be applied only prospectively and not retrospectively.
- x) The agreed terms and conditions of loan between the Agency and the borrower should in no case be unilaterally changed.

Ministry of Housing and Works

- i) Allotments of official residential accommodation should be made strictly according to the General Waiting List and the priority list prepared consequent to deliberations of the Out of Turn Allotment

Committee (OTAC). A reasonable percentage should be fixed for the two categories. No allotment should be made on the basis of discretion, and if that may not be acceptable, the discretionary quota may be limited to not more than 5% in any case.

- ii) With the above, the process of allotments should be basically confined to the Estate Office, while the Ministry should concentrate on policy matters.
- iii) A proper Management Information System should be developed and relevant information regarding all pending applications and allotments should be fully computerised. At any time, an applicant should be able to know his precise position on the waiting list.
- iv) No allotment should be made to ineligible persons. Steps should be taken to have the allotments of ineligible persons cancelled. Such allottees should be charged standard rent, which should be enhanced on yearly basis as per Government Policy.
- v) The Estate Office and the Pak PWD should ensure at the time of vacation of the premises that the utility charges i.e. electricity, water and gas bills have been paid by the vacating officer/official upto date. Otherwise, clearance certificate should not be given and intimation regarding any default in this respect should be given to the parent department of the officer/official concerned for the purpose of recoveries through the AGPR/Accounts Office concerned.
- vi) Deduction of house rent charges @ 5% is regularly made from the salaries of Government servants occupying government residential accommodation. It is unfortunate that record of the Rent Section of the Estate Office is very poorly maintained and most of the deductions remain un-entered in the relevant Registers. It should be ensured that these deductions are regularly entered in the proper record. In the case of missing entries the matter should be taken up by the Estate Office with the Government Servant concerned and his parent Ministry/Department etc. in order to correct the lapse.

Accounts Offices

The recommendations below are meant for the offices of the Accountant General Pakistan Revenue (AGPR), Accountant Generals (AGs) of the four Provinces and the District Accounts Officers.

- i) All G. P. Fund Accounts should be computerised. Regular yearly statements should be issued to all subscribers and the precise balance should be available at any time.
- ii) G. P. Fund deductions are regularly made from the salaries of the Government Servants. It is the responsibility of the Accounts Offices concerned to ensure their regular and proper posting. It is totally unfair to confront a subscriber with missing credits. In case of missing credits whatever reasonable evidence is available with the subscriber should be accepted for giving credit of the same.
- iii) Deductions @ 5% of salary are invariably made in case of Government Servants occupying government residential accommodation. It is most usual that their posting in the rent record of the Estate Office is missing. These deductions should be regularly conveyed to the Estate Office.
- iv) Service records of all employees should be computerised and kept upto date. The complete upto date particulars of service of any Government Servant should be available at any time.
- v) Pension contribution of various organisations/autonomous bodies, where the employee has served, should be promptly credited and there should be no lapses in this respect, causing difficulty to the employee at the time of retirement.
- vi) Utmost priority should be given in dealing with cases of pension and family pension and for the settling of final G. P. Fund balance.
- vii) All House Building and Conveyance Advance should be strictly given in turn, according to the date of application. A percentage should be fixed for priority cases, which according to the existing Government instructions can be accorded only by the Secretary of the Ministry/Division or Head of the organisation.
- viii) Raising unnecessary objections on the bills of Government Servants and private parties should be strictly avoided. Senior Officers should exercise vigilance in this respect. Disciplinary action should be taken against those raising unnecessary and unfair objections.

Capital Development Authority (CDA)

- i) Development of new Sectors should be undertaken on priority basis and in planned manner, particularly to overcome the housing shortage for Government Servants.
- ii) Amounts deposited by unsuccessful candidates of ballots/auction should be returned promptly.
- iii) Vigilance should be exercised over all the Branches of CDA, especially over the Estate Management Wing and the Planning Wing regarding the approval of Building Plans, in order to curb any mal-practices.
- iv) Now that substantial property tax and water charges have been levied by CDA, commensurate facilities should be provided to the citizens.
- v) System of allotment of accommodation to the CDA employees should be streamlined and basically the waiting list should be followed.

Education Division

- i) Building and equipment of the educational institutions should be fully utilised and evening shifts encouraged.
- ii) None of the teaching posts should remain vacant in the educational institution. The competent authority should be approached for removing the ban on recruitment in this respect, wherever so required.
- iii) Admission process to the Federal Government Educational Institutions should be made transparent and strictly based on merit.

Allama Iqbal Open University

Various course prospectuses should be elaborate, indicating complete information. Appointment of tutors should be made promptly and after the examination the result should be declared and intimated without delay. Tutors should be fully briefed at the beginning of the Semesters and also at Mid-semester.

Agricultural Development Bank of Pakistan (ADBP)

- i) Extensive supervision should be exercised by senior officers on the processing of the loan applications. It should be ensured in every respect that the illiterate farmers are not defrauded in the process of taking loans.
- ii) While signing the loan documents or putting thumb impressions, the illiterate borrowers must be fully informed about the particulars of the loan they are taking and their commitments and repayment liabilities towards it. The repayment schedules should be clearly laid down at the time of initial borrowing and should in no case be changed later on.

Health Division

Doctors and paramedical staff at the hospitals should serve in a dedicated manner. Senior enough persons should be nominated as Vigilance Officers in all hospitals, whom members of the public could immediately approach with their grievances.

Interior Division***Directorate General of Immigration and Passports***

Prompt issue of Passports to applicants should be ensured. Senior offices should exercise vigilance in this respect.

Directorate General of Registration

The process of issue of National Identity Cards (NICs) and amendments in them should be streamlined. Raising unnecessary objections requiring repeated visits by the individuals to the Registration Offices should be avoided. Prompt issue and amendment of NICs should be ensured. Objections, if any, should be indicated once and not in piecemeal.

Labour, Manpower and Overseas Pakistanis Division

Housing Schemes launched by the Overseas Pakistanis Foundation should be expedited. More such schemes should be taken in hand in the future of the benefit of Overseas Pakistanis. Cases of payment of blood money/death compensation should be dealt with on priority basis.

Religious Affairs, Zakar, Ushr and Minorities Affairs Division

Hiring of proper accommodation for pilgrims in the Holy Cities during the Haj season should be ensured. It has been repeatedly announced in the Press that accommodation would be in the vicinity of Haramain Sharifain. However, the actual position is often different. The accommodation hired specially in Makkah Mukarramah should be definitely close to the Harm Sharif.

Provincial Ombudsmen for NWFP and Balochistan

The process of redressal of grievances by the Ombudsman system is not complete without the existence of Provincial Ombudsman Institutions in all the four Provinces of Pakistan. The institution of Provincial Ombudsman was established in Sindh in 1992. Azad Jammu and Kashmir also established the institution of Mohtasib (Ombudsman) in 1992. In the Province of Punjab the institution of Provincial Ombudsman was established in 1996. In spite of continuous and repeated recommendations in our Annual Reports the institution of Provincial Ombudsman has not been set up till today in the North West Frontier Province (NWFP) and the Province of Balochistan. The matter should be given consideration at the highest level of the Government and the institution of Provincial Ombudsman should be established in these two Provinces without any further delay.

APPENDIX - I

ESTABLISHMENT OF THE OFFICE OF WAFaqI MOHTASIB (OMBUDSMAN) ORDER, 1983

PRESIDENT'S ORDER No. I OF 1983

Whereas it is expedient to provide for the appointment of the Wafaqi Mohtasib (Ombudsman) to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make following order:

1. Short Title, Extent and Commencement:

- (1) This Order may be called the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

2. **Definition.**—In this Order, unless there is anything repugnant in the subject or context:-

- (1) "Agency" means a Ministry, Division, Department, Commission or office of the Federal Government or statutory corporation or other institution established or controlled by the Federal Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or a High Court;
- (2) "Mal-administration" includes:
 - (i) a decision, process, recommendation, act of omission or commission which:
 - (a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is *bona fide* and for valid reasons; or
 - (b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or
 - (c) is based on irrelevant grounds; or
 - (d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
 - (ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.
- (3) "Mohtasib" means the Wafaqi Mohtasib (Ombudsman) appointed under Article 3:
- (4) "Office" means the office of the Mohtasib;
- (5) "prescribed" means prescribed by rules made under this Order;
- (6) "Public Servant" means a public servant as defined in section 21 of the Pakistan Penal Code (Act XLV of 1860), and includes a Minister, Adviser, Parliamentary Secretary and the

Chief Executive, Director, other officer or employee or member of any Agency; and

- (7) "staff" means any employee or commissioner of the Office and includes co-opted members of the staff, consultants, advisers, bailiffs, liaison officers and experts.

3. Appointment of Mohtasib

- (1) There shall be a Wafaqi Mohtasib (Ombudsman), who shall be appointed by the President.
- (2) Before entering upon office, the Mohtasib shall take an oath before the President in the form set out in the First Schedule.
- (3) The Mohtasib shall, in matters, perform his functions and exercise his powers fairly, honestly, diligently and independently of the executive; and all executive authorities throughout Pakistan shall act in aid of the Mohtasib.

4. Tenure of the Mohtasib

- (1) The Mohtasib shall hold office for a period of four years and shall not be eligible for any extension of tenure or re-appointment as Mohtasib under any circumstances.
- (2) The Mohtasib may resign his office by writing under his hand addressed to the President.

5. Mohtasib not to hold any other office of profit, etc.

- (1) The Mohtasib shall not:
- (a) hold any other office of profit in the service of Pakistan;
or
- (b) occupy any other position carrying the right to remuneration for rendering of services.
- (2) The Mohtasib shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office; nor shall he be eligible during the tenure of office and for period of two years thereafter for

election as a member of Parliament or a Provincial Assembly or any local body or take part in any political activity.

6. Terms and Conditions of Service and Remuneration of Mohtasib

- (1) The Mohtasib shall be entitled to such salary, allowances and privileges and other terms and conditions of service as the President may determine and these terms shall not be varied during the term of office of Mohtasib.
- (2) The Mohtasib may be removed from office by the President on the ground of misconduct or of being incapable of properly performing the duties of his office by reasons of physical or mental incapacity:

Provided that the Mohtasib may, if he sees fit and appropriate to refute any charges, request an open public evidentiary hearing before the Supreme Judicial Council and if such a hearing is not held within thirty days of receipt of such request or not concluded within ninety days of its receipt, the Mohtasib will be absolved of any and all stigma whatever. In such circumstances, the Mohtasib may choose to leave his office and shall be entitled to receive full remuneration and benefits for the rest of his term.

- (3) If the Mohtasib makes a request under the proviso to clause (2), he shall not perform his functions under this Order until the hearing before the Supreme Judicial Council has concluded.
- (4) A Mohtasib removed from office on the ground of misconduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as member of Parliament or a Provincial Assembly or any local body.

7. Acting Mohtasib

At any time when the Office of Mohtasib is vacant, or the Mohtasib is absent or is unable to perform his functions due to any cause, the President shall appoint an acting Mohtasib.

8. Appointment and Terms and Conditions of Service of Staff

- (1) The members of the staff, other than those mentioned in Article 20 or those of a class specified by the President by order in writing, shall be appointed by the President in consultation with the Mohtasib.
- (2) It shall not be necessary to consult the Federal Public Service Commission for making appointment of the members of the staff or on matters relating to qualification for such appointment and methods of their recruitment.
- (3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed having regard to the salary, allowances and other terms and conditions of service that may for the time being be admissible to other employees of the Federal Government in the corresponding Grades in the National Pay Scale.
- (4) Before entering upon office a member of the staff mentioned in clause (1) shall take an oath before the Mohtasib in the form set out in the Second Schedule.

9. Jurisdiction, Functions and Power of the Mohtasib

- (1) The Mohtasib may, on a complaint by any aggrieved person, on a reference by the President, the Federal Council or the National Assembly, as the case may be, or on a motion of the Supreme Court or a High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of mal-administration on the part of any Agency or any of its officers or employees:

Provided that the Mohtasib shall not have any jurisdiction to investigate or inquire into any matters which:

- (a) are sub-judice before a court of competent jurisdiction or tribunal or board in Pakistan on the date of the receipt of a complaint, reference or motion by him; or

- (b) relate to the external affairs of Pakistan or relations or dealing of Pakistan with any foreign state or government; or
 - (c) relate to, or are connected with the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.
- (2) Notwithstanding anything contained in clause (1), the Mohtasib shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.
 - (3) For carrying out the objectives of this Order and, in particular for ascertaining the root causes of corrupt practices and injustice, the Mohtasib may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.
 - (4) The Mohtasib may set up regional offices as, when and where required.

10. **Procedure and Evidence**

- (1) A complaint shall be made on solemn affirmation or oath and in writing addressed to the Mohtasib by the person aggrieved or, in the case of his death, by his legal representative and may be lodged in person at the office or handed over to the Mohtasib in person or sent by any other means of communication to the office.
- (2) No anonymous or pseudonymous complaints shall be entertained.
- (3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Mohtasib may conduct any investigation pursuant to a complaint which is not

within time if he considers that there are special circumstances which make it proper for him to do so.

- (4) When the Mohtasib proposes to conduct an investigation he shall issue to the principal officer of the Agency concerned, and to any other person who is alleged in the complaint to have taken or authorised the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal;

Provided that the Mohtasib may proceed with the investigation if no response to the notice is received by him from such principal officer or other person within thirty days of the receipt of the notice or within such longer period as may have been allowed by the Mohtasib.

- (5) Every investigation shall be conducted in private, but the Mohtasib may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.
- (6) A person shall be entitled to appear in person or be represented before the Mohtasib.
- (7) The Mohtasib shall, in accordance with the rules made under this Order, pay expenses and allowances to any person who attends or furnishes information for the purposes of any investigation.
- (8) The conduct of an investigation shall not affect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.
- (9) For the purposes of an investigation under this Order, the Mohtasib may require any office or member of the Agency concerned to furnish any information or to produce any document which in the opinion of the Mohtasib is relevant and helpful in the conduct of the investigation, and there shall be no obligation to maintain secrecy in respect of disclosure of

any information or document for the purposes of such investigation:

Provided that the President may, in his discretion, on grounds of its being a State secret, allow claim of privilege with respect to any information or document.

- (10) In any case where the Mohtasib decides not to conduct an investigation, he shall send to the complainant a statement of his reasons for not conducting the investigation.
- (11) Save as provided in this order, the Mohtasib shall regulate the procedure for the conduct of business or the exercise of powers under this Order.

11. Recommendations for Implementation

- (1) If, after having considered a matter on his own motion, or on a complaint or on a reference by the President, the Federal Council or the National Assembly, or on a motion by the Supreme Court or a High Court, as the case may be, the Mohtasib is of the opinion that the matter considered amounts to maladministration, he shall communicate his findings to the Agency concerned:
 - (a) to consider the matter further,
 - (b) to modify or cancel the decision, process, recommendation, act or omission;
 - (c) to explain more carefully the act or decision in question;
 - (d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;
 - (e) to dispose of the matter or case within a specified time;
 - (f) to take action on his findings and recommendations to improve the working and efficiency of the Agency, within a specified time; or
 - (g) to take any other step specified by the Mohtasib.

- (2) The Agency shall, within such time as may be specified by the Mohtasib, inform him about the action taken on his recommendations or the reasons for not complying with the same.
- (3) In any case where the Mohtasib has considered a matter, or conducted an investigation, on a complaint or on a reference by the President, the Federal Council or the National Assembly or on a motion by the Supreme Court or a High Court, the Mohtasib shall forward a copy of the communication received by him from the Agency in pursuance of clause (2) to the complainant or, as the case may be, the President, the Federal Council, the National Assembly, the Supreme Court or the High Court.
- (4) If, after conducting an investigation, it appears to the Mohtasib that an injustice has been caused to the person aggrieved in consequence of mal-administration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the President.
- (5) If the Agency concerned does not comply with the recommendations of the Mohtasib or does not give reasons to the satisfaction of the Mohtasib for non-compliance, it shall be treated as “Defiance of Recommendations” and shall be dealt with as hereinafter provided.

12. **Defiance of Recommendations**

- (1) If there is a “Defiance of Recommendations” by the public servant in any Agency with regard to the implementation of a recommendation given by the Mohtasib, the Mohtasib may refer the matter to the President who may, in his discretion, direct the Agency to implement the recommendation and inform the Mohtasib accordingly.
- (2) In each instance of “Defiance of Recommendations” a report by the Mohtasib shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance:

Provided that the public servant concerned had been granted an opportunity to be heard in the matter.

13. Reference by Mohtasib

Where, during or after an inspection or an investigation, the Mohtasib is satisfied that any person is guilty of any allegations as referred to clause (1) of Article 9 the Mohtasib may refer the case to the concerned authority for appropriate corrective or disciplinary action, or both corrective and disciplinary actions, and the said authority shall inform the Mohtasib within thirty days of the receipt of reference of the action taken. If no information is received within this period, the Mohtasib may bring the matter to the notice of the President for such action as he may deem fit.

14. Powers of the Mohtasib

- (1) The Mohtasib shall, for the purposes of this Order, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents;
 - (c) receiving evidence on affidavits; and
 - (d) issuing commission for the examination of witnesses.
- (2) The Mohtasib shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Mohtasib, may be useful for, or relevant to, the subject matter of any inspection or investigation.
- (3) The powers referred to in clause (1) may be exercised by the Mohtasib or any person authorised in writing by the Mohtasib in this behalf while carrying out an inspection or investigation under the provisions of this Order.
- (4) Where the Mohtasib finds the complaint referred to in clause (1) of Article 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made; and the amount of such compensation shall be recoverable from the complainant as an arrears of land revenue:

Provided that the award of compensation under this clause shall not debar the aggrieved person from seeking civil and criminal remedy.

- (5) If any Agency, public servant or other functionary fails to comply with a direction of the Mohtasib, he may, in addition to taking other actions under this Order, refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Mohtasib.
- (6) If the Mohtasib has reason to believe that any Public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him, he may refer the matter to the appropriate authority for necessary action to be taken within the time specified by the Mohtasib.
- (7) The staff and the nominees of the Office may be commissioned by the Mohtasib to administer oaths for the purposes of this order and to attest various affidavits, affirmations or declarations which shall be admitted in evidence in all proceedings under this Order without proof of the signature or seal or official character of such person.

15. Power to Enter and Search any Premises

- (1) The Mohtasib, or any member of the staff authorised in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Mohtasib or, as the case may be, such member has reason to believe that any article, book of accounts, or any other document relating to the subject matter of inspection or investigation may be found, and may:
 - (a) search such premises and inspect any article, book of accounts or other documents;
 - (b) take extract or copies of such books of accounts and documents;
 - (c) impound or seal such articles, books of accounts and documents; and

- (2) All searches made under clause (1) shall be carried out, *mutatis mutandis*, in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

16. **Power of Punish for Contempt**

- (1) The Mohtasib shall have same powers, *mutatis mutandis*, as the Supreme Court has to punish any person for its contempt who:
- (a) abuses, interferes with, impedes, imperils, or obstructs the process of the Mohtasib in any way or disobeys any order of the Mohtasib;
 - (b) scandalises the Mohtasib or otherwise does anything which tends to bring the Mohtasib, his staff or nominees or any person authorised by the Mohtasib in relation to his office, into hatred, ridicule or contempt;
 - (c) does anything which tends to prejudice the determination of a matter pending before the Mohtasib; or
 - (d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comments made in good faith and in public interest on the working of the Mohtasib or any of his staff, or on final report of the Mohtasib after the completion of the investigation shall not constitute contempt of the Mohtasib or his Office.

- (2) Any person sentenced under clause (1) may, notwithstanding anything herein contained, within thirty days of the passing of the order, appeal to the Supreme Court.
- (3) Nothing in this Article takes away from the power of the President to grant pardon, reprieve or respite and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.

17. Inspection Team

- (1) The Mohtasib may constitute an Inspection Team for the performance of any of the functions of the Mohtasib.
- (2) An Inspection Team shall consist of one or more members of the staff and shall be assisted by such other person or persons as the Mohtasib may consider necessary.
- (3) An Inspection Team shall exercise such of the powers of the Mohtasib as he may specify by order in writing and every report of the Inspection Team shall first be submitted to the Mohtasib with its recommendations for appropriate action.

18. Standing Committees, etc.

The Mohtasib may, whenever he thinks fit, establish standing or advisory committees at specified places with specified jurisdiction for performing such functions of the Mohtasib as assigned to them from time to time, and every report of such committee shall first be submitted to the Mohtasib with its recommendations for appropriate action.

19. Delegation of Powers

The Mohtasib may, by order in writing, delegate such of his powers as may be specified in the order to any member of his staff or to a standing or advisory committee, to be exercised subject to such conditions as may be specified, and every report of such member or committee shall first be submitted to the Mohtasib with his or its recommendations for appropriate action.

20. Appointment of Advisers, etc.

The Mohtasib may appoint advisers, consultants, fellows, bailiffs, interns, commissioners and experts or ministerial staff with or without remuneration, to assist him in the discharge of his duties under this Order.

21. Authorisation of Provincial Functionaries, etc.

The Mohtasib may, if he considers it expedient, authorise, with the consent of a Provincial Government, any agency, public servant or other functionary working under the administrative control of the Provincial Government to undertake the functions of the Mohtasib under clause (1) or

clause (2) of Article 14 in respect of any matter falling within the jurisdiction of the Mohtasib; and it shall be the duty of the agency, public servant or other functionary so authorised to undertake such functions to such extent and subject to such conditions as the Mohtasib may specify.

22. Award of Costs & Compensation & Refunds of Amounts

- (1) The Mohtasib may, where he deems necessary, call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any mal-administration committed by such public servant, other functionary or agency, and after considering the explanation, and hearing such public servant, other functionary or Agency, award reasonable costs or compensation and the same shall be recoverable as arrears of land revenue from the public servant, functionary or Agency.
- (2) In cases involving payment of illegal gratification by any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of trust or cheating, the Mohtasib may order the payment thereof for credit to the government or pass such other order as he may deem fit.
- (3) An order made under clause (2) against any person shall not absolve such person of any liability under any other law.

23. Assistance & Advice to Mohtasib

- (1) The Mohtasib may seek the assistance of any person or authority for the performance of his functions under this Order.
- (2) All officers of any Agency and any person whose assistance has been sought by the Mohtasib in the performance of his functions shall render such assistance to the extent it is within their power or capacity.
- (3) No statement made by a person or authority in the course of giving evidence before the Mohtasib or his staff shall subject him to, or be used against him in any civil or criminal proceedings except for prosecution of such person for giving false evidence.

24. Conduct of Business

- (1) The Mohtasib shall be the Chief Executive of the Office.
- (2) The Mohtasib shall be the Principal Accounts Officer of the Office in respect of the expenditure incurred against budget grant or grants controlled by the Mohtasib and shall, for this purpose, exercise all the financial and administrative powers delegated to a Ministry or Division.

25. Requirement of Affidavits

- (1) The Mohtasib may require any complainant or any party connected or concerned with a complaint or with any inquiry or reference, to submit affidavit attested or notarised before any competent authority in that behalf within the time prescribed by the Mohtasib or his staff.
- (2) The Mohtasib may take evidence without technicalities and may also require complainants or witnesses to take lie detection tests to examine their veracity and credibility and draw such inferences that are reasonable in all circumstances of the case, especially when a person refuses, without reasonable justification, to submit to such tests.

26. Remuneration of Advisers, Consultants etc.

- (1) The Mohtasib may, in his discretion, fix an honorarium or remuneration to any person for exceptional services rendered, or valuable assistance given to the Mohtasib in carrying out his functions:

Provided that the Mohtasib shall withhold the identity of the person, if so requested by the person concerned, and take steps to provide due protection under the law to such person against harassment, victimisation, retribution, reprisals or retaliation.

27. Mohtasib & Staff to be Public Servants

The Mohtasib, the employees, officers and all other staff of the Office shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act XLV of 1860).

28. **Annual & Other Reports**

- (1) Within three months of conclusion of the calendar year to which the report pertains, the Mohtasib shall submit an Annual Report to the President.
- (2) The Mohtasib may, from time to time, lay before the President such other reports relating to his functions as he may think proper or as may be desired by the President.
- (3) Simultaneously, such reports shall be released by the Mohtasib for publication and copies thereof shall be provided to the public at reasonable cost.
- (4) The Mohtasib may also, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matters being dealt with by the Office.
- (5) The report and other documents mentioned in this Article shall be placed before the Federal Council or the National Assembly, as the case may be.

29. **Bar of Jurisdiction**

No court or other authority shall have jurisdiction:

- (1) to question the validity of any action taken, or intended to be taken, or order made, or anything done or purporting to have been taken, made or done under this Order; or
- (2) to grant an injunction or stay or to make any interim order in relation to any proceedings before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Mohtasib.

30. **Immunity**

No suit, prosecution or other legal proceeding shall lie against the Mohtasib, his Staff, Inspection Team, nominees, member of a Standing or Advisory Committee or any person authorised by the Mohtasib for anything which is in good faith done or intended to be done under this Order.

31. **Reference by President**

- (1) The President may refer any matter, report or complaint for investigation and independent recommendations by the Mohtasib.
- (2) The Mohtasib shall promptly investigate any such matter, report or complaint and submit his findings or opinion within a reasonable time.
- (3) The President may, by notification in the official Gazette, exclude specified matters, public functionaries or Agency from the operation and purview of all or any of the provisions of this Order.

32. **Representation to President**

Any person aggrieved by a decision or order of the Mohtasib may, within thirty days of the decision or order, make a representation to the President, who may pass such order thereon as he may deem fit.

33. **Informal Resolution of Disputes**

- (1) Notwithstanding any thing contained in this Order, the Mohtasib and a member of the Staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.
- (2) The Mohtasib may appoint for purposes of liaison counsellors, whether honorary or otherwise, at local levels on such terms and conditions as the Mohtasib may deem proper.

34. **Service of Process**

- (1) For the purposes of this Order, a written process or communication from the Office shall be deemed to have been duly served upon a respondent or any other person by, *inter alia*, any one or more of the following methods, namely:
 - (i) by service in person through any employee of the Office or by any special process-server appointed in the name

of the Mohtasib by any authorised staff of the Office, or any other person authorised in this behalf;

- (ii) by depositing in any mail box or posting in any Post Office a postage-prepaid copy of the process, or any other document under certificate of posting or by registered post acknowledgement due to the last known address of the respondent or person concerned in the record of the Office in which case service shall be deemed to have been effected ten days after the aforesaid mailing;
 - (iii) by a police officer or any employee or nominee of the Office leaving the process or document at the last known address, abode or place of business of the respondent or person concerned and, if no one is available at the aforementioned address, premises or place, by affixing a copy of the process or other document to the main entrance of such address; and
 - (iv) by publishing the process or document through any newspaper and sending a copy thereof to the respondent or the person concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the newspaper.
- (2) In all matters involving service the burden of proof shall be upon a respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.
 - (3) Whenever a document or process from the Office is mailed, the envelope or the package shall clearly bear the legend that it is from the Office.

35. Expenditure to be Charged on Federal Consolidated Fund

The remuneration payable to the Mohtasib and the administrative expenses of the Office, including the remuneration payable to staff, nominees and grantees, shall be an expenditure charged upon the Federal Consolidated Fund.

36. Rules

The Mohtasib may, with the approval of the President, make rules for carrying out the purposes of the Order.

37. Order to Override Other Laws

The provisions of this Order shall have effect notwithstanding any thing contained in any other law for the time being in force.

38. Removal of Difficulties

If any difficulty arises in giving effect to any provision of this Order, the President may make such order, not inconsistent with the provisions of this Order, as may appear to him to be necessary for the purpose of removing such difficulty.

THE FIRST SCHEDULE

[See Article 3 (2)]

I,do solemnly swear that I will bear true faith and allegiance to Pakistan.

That as Wafaqi Mohtasib, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws of the Islamic Republic of Pakistan, and without fear or favour, affection or ill-will;

That I will not allow my personal interest to influence my official conduct or my official decisions;

That I shall do my best to promote the best interest of Pakistan;

And that I will not directly or indirectly communicate, or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Wafaqi Mohtasib, except as may be required for the due discharge of my duties as Wafaqi Mohtasib.

May Allah Almighty help and guide me (Ameen).

THE SECOND SCHEDULE

[See Article 8 (4)]

I,do solemnly swear that I will bear true faith and allegiance to Pakistan;

That as an employee of the office of the Wafaqi Mohtasib, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the Laws of the Islamic Republic of Pakistan and without fear or favour, affection, or ill-will.

That I will not allow my personal interest to influence my official conduct or my official decisions;

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as an employee of the office of the Wafaqi Mohtasib.

May Allah Almighty help and guide me (Ameen).

GENERAL
M. ZIA-UL-HAQ,
President and Chief Martial Law Administrator.

APPENDIX - II

STATISTICAL ANALYSIS

TABLE I
TOTAL NUMBER OF COMPLAINTS RECEIVED
DURING THE YEAR 2000

S. No.	Agency	Number of Complaints	Percentage of Total
1.	Federal Agencies	36,334	88%
2.	Provincial Agencies and others	4,746	12%
Grand Total:		41,080	*100%

* Total of percentage due to rounding

TABLE II
**REASONS FOR NON-ADMISSION AFTER INITIAL
EXAMINATION/ PRELIMINARY INVESTIGATION DURING
THE YEAR 2000**

S. No.	Reasons for Rejection	Number of Complaints	Percentage of Total
1.	No Mal-administration	3,825	27%
2.	Service Matters	1,656	12%
3.	Complainant's Confirmation not Received	634	4%
4.	Anonymous/Pseudonymous	1,737	12%
5.	Sub judice Matters	659	5%
6.	Otherwise Beyond Jurisdiction *	5,677	40%
Total:		14,188	100**

* It includes petitions, prayers, premature complaints and requests as well as complaints against Provincial Government or Government functionaries in their private capacity.

** Total may not tally due to rounding.

TABLE III
NATURE OF ALLEGED MAL-ADMINISTRATION IN
COMPLAINTS
ADMITTED FOR INVESTIGATION DURING THE YEAR 2000

S. No.	Nature of Mal-administration	Number of Complaints	Percentage* of Total
1.	Delay	2,747	10%
2.	Inattention	877	3%
3.	Neglect	225	1%
4.	Inefficiency/Ineptitude	36	-
5.	Unjust/Biased Decisions	15,560	58%
6.	Actions Contrary to Law/Rules	213	1%
7.	Corrupt Motives	63	-
8.	Administrative Excesses	3,151	12%
9.	Discrimination/Favouritism	245	1%
10.	Arbitrary Decisions	225	1%
11.	Other Causes	3,600	13%
Total:		26,942	100%

The above data provides the directions in which efforts need to be made in overhauling our public dealing offices for better operations.

* Total may not tally due to rounding.

TABLE IV

DIVISION-WISE DISTRIBUTION OF COMPLAINTS RECEIVED AND ADMITTED DURING THE YEAR 2000

S. No.	Name of Agency	Complaints Received	Complaints Admitted
1.	Cabinet Division	439	289
2.	Commerce Division	786	604
3.	Communications Division	6,324	4,712
4.	Culture, Sports, Tourism and Youth Affairs Division	27	12
5.	Defence Division	758	285
6.	Defence Production Division	14	4
7.	Education Division	968	712
8.	Election Commission of Pakistan	1	-
9.	Environment, Local Government and Rural Development Division	43	28
10.	Establishment Division	115	41
11.	Finance Division	3,525	1,787
12.	Food, Agriculture and Livestock Division	52	25
13.	Foreign Affairs Division	35	18
14.	Health Division	123	62
15.	Housing and Works Division	1,207	807
16.	Industries and Production Division	200	126
17.	Information and Media Development Division	106	45
18.	Interior Division	341	164
19.	Kashmir Affairs, Northern Areas and State & Frontier Region Division	58	16
20.	Labour Manpower & Overseas Pakistanis Division	229	162

S. No.	Name of Agency	Complaints Received	Complaints Admitted
21.	Law, Justice & Human Rights Division	8	1
22.	Petroleum and Natural Resources Division	1,856	1,394
23.	Planning and Development Division	14	6
24.	Population Welfare Division	36	9
25.	Railways Division	864	395
26.	Religious Affairs, Zakat & Ushr and Minorities Affairs Division	94	51
27.	Science and Technology Research Division	39	22
28.	Statistics Division	15	10
29.	Water and Power Division	18,006	14,970
30.	Women's Development, Social Welfare and Special Education Division	26	9
31.	Chief Executive's Secretariat	24	8
32.	Senate Secretariat/National Assembly	1	-
33.	Non-Federal/Provincial/Private	4,746	168
	Total:	41,080	26,942

TABLE V**DIVISION-WISE DISTRIBUTION OF COMPLAINTS DISPOSED
OF
AFTER INVESTIGATION DURING THE YEAR 2000**

S. No.	Name of Division	Redressed	Rejected
1.	Cabinet Division	227	33
2.	Commerce Division	255	96
3.	Communications Division	3,511	875
4.	Culture, Sports, Tourism & Youth Affairs Division	9	1
5.	Defence Division	294	63
6.	Defence Production Division	4	1
7.	Education Division	670	163
8.	Environment, Local Government and Rural Development Division	44	1
9.	Establishment Division	46	15
10.	Finance Division	1,157	561
11.	Food, Agriculture & Livestock Division	18	7
12.	Foreign Affairs Division	12	4
13.	Health Division	30	24
14.	Housing and Works Division	633	205
15.	Industries and Production Division	34	14
16.	Information and Media Development Division	24	7
17.	Interior Division	106	26
18.	Kashmir Affairs, Northern Areas and State & Frontier Region Division	13	4
19.	Labour Manpower and Overseas Pakistanis Division	23	36
20.	Parliamentary Affairs Division	1	-

S. No.	Name of Division	Redressed	Rejected
21.	Petroleum and Natural Resources Division	1030	216
22.	Planning and Development Division	5	-
23.	Population Welfare Division	4	7
24.	Railways Division	494	78
25.	Religious Affairs, Zakat & Ushr and Minorities Affairs Division	23	7
26.	Science and Technology Research Division	16	2
27.	Statistics Division	11	2
28.	Water and Power Division	9,971	1,435
29.	Women's Development, Social Welfare and Special Education Division	2	5
30.	Chief Executive's Secretariat	3	4
31.	Non-Federal/Provincial/Private	79	102
Total:		18,749	3,994

TABLE VI

**DATA REGARDING SIX AGENCIES AGAINST WHICH THE
HIGHEST NUMBER OF COMPLAINTS WAS RECEIVED
DURING THE YEAR 2000**

S. No.	Agency	Complaints Received	Complaints Entertained	Complaints Disposed of
1.	Water and Power	18,006 (44%)	14,970 (56%)	11,596 (51%)
2.	Communications	6,324 (15%)	4,712 (18%)	4,436 (19%)
3.	Finance	3,525 (9%)	1,787 (7%)	1,618 (7%)
4.	Petroleum and Natural Resources	1,856 (5%)	1,394 (5%)	1,196 (5%)
5.	Housing and Works	1,207 (3%)	807 (3%)	788 (4%)
6.	Railways	864 (2%)	395 (1%)	512 (2%)
	Sub-total for Six Agencies:	31,782 (77%)	24,065 (89%)	20,146 (88%)
	Total for All Agencies:	41,080 (100)	26,942 (100)	22,743 (100)

Note: Total may not tally due to rounding

TABLE VII**NUMBER OF COMPLAINTS ADMITTED, DISPOSED OF
AND PENDING DURING THE YEARS 1984 TO 2000**

Year	Complaints Entertained	Disposed of	Pending at the end of the year
1984	6,398	3,990	3,761
1985	7,419	6,205	5,302
1986	9,021	8,371	6,253
1987	10,927	11,262	5,918
1988	9,601	10,104	5,415
1989	11,737	11,142	5,716
1990	12,984	11,710	6,990
1991	20,701	15,047	12,644
1992	23,555	20,567	15,632
1993	20,934	20,699	15,867
1994	20,697	21,721	14,843
1995	18,444	18,884	14,403
1996	20,193	22,159	12,437
1997	26,486	24,407	14,985
1998	28,772	36,896	6,861
1999	28,653	23,721	11,793
2000	26,942	22,743	15,992

APPENDIX - III

LIST OF OFFICERS OF WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Head Office

Mr. Rustam Shah Mohmand,
Secretary

Brig. Zulfiqar Ahmed Khan (Retd),
Adviser

Mr. Ehsanul Haq, *Adviser*

Mr. Qamar Sardar Khan, *Adviser*

Mr. Muhammad Hanif, *Member*

Mr. Muhammad Tariq Lateef, *Member*

Mrs. Rehana Gill, Sr. J. S./
Director General

Mr. Muhammad Raza Khan, *Adviser*

Mr. Anees Pervez, *Director General*

Mr. Abdul Ghaffar Arain,
Director General

Brig. (Retd) Ahmed Salim, *Consultant*

Mr. Muhammad Irfan, *Director*

Mr. Nasir Jamal, *Director*

Mr. Muhammad Bashir Satti, *Director*

Mr. Abdur Rauf, *Director*

Mr. Sarfraz Hussain, *Director*

Mr. Umar Draz, *Librarian*

Mr. Mir Zaman Chaudhry,
Private Secretary

Mr. Muhammad Aslam,
Private Secretary

Mr. Akhtar Mahmood,
Private Secretary

Mr. Akhtar Hussain,
Private Secretary

Mr. Maqbool Ahmad,
Private Secretary

Syed Nabil Shah Gilani,
Data Control Officer

Mr. Muhammad Shabbir,
Assistant Director

Mr. Ebrahim Qaiser, *Caretaker*

Mr. Muhammad Adalat Satti,
Superintendent

Mr. Mardan Ali Jarral, *Superintendent*

Regional Office, Lahore

Mr. M. Y. Labeeb ur Rehman,
Director General (In Charge)
Mr. Mohsin Kamal, *Adviser*
Syed Fazal Hussain, *Adviser*
Mr. G. M. Javed Jah,
Director General
Maj. (R) Zia ul Hassan,
Director General
Mr. Saleem Sultan Durrani, *Director*
Mrs. Fozia Zaki, *Director*
Mr. Akhtar Rehman, *Director*
Mr. Sirjees Nagi, *Adviser*
Miss Seema Munawar, *Consultant*
Mr. Muhammad Afzal Khial,
Section Officer
Mr. Muhammad Yasin Baig, *Registrar*
Mr. Arshad Mahmood, *Accountant*

Regional Office, Karachi

Miss Sabiha Mirza,
Director General (Incharge)
Mr. Altaf Hussain Mughal, *Director*
Mr. M. Mazahir Hussain, *Director*

Mr. Dur Muhammad, *Consultant*
Mr. M. Iqbal Alam, *Registrar*,
Mr. M. Fazil Sheikh, *Deputy Director*
Mr. Muhammad Idrees,
Assistant Director
Mr. Nooruddin, *Accountant*

Regional Office, Peshawar

Mr. Raj Muhammad Khan,
Director General (In Charge)
Mr. Ridwanullah Baber, *Consultant*
Dr. Attaullah Khan, *Consultant*
Mr. Akhtar Zarif, *Consultant*
Mr. Haider Ali Durrani, *Consultant*
Mr. Fawad Hanif, *Consultant*
Mr. Tariq Mahmood Swati,
Consultant
Syed Ahmed Hussain Shah,
Deputy Registrar
Mr. Pervez Ghauri, *Deputy Registrar*

Regional Office, Quetta

Mr. Khaleequz Zaman Gharsheen,
Director (In Charge)

APPENDIX - IV

LETTERS OF THANKS

In redressing the grievances of the aggrieved complainants we only perform our duty. However, numerous letters of thanks are received, which are a source of great satisfaction to us. A few of them are reproduced here.

ذریعہ جناب عزت کا بے وفاقی محبت اصلی عرب اسلم آباد

No. Reg. H / 16182 / 2000

S^u
B^u

ضابطی

۱- جو بائہ نڈرشچ فدر سارک عمر الکو دروس و نی رجوی

آئیے بے سپہار بٹھی کی عدد فرحانی اور نشن دلی

۲- جناب میں شکایت کی تھی، سہرا ۲۲۵ پت آفس
کوئی ۲۵۱۱ ارسال نہیں کرے تھا جناب کے حکم پر فوراً ۲۲۵ پت آفس

۲۵۱۱ جناب فونہ ۲۵۱۱ کو کوئی ۲۲۵ آیا اور اس وقت کوئی ۲۵۱۱

کوئی ۲۲۵ سے فونہ انہی نشن وصول کرے

۳- جناب عزت کا بے سپہار اقبال بلنڈ ہے
کہ آئیے بے سپہار بٹھی کی عدد فرحانی عمر الکو دروس و نی رجوی

۴- جناب عزت کا بے سپہار انہی نشن وصول کرے

۱۱
۲۰۰۰

سید رشید بیگم دختر سہرا محمد فیروز موم
سہرا فرام فونہ ۲۵۱۱ نڈر و خانہ کوئی ۲۲۵ کوئی ۲۲۵

ضابطی کوئی فونہ کوئی نشن وصول کرے

H/2945/2000

صاحب عالی -
 گذشتہ ہے کہ صاحب لٹریچر جوائنٹری ما۔ دفاعی مستحق اعلیٰ
 صاحب کے حکم پر ہمارے تحریریں سوئی ہوئی ہیں لگے ہیں
 مندرجہ ذیل لٹریچر جوائنٹری ما کی صورت آدھوں شکر یہ کا فرو

بھی بوزلیج ریٹری اہل کیا ہے۔ آپ انصرون کی سب سے پہلے
 کہ آپ کے حکم سے سب سے پہلے سوئی ہوئی ہیں لگے ہیں
 آپ انصرون کا سب سے پہلے منکر ہے۔ اسد ان مندوں

دعا گو۔ محمد ناصر و ملا شہاہ جہر قوم گو
 سکڑ کارہ و ملا شہاہ شکر لاکھو

فصلہ گورنٹ

3-8-2000

حضور جناب نرت مآب جناب وفاقی محتسب اسکے پاکستان اسلام آباد

Case No. Reg. H/2550/2000-152
Subject: Imposition of unjust penalty.

جناب عالی
گذارش ہویدہ سائل ایک فریادی ہے۔ واپڑا کا ستایا ہوا
فریادی تھا۔ جناب کی خدمت اقدس میں فریاد پہنچائی۔ جناب
والا نے تمام قانونی تقاضے پورے کر کے حق و انصاف کی
بالادستی قائم رکھتے ہوئے مورخہ 7 کو انصاف پر مبنی
فیصلہ صادر فرما کر فریادی کی فریاد کا ازالہ فرما دیا۔
حضور والا میں ایک غریب اور شریف شہری ہوں
آپ کے منصفانہ فیصلہ سے یہ پتہ چل گیا۔ کہ پاکستان
میں ایسے منصف مزاج اور حق پرست بندہ گمان خدا موجود
ہیں۔ جن کی وجہ سے غریب اور نادار مظلوموں کی داد سہی
ہوتی ہے۔

میرے پاس تمپ کا شکریہ ادا کرنے کے الفاظ
کا فرض مسرت سے خزینہ ختم ہو چکا ہے۔ تاہم
میں خود ہم اپنے اہل و عیال کے آپ کا تہ دل شکر
اور مہفون ہوں۔ اور دعا گو ہوں۔ کہ خداوند تعالیٰ آپ
کو اور آپ کے اہل و عیال کو اپنی نعمتوں اور رحمتوں سے
فوازے۔ اور آپ کی دنیا اور آخرت اچھی کرے۔
اور مجھے جیسے مظلوموں کی داد رسی کی آپ کو اللہ
تعالیٰ مزید توفیق عطا فرمائے۔ آمین ثم آمین۔
المخبر = 2000-9-19

السائل محمد یونس خان ولد خوشحال خان یونس ریڈیو سنٹر
ڈاک خانہ روڈ حویلیاں ایبٹ آباد
Date 19.9.2000

خدمتِ ضیاءِ دہلی محبتیہ لبر سوسائٹی کے سربراہانِ اعلیٰ
ضیاءِ کمال

موجودہ ماہ کی گزارش ہے کہ فدوی نے دہلی محبتیہ سوسائٹی کے سربراہانِ اعلیٰ
دہلی ضیاء کمال کے نمبر H-9695 پر ڈیڑھ کے خلاف درخواست دی ہے
تو ضیاء کمال کی گزارش ہے کہ وہ ڈیڑھ کے ضیاء کے علم پر میرے گواہ
صیغہ اور مسجد جو کہ صدر سہ تعلیم القرآن ہے کامیاب بنال نہ دیا ہے ضیاء کمال
بہتر امیر بانی و خاتمہ فدوی کا کہیں داخل دفتر کیا جائے ضیاء کمال فدوی نے
خصوصی طور پر صدر سہ ہذا کے بچوں سے دفتر کے یہ اور بلاد آفیزان کے
یہ دعائیں کرانی ہیں اور میں خود بھی دعائوں کے اللہ پاک ایسے فریب
پورا دفتر اور آفیزان کو ترقی دے آمین

فدوی حاجی محمد امین خان دلا مین خان

بتر بوجان صوفی راجہ محمد امجد پور شریفہ علیہ السلام ۱۹۷۱

H/20691/99/2117

مخبرہ جنابہ وفاقی محاسبہ اعلیٰ صوابہ (اسلام آباد)

جنابہ اعلیٰ

مؤرخانہ تدارک ہے کہ فزولہ فزائلہ بی بی تحصیلہ E.O.D. و علامہ انبال اورینٹل پبلسٹی
میں طالبہ تھی پونیورسٹی خدائے مہربان زائے زوفا ہوا تھا آپ کے پاس میں نے
مسئلہ اشراج کراہی تھا No-H/20691/99/2117 Application Registered ہے
آپ نے *on queries* کی تہے میرے مسئلے کا نوٹس لیا اور میرے مسئلے کو سمجھ دیا۔
تذکرہ لای فوائس اور میرا مسئلہ حل فرمایا اور سال ضائع نہوتے سے بچا دیا اور مجھ
پر عظیم احسان فرمایا میری خداوند تعالیٰ سے دعا ہے کہ آپ کی زندگی سہل و راحت
میں آسما صوابہ و کامیاب رہے۔

Thank you Once again

ذوالو

Rafiq

19/5/00

فزولہ فزائلہ بی بی
دختر منور خان (مرجم)
محلہ صولا - وارڈ نمبر 2
بھٹی لہیہ (انڈیا)

786
جناب وفاقی محکمت صاحب

جناب اعلیٰ:

آپ کا لیٹر ہمیں ملا ہے۔

جناب اعلیٰ: ہم 27-1-2000 کو آپ کے پاس
ہیئرنگ پر آئے تھے اور اسٹیٹ لائف انشورنس
سکان آفیسر محمد سلیم جو اسٹیٹ لائف میں
مثنیٰ جبر تھا۔ وہ بھی ہیئرنگ پر ہمارے کیس کے
سلسلے میں آپ کے پاس آیا تھا۔ آپ نے ہمارے
اور محمد سلیم کی باتیں سن کر فیصلہ دیا تھا کہ
اسٹیٹ لائف والے آپ کو یعنی میرے کو
49,000 چالیس ہزار روپے دیں گے۔
جناب اعلیٰ انہوں نے آپ کے فیصلے کے مطابق
ہمیں 50877 روپے دیے ہیں جو
مجھے مل گئے ہیں۔
جناب آپ کی بڑی مہربانی۔

شکریہ

حمیر انریش

فلرام فاطمہ جانڈیو

زوجہ مرحومہ محمد ابراہیم جانڈیو

RECEIPT OF A.T.T.C. RESULT CARD (PASS)

To

S.6
17/2

The Wazari Mohallis,
Islamabad.

Dear Sir,

1. Reference is made to your letter No. Reg. H/19542/99 (A10U) dated 11-11-99 and 24-1-2000.

2. I have received my A.T.T.C. result card of A.T.T.C. (Pass) twice and writing this letter with acknowledgments and to say the words of thanks.

3. I am extremely obliged and grateful to you for your kindness and favourable action.

Yours Sincerely,

Kausar Parveen
210 Ghulam Rasool
410 Qari M. Siddique
Govt. High School
69/E.B. Arifwala
Distt Sakpattan

Dated: 02-02-2000

محضواریت و فاقی محاسب اعلیٰ پاکستان اسلام آباد

موضوع :- اطلاع برائے وصولی سی ڈی سرٹیفکیٹ
Reg. H/18661/99 (AIOSU)



آپ صہبائے فضیلت کے مطابق بندہ سنا چیتا تو علم اقبال اوپن پروگرام

اسلام آباد کی طرف سے سی ڈی سرٹیفکیٹ حاصل ہو چکا ہے .

لہذا آپ کو اطلاعاً عرض کی جاتی ہے .

بندہ دل کی تسراہوں سے آپ صہبائے کرامت شکر بہ ادا کرتا ہوں .

مگر اس ادارے کے توسط سے میرا یہ مشغلہ مسئلہ نہایت آسانی سے
ادارہ کی حل ہو گیا

خداوند کریم آپ سب کو جزائے خیر عطا فرمائیں . (امین)

موضوع :- 15.5.2000

حوالہ نمبر (AZOU) H/18661/99

ایمان خیل

مطہار اللہ شاہ

ولہ تواب شاہ

علم پیرانا نورنا خیل

پوتی سردان

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
 ضیاءِ دینی مجلس اعلیٰ صاحب سیکرٹریٹ ریجن آفیس کراچی

H/13288/2000

عنوان: شکریہ جو ارسال کی گئی
 83342
 ضیاءِ دینی مجلس اعلیٰ
 سٹراٹ 287/10

میرا 9P کنڈیکشن جو کہ 800 سے AGPR میں رکھا جاتا تھا۔ اور آفیس ڈائمنشن آباد ٹرانسفر میں
 کر رہے تھے۔ آج ضیاء کو صرف ایک درخواست بھجوانے سے میرا یہ دیرینہ مسئلہ حل ہو گیا
 ہے۔ اور خوش خبری یہ ہے کہ میں اپنا جی پی فنڈ سہج / 9776 روپے فیصل آباد انٹرنیٹ پورٹ
 سے وصول کر کے گورنگنا بھیجے۔

اس لیے میں اور میرے تمام اصل خاندان آج ضیاء کا تہ دل سے شکریہ ادا کرتے ہیں۔
 کہ آج ضیاء نے میرا یہ کس حل کر دیا ہے۔ دعاگو ہوں کہ اللہ پاک آج ضیاء
 کو دنیا و آخرت میں کامیابی و کامرانی عطا فرمائے۔ بعد شکریہ

والسلام عرض 23/10/2000

احمد رضا ۹ فریضان

نگلی ٹیچنگ وال سین بازار کالاباغ ضلع میانوالی

23/10/2000

Honourable Waqazi Mokhtasib (Ombudsman,
NWFP Peshawar.

Sir

with reference to your notice dated 18.7.20
I have to state that with your kind
instructions the GM Finance (Power) Wapda
Road Wapda Lahore has now returned
the requisite service book along with the
service statement to the Finance Director PESCO:
Wapda House Peshawar vide their no. 7235/GMPE
/E-1/H-11/55 D/27.4.2000 which is under
further action in that office. I

It is requested that the case may kindly
be closed up.

Thanks

Yours sincerely,

Munhajud - Dui

Ex. Budget & A/c Officer

Wapda. village Sangi

Teh: & distt. Charsadda

جناب وقافی محنت، جاب کوٹہ
 جناب عالی، نیشن کی تاخیری کا سکہ چل چکا ہے
 مردمانہ تدریس سیکہ میں آج کے دن نیشن کی تاخیر ۲ درخواست بنا گیا۔
 لہذا تدریس سیکہ شروع۔ ۲۰۰۷ء میں مجھے نیشن چل چکا ہے، اب اس کی
 حالت کونسی۔ میں آج توں! سکڑا رہا ہوں۔ اور تعالٰیٰ ہرگز
 کو خیر کے عطا فرمائے آمین،

العارضی
 محمد نواز ولد سید سید
 عدتہ دیگی کھیل و فیلو کھیل

Ref: Your letter No. 8/5/2
 No. Reg-H/509/10/00 (3015) 1691
 Dated 24th April 2000.

محضوہ ڈاکٹر بیڈر جنرل
وفاقی محتسب سیکرٹریٹ ریجنل
آفس کوئٹہ بلوچستان

جناب عالی
حوالہ نمبر 3672/20000626/48
میں اس درخواست کے ذریعے آپ جناب اور
وفاقی محتسب سیکرٹریٹ ریجنل آفس کوئٹہ
کا بہت شکر گزار ہوں کہ آپ کے توسط
میں میری دادرسی ہوئی۔ اور میرا کام جو کہ گذشتہ
چار سالوں سے نہیں ہو پاریا تھا۔ مگر مجھے جب
آپ کی طرف سے حوصلہ افزائی ملی۔ تو میرا مسئلہ
دو ہفتوں کے درمیان میں حل ہو گیا۔ جناب میں
آپ کا بہت شکر یہ ادا کرنا ہوں۔ اور آپ کی
زندگی اور مزید ترقی کیلئے خدائے کریم سے دعا گو
ہوں گا۔

شکریہ
عرف

آپ کا مخلص
کاشف داؤد ولد صادق میچ
سرپرست جنرل سٹور سٹارٹک آباد
کریچن ٹاؤن سمنٹ روڈ کوئٹہ
بلوچستان

محفوظ رہنا بوجہ عالی مرتبت اعلیٰ اسلامی آباد

جناب عالی
حوالہ نمبر (3042) 410/2000/32/2
مددگار ہونے کے لیے کہ آپ کے توسط سے

میرا مسئلہ آپ کے علاوہ سے حل ہو گیا ہے
میں آپ کا اور آپ کے تمام مشاف کا شکریہ گزار رہی ہوں۔
اور آپ کے عمل کے لیے دعا گو رہوں گا۔ کہ آپ
نے صوبہ میں میری مدد فرمائی۔
شکریہ

القاری

محمد بن محمد

معرضہ 12-4-2000

G/PN: 48686

مقام غزنی 5-12/125
فقیر محمد زوی کوٹلی

بہت جناب و فائق محنت اعلیٰ کوئیٹ

عمان۔ جواب طلبی کا جواب

ضیاء اللیل، اس ضمن میں گزارش شدہ آپ لیکچر 25 - 28/9/2008/3008/925 - 28/9/2008/3008/925
عمرہ 6/20 کے مطابق جناب ڈی ایچ ایڈمز صاحب صلح جہل ملیں

بندہ کا جی پی۔ فنڈ مبلغ ایک لاکھ بیس ہزار یا کھد چیس مقررہ 22/5/2008
103526/7

کو ادا کر چکا ہے۔

کمپوزیشن و فنڈ کیس سے دستبرداری سے مہربانی کر کے میرے
کاغذات کو قابل لٹا جاوے

آپ کی مہربانی سے میری تقدیر کی توجہ کی ہے

بندہ احمد نواز ریٹائرڈ ٹاؤننگو حال سبی

لٹوٹا ٹاؤننگو