



FEDERAL OMBUDSMAN

COMPENDIUM FOR INVESTIGATION APPRAISAL AND IMPLEMENTATION



WAFAQI MOHTASIB (OMBUDSMAN)'S
SECRETARIAT ISLAMABAD

Wafaqi Mohtasib is a poor man's paradise for dispensation of free and speedy justice to the citizens of Pakistan



Mr. Ejaz Ahmad Qureshi

Honourable Wafaqi Mohtasib (Ombudsman)
Pakistan

ACKNOWLEDGMENT

I would like to express my sincere gratitude to Mr. Ejaz Ahmad Qureshi, the Honourable Wafaqi Mohtasib, who is very keen to provide the quick redressal to the aggrieved citizens against the maladministration of Federal Government Agencies. The Honourable Wafaqi Mohtasib directed to compile all the relevant laws relating to Investigation of complaints in a compendium for the guidance of the Registration, Investigation and implementation officers. In compliance of HWM directions this compendium is compiled for the use in registration, investigation and implementation process.

The office of Wafaqi Mohtasib was established in Pakistan in 1983 through the Presidential order called as P.O No. 1 of 1983. The procedures for complaint handling and investigation were framed for the guidance of investigation officers from time to time. Wafaqi Mohtasib Investigation and Disposal of Complaints Regulations 1999 and 2003 were issued for the guidance of Investigation officers. The Federal Ombudsmen Institutional Reforms Act was promulgated in 2013. After that Wafaqi Mohtasib Investigation and Disposal of Complaints Regulations 2013 were approved and issued in 2013. Many instructions were issued to regulate the registration, investigation, Appraisal and Implementation procedures. Some new initiatives like, ICR, IRD, Khulli Kucheries, OWFDs and Inspection visits were also introduced to provide the maximum relief to the victims of Maladministration. Though all the instructions, SOPs and polices were issued to the relevant officers for compliance from time to time but the newly inducted officers were not fully conversant with these instructions. This compendium will be a source of useful information and guidance for them. Hopefully it will enhance the understanding of the officers and will be helpful for them in discharge of their duties. It was a difficult task to find and select the most relevant material out of the huge record of such regulations, policies and instruction on the subject due to the paucity of time and resources. However, with the help of Allah almighty we have succeeded to compile the most relevant material and divide it in different segments for the

convenience of relevant officers and their staff members.

I am grateful to Mr. Afzal Latif, Secretary Wafaqi Mohtasib Secretariat for his supervision and ample guidance.

I am also obliged to Mr. Shahid Humayun and Raja Akhlaq Hussain Advisors for their review and scholastic input in the improvement of this compendium.

I am thankful to Mr. Iqbal H. Siddiqui, Mr. Asghar Ali Bajwa and others for their efforts to compile this compendium.

And finally, I bow my head before Almighty Allah, who has granted me strength and wisdom to complete this task. Valuable comments and suggestions will be welcome for the improvement of the compendium and to include in the next Edition.

Muhammad Ashfaq Ahmad
Director General Coordination
31st December, 2024

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

PRESIDENT'S ORDER NO. 1 OF 1983

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS (Law Division)

Islamabad, the 24th January, 1983

No. F. 17(2)/83-Pub.—the following Order made by the President is hereby published for general information: —

**ESTABLISHMENT OF THE OFFICE OF
WAFAQI MOHTASIB (OMBUDSMAN) ORDER, 1983**

PRESIDENT’S ORDER NO. 1 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. Definitions. —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 body, 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; (*Amended vide Ordinance No. LXXII of 2002*)

(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, favoritism, 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 all 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 a 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 the Article 20, shall be appointed by the President, or by a person authorized by him, in such manner

as may be prescribed by the Federal Government. (*Amended vide Ordinance No. LXXII of 2002*)

(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 Scales.

(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 the 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 authorized 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 mal-administration; 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.

(2-A). If after considering the reasons of the Agency in respect of his recommendations under clause (2), the Wafaqi Mohtasib is satisfied that no case of mal-administration is made out he may alter, modify, amend or recall the recommendations made under clause (1):

Provided that where the order is made on a complaint, no order shall be passed unless the complainant is given an opportunity of being heard. (*Inserted new Clause (2-A) vide Ordinance No. LXXII of 2002*)

(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 noncompliance, 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 action, 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 authorized 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 authorized 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
- (d) make an inventory of such articles, books of accounts and other documents found in such premises.

(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 to 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) scandalizes the Mohtasib or otherwise does anything which tends to bring the Mohtasib, his staff or nominees or any person authorized 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 are 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. **Authorization of Provincial functionaries, etc.**—The Mohtasib may, if he considers it expedient, authorize, 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 authorized to undertake such functions to such extent and subject to such conditions as the Mohtasib may specify.

22. **Award of costs and compensation and 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 and 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 an 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 and shall enjoy administrative and financial autonomy as may be prescribed by the Federal Government. (*Amended vide Ordinance No. LXXII of 2002*)

(2) The Mohtasib shall be the Principal Accounting 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 him. (*Amended vide Ordinance No. LXXII of 2002*)

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 notarized 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 of advisers, consultants, experts and interns engaged by him from time to time for the services rendered.

(2) The Mohtasib may, in his discretion, fix a reward 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 that person, if so requested by the person concerned, and take steps to provide due protection under the law to such person against harassment, victimization, retribution, reprisals or retaliation.

27. Mohtasib and 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 and 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 authorized by the Mohtasib for anything which is in good faith done or intended to be done under this Order.

31. **Reference by the 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 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.

(2) The Mohtasib may appoint for purposes of liaison counselors, 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 authorized staff of the Office, or any other person authorized 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 anything 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.

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT PAKISTAN

NOTIFICATION

Rawalpindi, the 13th August, 1984

No.57/104(15)/ML-IB/CMLA. —In exercise of the powers conferred by clause (3) of Article 31 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983), the President is pleased to exclude any matter relating to, or connected directly or indirectly with the Federally Administered Tribal Areas from the operation and purview of all the provisions of the said Order.

By order of the President.

**MAJ. GEN.
MALIK ABDUL WAHEED,**
COS to the President and CMLA.

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT PAKISTAN

ORDER

1. In response to the representation made by the Ministry of Defence, the President in exercise of powers conferred by Article 32 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. 1 of 1983) is pleased to order, to remove all doubts in this behalf, that the ouster of jurisdiction contained in paragraph (c) of proviso to clause (1) of Article 9 of the aforesaid President's Order is absolute with respect to the following matters: -

the Defence Division, the Defence Production Division and the military, naval or air forces of Pakistan, and any department, body, authority or organization directly or indirectly under the management or control of, or in any manner connected with, either of the said Divisions or the said forces.

2. By order of the President.

Rawalpindi:
13th August, 1984.
CMLA

**MAJ. GEN.
MALIK ABDUL WAHEED,**
COS to the President and



FEDERAL OMBUDSMEN INSTITUTIONAL REFORMS

ACT 2013

The Gazette of Pakistan
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ISLAMABAD, WEDNESDAY, MARCH 20, 2013

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 20th March, 2013

No. F. 9(10)/2013-Legis.-The Following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 20th March, 2013, is hereby published for general information: -

ACT NO. XIV OF 2013

An Act to make institutional reforms for standardizing and harmonizing the laws relating to Federal Ombudsmen institution and the matters ancillary or akin thereto

WHEREAS it is expedient to make institutional reforms for standardizing and harmonizing the laws relating to institution of Federal Ombudsmen and the matters ancillary or akin thereto;”

AND WHEREAS, it is expedient to enhance effectiveness of the Federal Ombudsmen to provide speedy and expeditious relief to citizens by redressing their grievances to promote good governance;

AND WHEREAS, it is necessary that in order to enable the Federal Ombudsmen to perform their functions efficiently, they should enjoy administrative and financial autonomy;

NOW, THEREFORE, it is hereby enacted as follows: -

1. Short title, extent and commencement. -(1) This Act may be called the Federal Ombudsmen Institutional Reforms Act, 2013.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
2. Definition. In this Act, unless there is anything repugnant in the subject or context,
 - (a) "Agency" means, the Agency defined in the relevant legislation and in relation to the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order. 1983 (P O. No. 1 of 1983) shall include an

Agency in which the Federal Government has any share or which has been licensed or registered by the Federal Government and notified by **the** Federal Government in the Official Gazette.

- (b) "**Ombudsman**" means an Ombudsman appointed under the relevant legislation and includes the Ombudsman appointed under section 21.
- (c) "**relevant** legislation" means, the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No.1 of 1983), the Establishment of the Office of Federal Tax Ombudsman Ordinance, 2000 (XXXV of 2000), the Insurance Ordinance, 2000 (Ordinance No. XXXIX of 2000), the Banking Companies Ordinance 1962 (LVII of 1962), and the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

3. **Tenure of the Ombudsman.** -The Ombudsman shall hold office for a period of four years and shall not be eligible for any extension of tenure or re-appointment as Ombudsman under any circumstances.

Provided that the Ombudsman shall continue to hold office after expiry of his tenure till his successor enters upon the office.

4. **Acting Ombudsman.** -At any time when the office of Ombudsman is vacant or he is unable to perform his functions due to any cause the President shall appoint an Acting Ombudsman who shall perform functions and exercise powers **as** are vested in the Ombudsman and shall be entitled to all privileges **as** are admissible to Ombudsman:

Provided that till such time the Acting Ombudsman is appointed, the Wafaqi Mohtasib (Ombudsman) shall act as Ombudsman of the concerned office and in as Ombudsman of the concerned office and in case the Wafaqi Mohtasib is absent or unable to perform functions of his office, the Federal Tax Ombudsman shall act as Wafaqi Mohtasib (Ombudsman) in addition to his own duties.

5. **Removal of Ombudsman.** -An Ombudsman may be removed from office through Supreme Judicial Council on the grounds of being incapable of properly performing duties of his office by reason of physical or mental incapacity or found to have been guilty of misconduct.

6. **Resignation.** The Ombudsman may resign his office by writing under his hand addressed to the President.

7. **Grievance Commissioner.** -(1) The Ombudsman shall appoint or designate an officer not below BPS-21 as a Grievance Commissioner in an Agency against which a large number of complaints are received persistently.

(2) The Grievance Commissioner shall exercise the powers and perform the functions as may be specified by the Ombudsman.

8. **Oath of office.** An Ombudsman shall take Oath before he enters upon his office **in** the form as prescribed **in** the relevant legislation and in case such form is not prescribed in the relevant legislation he shall make oath before the President before he enters upon office in the form set out in the Schedule to this Act.

9. **Expeditious disposal of complaints.** -(1) The Agency shall, if so required by the Ombudsman submit written comments in a complaint within fifteen days, and this period may be extended for a further period of seven days on a sufficient cause.
- (2) The representative of the Agency shall, if so required by the Ombudsman, attend the hearing of complaint, or may request in writing for adjournment with specific reasons, such adjournment if justified shall not be allowed more than seven days.
- (3) Disciplinary action shall be taken by the competent authority if there is failure in terms of sub-section (1) or sub-section (2).
- (4) The Competent authority shall within fifteen days inform the Ombudsman about the action taken on his orders, under sub-section (3).
- (5) The Ombudsman shall dispose of the complaint within a period of sixty days.
10. **Powers of Ombudsman.** -In addition to powers exercised by Ombudsman under the relevant legislation, he shall also have following powers of a civil court, namely: -
- (i) granting temporary injunctions; and
- (ii) implementation of the recommendations, orders or decisions.
11. **Temporary Injunction.** -The Ombudsman may stay operation of the impugned order or decision for a period not exceeding sixty days.
12. **Power to punish for contempt.** -An Ombudsman shall have power to punish for contempt as provided in the Contempt of Court Ordinance, 2003 (V of 2003).
13. **Review.** (1) The Ombudsman shall have the power to review any findings, recommendations, order or decision on a review petition made by an aggrieved party within thirty days of the findings, recommendations, order or decision.
- (2) The Ombudsman shall decide the review petition within forty-five
- (3) In review, the Ombudsman may alter, modify, amend or recall the recommendation, order or decision.
14. **Representation.** -(1) Any person or party aggrieved by a decision, order, findings or recommendations of an Ombudsman may file representation to the President within thirty days of the decision, order, findings or recommendations.
- (2) The operation of the impugned order, decision, findings or recommendation shall remain suspended for period of sixty days, if the representation is made as per sub-section (1).
- (3) The representation shall be addressed directly to the President and not through any Ministry, Division or Department.
- (4) The representation shall be processed in the office of the President by a person who had been or is qualified to be a judge of the Supreme Court or has been Wafaqi Mohtasib or Federal Tax Ombudsman.
- (5) The representation shall be decided within ninety days.
15. **Personal hearing.** -It shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency.

16. **Supply of copies.** -The Ombudsman shall supply free of cost copies of the findings and recommendations to the parties within fifteen days of the decision.

17. **Administrative and financial powers of Ombudsman.** -(1) The Ombudsman shall be the Chief Executive and Principal Accounting Officer of the Office and shall enjoy complete administrative and financial autonomy.

(2) The remuneration payable to the Ombudsman and the administrative expenses of the office shall be an expenditure charged upon Federal Consolidated Fund.

(3) The Ombudsman shall have full powers to create new posts and abolish old posts, to change nomenclature and upgrade or downgrade any post provided the expenditure is met from within the allocated budget of the office of Ombudsman.

(4) The Ombudsman shall have full powers to re-appropriate funds from one head of account to another head of account and to sanction expenditure on any item from within the allocated budget.

(5) The Ombudsman may delegate any of his financial powers to a member of the staff not below BPS-21 or equivalent:

Provided that approval of the Ombudsman shall be obtained by the delegatee for exercise of powers under sub-section (3) and for re-appropriation of funds under sub-section (4), before implementation thereof.

18. **Bar of jurisdiction.** -No court or authority shall have jurisdiction to entertain a matter which falls within the Jurisdiction of an Ombudsman nor any court or authority shall assume jurisdiction in respect of any matter pending with or decided by an Ombudsman.

19. **No additional responsibility.** -Except as provided in section 4, the Ombudsman 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.

20. **Holding office of profit after expiry of tenure.** The Ombudsman shall not hold any office of profit in the service of Pakistan, other than a judicial *or* quasi-judicial office, before the expiration of two years after he has ceased to hold office nor shall he be eligible, during the tenure of office and for a 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.

21. **Miscellaneous.** -A woman, with an experience of at least ten years in the matters relating to protection of women against harassment shall also be eligible to be appointed by the President as Ombudsman under the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

22. **Power to make rules.** -The Federal Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

23. **Removal of difficulties.** -If any difficulty arises in giving effect to any provision of this Act, the President may make such Order, as may appear to him to be necessary or expedient for the purpose of removing the difficulty.

24. **Overriding effect.** -(1) The Provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

(2) In case there is a conflict between the provisions of this Act and the relevant legislation, the provisions of this Act to the extent of inconsistency, shall prevail.

THE SCHEDULE

[See section 8]

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

That as -----, Ombudsman, 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 Ombudsman, except as may be required for the due discharge of my duties as Ombudsman.

May Allah Almighty help and guide me (Ameen).



WAFAQI MOHTASIB
(INVESTIGATION AND DISPOSAL OF
COMPLAINTS) REGULATIONS, 2013

WAFAQI MOHTASIB (OMBUDSMAN)’S SECRETARIAT
ISLAMABAD

In exercise of the powers conferred by clause (11) of Article 10 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983), the Mohtasib is pleased to make the following regulations, namely: –

CHAPTER-I

PRELIMINARY

1. Short title and commencement — (1) these regulations may be called the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.

(2) They shall come into force at once.

2. Definitions. — (1) In these regulations, unless there is anything repugnant in the subject or context, (a) “Article” means an Article of the Order;

(b) “Authorised Officer” means an officer of the Office authorised by the Mohtasib for admission or rejection of complaints at the preliminary-examination stage;

(c) “complaint” means a complaint received for investigation under the Order;

(d) “Investigating Officer” includes an Advisor, Associate Advisor, Consultant or any other Officer at the head office or the Regional Offices, assigned the duties of investigation of complaints.

(e) “disposal” means the completion of all proceedings of a complaint;

(f) “examination” means scrutiny of complaints by the Registrar or Authorized Officer at the preliminary stage or by the Investigating Officer, on commencement of investigation;

(g) “Form” means a form appended to these regulations;

(h) “Head Office” means the principal seat of the Office at Islamabad;

(i) “hearing” means the process of ascertaining facts by oral hearing of one or all of the parties, including examination of the record and spot inspection;

(j) “investigation” means inquiry and investigation of allegations raised in a complaint till its disposal;

(k) “Legal expert” means an Advisor, Associate Advisor, Consultant or any other officer having qualifications and experience in Law and duly authorized to deal with the legal aspects of the findings, decisions, recommendations and other legal matters of the Office.

(l) Means of Communication includes transmission of information by post, fax, e-mail, SMS, phone, delivery through a dispatch rider, notice in the newspaper or any other known means of conveying a message;

(m) “Order” means the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983);

(n) “Act” means the Federal Ombudsmen Institutional Reforms Act, 2013 (XIV of 2013)

(o) “Record Room” means the record room at the Head Office where the files are consigned after disposal;

(p) “Regional Offices” means the Regional Offices established at Lahore, Karachi, Peshawar, Quetta, Sukkur, Multan, Faisalabad and Dera Ismail Khan or at any other place which may be established under clause (4) of Article 9;

(q) “Registrar” means Registrar of the Office and includes a Deputy Registrar, Assistant Registrar or any other officer authorized to perform functions of the Registrar;

(r) “Registry” means an office in the Head Office or Regional Offices where the complaints are presented or received;

(s) “Secretariat” means the entire establishment of the Office of Mohtasib including the Head Office and Regional Offices;

(t) “Section” means a section of the Federal Ombudsmen Institutional Reforms Act, 2013; (u) “Secretary” means the Secretary of the Secretariat.

(v) “Principal Officer” means an officer authorized by the Agency to receive the notice for submission of reports.

(w) “Implementation Officer” means an officer responsible for keeping close liaison with the Agencies and Investigating Officers of that region to monitor the implementation of findings of Mohtasib; and

(x) “Party” means the complainant, Agency or both.

(2) All other terms and expressions used in these regulations but not defined hereinbefore shall have the same meanings as have been assigned to them in the Order or the Act.

CHAPTER-II

PROCEDURE FOR REGISTRATION OF COMPLAINTS

3. Presentation of complaints. — (1) A complaint written in English or Urdu or any regional language may be presented at the Head Office or any of the Regional Offices by the complainant personally or through his representative or may be sent by post, courier service, fax, e-mail, online or any other means of communication.

(2) The territorial jurisdiction of the Head Office and Regional Offices shall be as specified in the Schedule to these regulations:

Provided that the Mohtasib may direct that a complaint falling within territorial jurisdiction of Head Office or any Regional Office may be investigated at another Regional Office or the Head Office.

(3) Each complaint shall be preferably made on the format as set out in Form A or in the manner thereof in accordance with the instructions attached thereto.

(4) Where a complaint is not made on the format set out in Form A, it shall be accompanied by a solemn affirmation that —

(a) the allegations contained in the complaint are correct and true to the best of knowledge and belief of the complainant;

(b) Previously no complaint on the subject was filed at any Registry; and

(c) No suit, appeal, petition or any other judicial proceedings, in connection with subject-matter of the complaint, is pending before any court, tribunal or board.

(5) On receipt of a complaint, the concerned official in the Registry shall enter particulars of the complaint in the diary register giving it a diary number, issue acknowledgement thereof to the complainant and forward it to the Registrar.

(6) The official receiving the complaint shall assist the complainant in drafting the complaint and filling the Form A, if such assistance is required. He shall also translate the complaint in English/ Urdu if it is written in any of the regional languages.

4. Examination by the Registrar. — (1) The Registrar shall on receipt of the complaint from the Registry, —

(a) allot a registration number to the complaint on Complaint Management Information System (CMIS); (b) examine the complaint along with the documents attached thereto;

(c) analyse main points of the complaint;

(d) enter the main grievances on Form B; and

(e) forward the complaint for admission or rejection by the Mohtasib, or the Authorised Officer.

(2) Where the Registrar finds that further information, verification of facts or documents are required, he may ask the complainant for provision of such information, verification of facts or documents.

5. Admission and rejection of complaints at preliminary stage.— (1) Where the grievance of a complainant against an Agency *prima facie* amounts to mal-administration and the complaint is not incompetent under paragraph (a), (b) or (c) of the proviso to clause (1) of Article 9 or clause (2) thereof and is not barred under the provisions of clause (2) or clause (3) of Article 10, the Mohtasib, the Registrar or any other Authorised Officer, as the case may be, may admit the complaint for investigation.

(2) Where, *prima facie*, a complaint is *not admitted* under paragraph (a), (b) or (c) of the proviso to clause (1) of Article 9 or clause (2) thereof or is barred under clause (2) or clause (3) of Article 10 or does not require any investigation for any other reason, the Mohtasib, the Registrar or, as the case may be, the Authorised Officer may reject the complaint in *limine* and inform the complainant accordingly as per format set out in Form A-I.

Provided that if the complaint is written in a language other than English, the letter of intimation shall be in Urdu in the format set out in Form A-II.

Provided further that where the allegations contained in the complaint do not fall within the jurisdiction of Mohtasib but such allegations constitute mal-administration of an agency as defined in the Laws relating to any other Federal or Provincial Ombudsman, such complaint may be forwarded by the Registrar to the concerned Ombudsman under intimation to the complainant.

Provided further that Mohtasib or a member of the Staff may exercise his power under Article 33 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.

(3) Where the complaint is admitted under sub-regulation (1), the Registrar shall issue an acknowledgement of the receipt of the complaint to the complainant in the format set out in Form A-III or A-IV, as the case may be and pass it on within twenty-four hours to the Investigating Officer authorized to investigate into complaints against an Agency.

(4) Where a complaint is rejected *in limine*, the Registrar shall inform the complainant of the reasons for rejection of the complaint as per sub-regulation (2) and consign the file to the Record Room.

6. Presentation of complaints to Mohtasib and personal hearings. — (1) The Mohtasib may hold personal hearings at the time of presentation of complaints on such dates and time as he may specify.

(2) Where a complainant desires to present the complaint in person to the Mohtasib, he shall, in the first instance, present it to the Registrar at the Head Office or the Registrar at the Regional Office, at least two hours before the time of hearing fixed by the Mohtasib under sub-regulation (1).

(3) The Registrar shall record particulars of the complaint in the format as set out in Form C and place the complaint before the Mohtasib for personal hearing of the complainant and further orders.

(4) If the Mohtasib is not available on a particular date fixed for hearing, the complainant shall be informed of the next date and time of hearing.

(5) The orders of the Mohtasib made, under sub-regulation (3), on the complaints shall be recorded in the format as set out in Form B and C.

7. Complaints against Secretariat staff. — Complaints against any officer or member of staff of the Secretariat shall immediately be forwarded by the Registrar at the Head Office and the In-charge of the Regional Office, as the case may be, to the Secretary for orders by the Mohtasib.

8. Preliminary processing of complaints not to be delayed. — (1) The Registrar shall make every effort to ensure that the registration of complaints, their preliminary examination and submission to the Authorized Officer or Mohtasib, acknowledgement of its receipt after admission and entrustment to the Investigating Officers is not delayed.

(2) The Authorized Officer at the Head Office and the in-charge of each Regional Office shall personally ensure speedy processing of complaints before entrusting them to Investigating Officers for investigation.

9. Institution and disposal statement. — The Secretary shall, by the tenth day of each month, submit to the Mohtasib, in the format as set out in Form D, a statement relating to the institution and disposal of complaints for and up to the end of the preceding month.

CHAPTER-III

PROCEDURE FOR PROCESSING OF COMPLAINTS BY INVESTIGATING OFFICERS

10. Entrustment of complaints to Investigating Officers. — (1) For the purpose of investigation of the allegations made in the complaint, the Mohtasib may, by order in writing, generally or in a particular case, authorise any officer of the Office to exercise the powers under clauses (1) and (3) of Article 14.

(2) A complaint received in Head Office or any Regional Office against an Agency, not located within its territorial jurisdiction, shall be sent for investigation to the Regional Office or the Head Office of appropriate territorial jurisdiction:

Provided that the Mohtasib may direct that a complaint may be investigated by a particular Investigating Officer posted at the Head Office or any Regional Office.

11. Temporary Injunctions. — (1) Subject to guidelines issued from time to time, on a complaint supported by an application and affidavit for grant of temporary injunction, approval of the Mohtasib shall invariably be obtained by Investigating Officer and communicated to the Agency and complainant.

(2) The injunction under sub-regulation (1) shall not ordinarily extend beyond seven days.

(3) After hearing the parties, if so required, Investigating Officer may, with the approval of the Mohtasib grant temporary injunction for a period not exceeding sixty days.

(4) Where an injunction has been issued under sub- regulation (3), efforts shall be made to finalize the proceedings within the said period of sixty days.

12. Process of Investigation. — (1) The investigating officer shall be required to immediately examine the complaint (received by him under regulation-5) as to whether: -

- (a) the complaint needs to be investigated; or
- (b) a report of the agency may be called; or
- (c) the matter alleged in the complaint requires spot inspection or inspection of record of the agency or the hearing of the parties.

(2) If the investigating officer finds by proper application of mind and keeping in view the law/rules of the agency and the circumstances leading to the complaint that this case may not be investigated for any of the reasons contained in regulation 23(1)(a),(b),(i),(j),(k),(l), (m),(n),(o),(p),(r),(u),(v)and(w) he shall prepare draft closure findings as per format set out at Form E-I and with the approval of the Mohtasib, inform the complainant accordingly as per format set out in Form F.

(3) If the investigating officer finds that the complaint is not supported by Form-A or the relevant documents or information he may inform the complainant to do so.

(4) If the complainant does not respond to the letter under sub-regulation (3) or does not furnish documents or information the complaint may be closed under regulation 23(1)(c) &(s) with the approval of Wafaqi Mohtasib and inform the

complainant accordingly.

(5) If the investigating officer feels that the matter is fit to be investigated and that a report from the agency in respect of the allegations contained in the complaint may be called for he shall issue a notice to the agency in writing not later than two days of the receipt of the complaint by the Investigating Officer:

Provided that in emergent cases requiring immediate action or to avoid recurrence of any mal administration, the report may be called for through telephone, fax, e-mail or any other means of communication.

(6) The notice for submission of report under clause (4) of Article 10 shall be addressed to the principal officer of the Agency or any officer authorized by the principal officer to receive the notice and to any other officer who is alleged in the complaint to have taken or authorised the action complained of.

(7) The notice calling for a report shall accompany a copy of the complaint or relevant extract of the complaint highlighting the grievances of the complainant, the alleged nature of mal-administration and the relief sought by the complainant along with all relevant documents attached with the complaint.

(8) The report shall be required to be submitted within a maximum period of fifteen days.

(9) Where the Agency seeks extension of time in submission of report, such extension shall not exceed seven days.

(10) If the investigating officer feels that there is urgent need of spot inspection or inspection of documents or hearing he may proceed in accordance with regulation 17.

13. List of principal officers of the Agencies and their authorized officers.

— (1) The Authorised Officer at the Head Office and officers-in-charge of the Regional Offices shall maintain a list of principal officers of Agencies or, as the case may be, their officers authorized to receive notices on his behalf.

(2) The Co-ordination Wing at the Head Office shall maintain a list of principal officers and their authorized officers, if any, throughout Pakistan and shall update it each month.

(3) The Investigating Officers shall bring to the notice of the Authorized Officer and Co-ordination Wing at the Head Office and officers-in-charge of the Regional Offices whenever any information is received by them in respect of any change of the principal officer of the Agency or his authorized officers.

14. Agency's report on allegations of the complainant. — (1) Where the Agency reports that the grievance of the complainant already stands redressed or relief has been provided to him on receipt of the complaint from Mohtasib's Office, the complaint may be disposed of under paragraph (e) of sub-regulation (1) of regulation 23.

(2) In a case where the Agency reports that for the relief sought the complainant was required to fulfill certain procedural requirements, the complainant shall be directed to complete such requirements and, if no information is received by the date fixed by the Investigating Officer, it shall be presumed that the complainant does not intend to pursue the matter further and the complaint may be disposed of under paragraph (g) of sub Regulation (1) of regulation 23.

(3) Where the Agency does not submit the report within the statutory period, the Investigating Officer shall within two days after the due date, issue a notice to the Agency requiring it to depute an officer fully conversant with facts of the case to appear before him within fifteen days on the date and time specified in the said notice along with complete record of the case and produce all such documents, including law, rules, regulations or instructions which he intends to rely upon for meeting the allegations made in the complaint.

(4) A copy of the notice, referred to in sub-regulation (3), shall also be sent to the complainant giving him the option to appear before the Investigating Officer on the date and time specified in the said notice and to produce all such documents which he intends to rely upon in support of his allegations made in the complaint.

15. Rejoinder and hearing of cases. — (1) Where the Agency, in its report, contests the allegations made by the complainant and the complaint can be resolved on the basis of available record, the Investigating Officer shall within two days of receipt of the report send it to the complainant to submit his rejoinder on or before the date of hearing. If the complainant fails to submit the rejoinder within the specified or extended period, the Investigating Officer shall dispose of the complaint on the basis of available record.

2) In other cases, if the Investigating Officer is of the view that hearing is required, he shall within two days of the receipt of report issue a notice to the Agency requiring it to depute an officer fully conversant with facts of the case to appear before him within fifteen days on the date and time specified in the said notice, with complete record of the case and to produce all documents, including law, rules, regulations or instructions, which he intends to rely upon for meeting the allegations made in the complaint.

(3) A copy of the notice referred to in sub-regulation (2), shall also be sent to the complainant along with report of the Agency giving him the option either to send his rejoinder or appear before the Investigating Officer on the date and time specified in the said notice and to produce all said documents which he intends to rely upon in support of his allegations made in the complaint. Extension up to seven days may be given on request of either the complainant or the Agency where reasonable cause is shown.

(4) Where the officer, referred to in sub-regulation (3) of regulation 14 and sub-regulation (2) of regulation 15, does not appear before the Investigating Officer on the appointed date, proceedings for exercise of the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), as specified in clause (1) of Article 14, of P.O..1 of 1983 to compel appearance and production of documents may be initiated.

(5) The competent authority of the Agency shall be required to take disciplinary action against the concerned officer, who fails to submit report on the complaint under sub-regulation (5) of regulation 12 or to appear for hearing before the Investigating Officer on the appointed date under sub-regulation (3) of regulation 14 and sub-regulation (2) of regulation 15, and inform the Mohtasib within fifteen days of the action so taken.

(6) Where the Agency makes a request that any portion of the report or any document annexed to its report may be kept confidential, such portion of the report or, as the case may be, documents shall not be sent to the complainant unless the Mohtasib decides otherwise.

16. Conduct of hearing. — (1) Without prejudice to power of the Investigating Officer to summon any officer by name from the Agency, the Agency shall ordinarily be asked to depute an officer fully conversant with facts of the case for the purpose of hearing:

Provided that heads of the Ministries, Divisions or departments or the officers of the rank of Additional Secretary and above shall be summoned only with approval of the Mohtasib.

(2) The representative of the Agency and the complainant, wherever deemed appropriate, may not be called for hearing on the same day if a confrontation or misunderstanding is anticipated.

(3) The hearings shall not be adversarial but in the nature of a conference for ascertaining facts, practice and procedures of the Agency relevant to the investigation and efforts shall be made to resolve the matter through informal discussion and persuasion.

(4) The mutual agreement or undertaking given by parties may be recorded and signed by the persons representing the parties.

(5) If for any reason, the hearing is to be adjourned or fixed for another date or time, the Investigating Officer shall inform both the parties well in time of the next date of hearing and time thereof.

17. Inspections. — (1) Where an inspection of a place, or record at a particular place, or site, is necessary, the Investigating Officer shall, with the approval of the Mohtasib, proceed for the inspection of the spot or, as the case may be, record after due intimation to the Agency:

Provided that if the place of such inspection falls within territorial jurisdiction of any other Regional Office or Head Office, the case file may, with the approval of the Mohtasib, be sent to such Regional Office or Head Office, highlighting the points in issue involved in the matter for carrying out inspection of the site or record, as the case may be.

(2) The file of the case shall, after inspection of the spot or, as the case may be, record with the report of such inspection, be returned to the Investigating Officer dealing with the complaint.

18. Requisitioning of record of Agency. — Where it is expedient to retain any portion of the record of an Agency relating to the complaint, produced by it under clause (9) of Article 10 and clause (2) of Article 14, an authentic copy thereof may be prepared and placed on the file for consideration.

19. Visitation of the Agency's offices. — For the purpose of creating an environment of mutual trust for expeditious disposal of complaints, the Investigating Officer may visit the Agency and discuss one or more cases relevant to the Agency after due intimation to the principal officer of the Agency.

20. Information to the complainant. — At any stage during the investigation, where the Investigating Officer desires to seek clarification on certain issues from the complainant, he may ask him on telephone or through a letter to appear before him and, likewise, where the complainant approaches him to ascertain the position of his case, he shall be briefed about the updated position of the case.

21. Transfer of cases. — (1) Where an Agency complained against is located within the territorial jurisdiction of any other Regional Office or the Head Office, the Mohtasib, may transfer such complaint to the concerned Regional Office or the Head Office, as the case may be.

(2) Whenever a case is transferred under sub-regulation (1), a brief summary of the proceedings conducted till the date of transfer shall be recorded on the order sheet.

22. Maintenance of files. — (1) The Investigating Officer shall ensure that record of each complaint is properly maintained and the proceedings reflected in chronological order in the order sheet in the format as set out in Form E.

(2) The case file shall contain following particulars on its cover, namely: -

- (a) registration number of the complaint;
- (b) date of receipt of the complaint by the Investigating Officer;
- (c) complainant's name;
- (d) name of the Agency;
- (e) brief subject of the complaint;
- (f) whether the file contains correspondence or noting or both; and
- (g) date of consignment to the Record Room.

(3) The complaint along with cover sheets, consisting of Forms A, B and C, shall be tagged on the right hand side of the file, whereas the order sheet in Form E shall be placed on the left hand side of the file.

(4) The pages should be numbered in chronological order with the last numbered page appearing on the right hand side on the file.

(5) The order sheet in Form E shall contain record of actions taken with dates for further processing and shall be used as noting portion of the file for obtaining orders, instructions and directions of the Mohtasib.

CHAPTER-IV

PROCEDURE FOR DISPOSAL OF COMPLAINTS

23. Completion of Investigation. — (1) The investigation of a complaint shall, with the approval of the Mohtasib, be closed when it is found that—

- (a) The Agency alleged to have committed mal-administration does not specifically fall within jurisdiction of the Mohtasib; or
- (b) The Agency is not at fault as a particular procedure was to be adopted or formalities were to be followed by the complainant for redressal of his grievances; or
- (c) the complainant fails to furnish necessary information or supply relevant documents or does not respond despite reminders or fails to attend hearings despite notices and it is not possible to decide the complaint on the basis of the available record; or
- (d) The relief had already been provided before the complaint was lodged and the complainant confirms the redressal of his grievances; or
- (e) The complainant was entitled to relief or partial relief and the Agency has accorded this after the complaint was lodged; or
- (f) The Agency during the hearing of the complaint or its processing undertakes to provide the relief sought; or
- (g) The complainant is satisfied with the report submitted by the Agency or does not wish to pursue the case any further or withdraws the complaint; or
- (h) The complainant and the representative of the Agency mutually agree on the redressal of the grievances through consent findings; or
- (i) The subject-matter of the complaint does not fall within purview of the Order; or
- (j) The subject-matter of the complaint was *sub-judice* before a court of competent jurisdiction, tribunal or board on the date of presentation of the complaint; or
- (k) the complaint concerns matters relating to the Agency in which the complainant is or has been working and the grievance relates to his service therein; or
- (l) the complaint is time barred as it was made after three months from the day on which the complainant first came to know of the matter and there are no special circumstances to condone the delay; or
- (m) The complaint is premature as the cause of action has not yet arisen; or
- (n) The complaint does not disclose any cause of action to justify the investigation; or
- (o) The subject-matter of the complaint is the same as of the complaint that has already been disposed of by earlier findings; or
- (p) Omitted
- (q) the complaint involves examination of witnesses, detailed interpretation of laws, rules, regulations or different clauses of contracts and their *inter-se* relationship for which the proper forum is a court of competent jurisdiction and not the Office; or

(r) the facts of the case are disputed by the parties and to establish the correct position requires a detailed examination of both documentary and oral evidence and its assessment for which the proper forum is a court of competent jurisdiction and not the Office; or

(s) The subject-matter of the complaint has already been adjudicated by a court, tribunal or a board of competent jurisdiction; or

(t) Omitted

(u) The original findings, in respect of which the implementation process is in progress, have been set aside by the President in accepting representation of the Agency under Article 32; or

(v) The complaint has been made by a person who is not an aggrieved person; or

(w) The complaint is anonymous or pseudonymous; or

(x) the Agency is not at fault as the redressal of the grievance of the complainant by it was to follow an action to be taken by another Agency to which a reference for the purpose has already been made; or

(y) a review petition is filed by an aggrieved party after expiry of statutory period of thirty days of the findings; or

(z) it warrants under the Order closure for a valid reason not covered by any of the preceding clauses.

(2) Where a complaint is closed under sub-regulation (1), it may, on sufficient reasons being shown by the complainant, be re-investigated.

(3) The complaint shall, on completion of investigation and with approval of the Mohtasib, be rejected when it is found that no mal-administration was involved in the case or the complainant is not entitled to the relief claimed.

(4) The complaint shall, on completion of investigation and with the approval of the Mohtasib, be accepted and recommendations for implementation issued under clause (1) of Article 11 when it is found that the Agency was responsible for mal-administration and injustice to the complainant and such mal-administration or injustice needs redressal.

(5) A complaint shall be disposed of within sixty days of its registration.

24. Findings of the Mohtasib — (1) In all cases under sub-regulation (1) of regulation 23, where the investigating officer does not feel the necessity of investigation, he shall prepare draft closure findings as per format set out at Form E-I and with the approval of Mohtasib inform the complainant through a letter on format as set-out in Form F.

(2) In all cases where investigation has commenced but further investigation of a complaint is closed under sub-regulation (1) of regulation 23, the investigating officer shall with the approval of Mohtasib, by a letter in Form F, inform the complainant and the Agency.

(3) In all cases where an investigation has been completed under sub-regulation (3) or (4) of regulation 23 and it is proposed to reject the complaint or accept it and make recommendations for implementation, the Investigating Officer shall prepare draft findings on either of the formats as set out in Form F-I.

(4) The draft findings shall be submitted to the Mohtasib generally within seven days of completion of investigation and shall be simple, impersonal, persuasive and

arranged in paragraphs duly numbered in chronological order.

(5) The draft findings shall be submitted to the Mohtasib through his Secretary and also be submitted on CMIS

(6) In all cases where the complaint is rejected on merit the findings shall, after approval by the Mohtasib, be communicated to the complainant and the Agency involved in the format as set out in the Form F II.

(7) In all cases where the complaint is accepted the findings shall, after approval by the Mohtasib, be communicated to the complainant and the Agency involved in the format as set out in Form F-III.

25. Completion of findings and consignment of files to Record Room. —

(1) After the findings are approved by the Mohtasib—

(a) all drafts shall be destroyed;

(b) the signatures of the Mohtasib on the copies of the findings prepared by the Office shall not be copied and only his name, designation and date shall be communicated to the parties; and

(c) the copies of the findings shall be authenticated by the Investigating Officer and dispatched free of cost, to the complainant and the Agency.

(d) In case the Investigating Officer who finalized the findings has ceased to hold the office or the Agency concerned has been transferred from him, the findings will be issued by the Investigation Officer dealing with the Agency at that time in the Head Office as well as in the regional Office.

(2) Important findings may be circulated to Regional Offices for information, while, with approval of the Mohtasib, selected findings may be sent to the Public Relations Section at the Head Office for publication.

(3) Where a complaint is closed or rejected it shall be consigned to the Record Room within one month of the closure or rejection. Where the recommendations for implementation under clause (1) of Article 11 have been made, the Investigating Officer after receipt of the approval of findings shall send it to the Agency with the request that the compliance report be sent to the Implementation officer whose contact details shall also be given. Thereafter, the Investigating Officer shall transfer the custody of file to the implementation officer who will follow up the implementation of the recommendations with the concerned Agency. Where on defiance of recommendations moved under Article 12 or on a representation to the President under Article 32, the President orders reinvestigation or further investigation, or a review petition is made by an aggrieved party under section 13 of the Federal Ombudsmen Institutional Reforms Act, the Implementation Officer shall return the file within two days to the Investigating Officer for further action under these regulations. The file shall be consigned to Record Room within one month of the confirmation of implementation of the recommendations by the Agency or the complainant.

(4) Where a complaint is closed or rejected, the Investigating Officer shall fill in the Form R and where findings are implemented or where the President, in a representation under Article 32, sets aside the findings of the Mohtasib, the Implementation Officer shall fill in Form S and place a copy on the relevant file, which shall then be consigned to the Record Room.

26. Review Petition. — (1) The Mohtasib shall have the power to review any finding, recommendations, order or decision on a review petition made by an

aggrieved party within thirty days of the findings, recommendations, order or decision. Any person aggrieved by findings, recommendations, order or decision of the Mohtasib may, for a review thereof, make a review petition.

(2) The provisions of regulation 3 and Form A shall apply, mutatis mutandis, for making the review petition.

(3) Where a review petition is made under sub-regulation (1), the Investigating Officer shall, within two days of its receipt, if so required, send a notice along with a copy of the review petition, under the Order, to the complainant in Form F-IV or, as the case may be, to the Agency in Form F-V, requiring it either to send its rejoinder or report well before the date and time, not more than seven days, fixed for hearing and specified in the said notice or present the rejoinder in the hearing and to show cause as to why the findings, recommendations, order or decision of the Mohtasib in question shall not be altered, modified, amended or recalled.

(4) Where a copy of the notice under sub-regulation (3) is sent to the Agency, it shall be required to depute an officer fully conversant with facts of the case to appear on the date and time specified in the notice with complete record of the case and to produce all said documents, including law, rules, regulations or instructions, which he intends to rely upon in hearing of the review petition.

(5) After considering reply of the complainant, if any, or report of the Agency, as the case may be, and the respective pleadings of the Agency and the complainant during the hearing, if any, the Investigating Officer shall submit the draft revised findings generally within fifteen days to the Mohtasib on the format as set out in Form F-VI for review under clause (2A) of Article 11.

(6) The order passed by the Mohtasib on the draft findings submitted under sub-regulation (5) shall be communicated to the complainant and the Agency on the format as set out in Forms F-VII and F-VIII in case of recall or modification of the original findings. In case of closure of further investigation of the review petition or in case of rejection of the review petition, the letter shall be in the format set out in Form F-IX or F-X, as the case may be.

27. Correction of errors, mistakes, misrepresentation etc.— (1) Where through any typographical error, mistake or misrepresentation by the complainant or the Agency, an incorrect figure, fact or position is reflected in the findings, recommendations, order or decision, the Investigating Officer shall, on its coming to notice and after giving the complainant and the Agency an opportunity of being heard, submit the case to the Mohtasib on the format in Form F-XI for consequential rectification or modification of the original findings, recommendations, order or decision, wherever needed.

(2) In all cases where the consequential rectification or modification is approved by the Mohtasib, the decision shall be communicated to the complainant and the Agency on the format as set out in Form F-XII.

28. Contempt of Court. The Mohtasib shall have power to punish for contempt as in the Contempt of Court Ordinance, 2003 (V of 2003).

29. Defiance of Recommendations. — (1) Where after receipt of final findings, recommendations, order or decision of the Mohtasib or, as the case may be, of the President, an Agency does not, within the specified time, fully comply them or does not give reasons to the satisfaction of the Mohtasib for non-compliance, it shall be liable for initiation of proceedings against it for-

(a) defiance of the findings, recommendations, order or decision under Article

12 of the Order; and

(b) Implementation of the findings, recommendations, order or decision under the Code of Civil Procedure, 1908 (Act V of 1908);

(2) Where the Mohtasib is satisfied to lay a special report to the President under clause (4) of Article 11 of the Order, the Agency shall be called upon on the format as set out in Form G to indicate the person primarily responsible for defiance of recommendations so that the said special report may be laid.

(3) When an Agency, before making of the special report, complies with the findings, recommendations, order or decision, the case shall be closed and the special report shall not be forwarded.

30. Execution/Implementation of Recommendations. — (1) the Implementation Officer at Head Office on his own or on a petition filed by the complainant shall, after ascertaining the public servant responsible for non-compliance, submit a self-contained case for approval of Mohtasib.

(2) Before initiating proceedings under sub-regulation (1) of regulation 28, the Agency shall be called upon on the format as set out in Form H to show cause as to why the implementation process shall not be initiated.

(3) On receipt of reply to the show cause notice under sub-regulation (2), the Implementation Officer shall at the Head Office and regional Offices initiate action for seeking approval of the Mohtasib for –

(a) Reference to the President, under Article 12, in respect of defiance of the recommendations; and

(b) Issuing notice or warrant etc. under relevant rules of Order XXI of the Code of Civil Procedure, 1908 (Act V of 1908). Formats of relevant Notices are at Forms H-I, H-II, H-III, H-IV, H-V and H-VI. Other Forms can be used from CPC on need basis.

31. Communication of orders of the President. — (1) The orders of the President passed on a report for defiance of recommendations under Article 12, or any other report under Article 28 or on a representation made under Article 32 shall, on receipt by the Office, be communicated to the public servant and the concerned Agency for information and appropriate action.

(2) Where on any matter submitted under sub-regulation (1), the President orders re-investigation or further investigation, this shall be undertaken in accordance with these regulations.

CHAPTER-V

MISCELLANEOUS

32. Monthly progress report. — (1) Every Investigating Officer shall submit monthly reports on the format as set out in Form I to the computer section at the Head Office for onward submission to the Mohtasib.

(2) The officers at the Regional Offices shall submit monthly reports through concerned regional heads who may add their comments on the covering note.

33. Notices. — (1) A notice on the format set out in Form J shall be issued to the complainant by registered post if he fails to —

- (a) furnish required information or documents;
- (b) confirm or verify the complaint or its contents;
- (c) submit rejoinder or rebuttal within the specified time;
- (d) confirm the compliance of the procedural requirements of the Agency; and
- (e) confirm the provisions of relief.

(2) If an Agency does not furnish comments within the specified time or the extended period despite reminder, a notice to show cause shall, on the format as set out in Form K, be issued to such Agency.

(3) Where the Mohtasib decides under Article 14 to refer the matter to appropriate authority for criminal or disciplinary proceedings against the Agency, public servant or other functionary, as the case may be, a prior notice to show cause shall be issued to the person who disregarded direction of the Mohtasib, on the format as set out in Form L for disciplinary proceedings and, to the public servant or other functionary, in Form M for criminal or disciplinary proceedings.

(4) Where the Mohtasib decides under clause (4) of Article 14 to award compensation to an Agency, public servant or other functionary, a show cause notice on the format as set out in Form N shall, before awarding such compensation, be issued to the complainant calling upon him as to why the proposed compensation may not be awarded.

(5) Where the Mohtasib decides under Article 16 to proceed against any person for contempt of the Office, a notice, on the format as set out in Form O in respect of the Agency or in Form P in respect of any other person, shall be issued calling upon the contemnor to show cause as to why such proceedings may not be initiated.

(6) Where the Mohtasib decides under Article 22 to award compensation to an aggrieved party, a show cause notice on the format as set out in Form Q shall, before awarding such compensation, be issued to the Agency, public servant or functionary, as the case may be calling upon it or him as to why the proposed compensation may not be awarded.

(7) All notices shall, as far as possible, be issued under registered cover or other means of communication and special care shall be taken to record the correct mailing address.

(8) Separate registers shall be maintained by each Investigating Officer to record particulars of cases in which notices are issued under these regulations.

(9) The format of the notices specified in these regulations shall, as far as possible, be followed, while the contents of notices may be varied keeping in view the facts of each case and directions of the Mohtasib.

34. Reference from the President and other authorities, etc.— (1) Where the Mohtasib is asked by a reference from the President or the Parliament or by a motion of the Supreme Court or a High Court under clause (1) of Article 9 for investigation into any allegation of mal-administration on the part of any Agency or of any of its officers or employees, such reference or the motion shall be dealt with in accordance with these regulations as if the reference or, as the case may be, motion was a complaint against such Agency or any of its officers or employees and the provisions of these regulations shall, *mutatis mutandis*, apply thereto. However, separate register may be maintained for the record thereof and specific indication number be allocated in the computer CMIS.

(2) Efforts are made for the finalization of such matters on priority basis.

35. Repeal. — The Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2003 are hereby repealed.

Form A

[see regulations 3(3)(4)(6), 22(3) and 26(2)] **For use by the complainant.**
(Detailed instructions are attached)

BEFORE THE WAFaqI MOHTASIB,
Islamabad/Lahore/Karachi/Peshawar/Quetta/Sukkur/Multan/Faisalabad and D. I. Khan (Please tick the relevant)

1. Name and address of the complainant

2. National Identity Card

No. _____

3. Telephone Nos., if any.

4. Name of the Agency complained

against _____

5. Main grievances requiring redressal: -

(a)

(b)

(c)

(d)

(e)

(Detailed complaint is annexed)

6. Prayer

INSTRUCTIONS

1. The complaint need not be accompanied by this Form if all the particulars required for registration of the complaint are included on a plain paper.

2. Addresses of the Offices of the Wafaqi Mohtasib: —

- (a) Wafaqi Mohtasib Secretariat, 36 Constitution Avenue, G-5/2, Islamabad
- (b) Wafaqi Mohtasib Secretariat, Regional Office, 3rd Floor, State Life Building, 15-A, Davis Road, Lahore
- (c) Wafaqi Mohtasib Secretariat, Regional Office, 4-B, Federal Govt. Secretariat, Saddar, Karachi
- (d) Wafaqi Mohtasib Secretariat, Regional Office, 1st Floor, Benevolent Fund Building, Peshawar Cantt.
- (e) Wafaqi Mohtasib Secretariat, Regional Office, Aram Bagh Gali, Opposite A.G. Balochistan, Near Imdad Hospital, Link Zarghoon Road, Quetta
- (f) Wafaqi Mohtasib Secretariat, Regional Office, House No. 107-A, Near NADRA Office, Sindhi Cooperative Society, Airport Road, Sukkur
- (g) Wafaqi Mohtasib Secretariat, Regional Office, Bungalow No. 17(XIX), Stadium Corner, Vehari Road, Multan
- (h) Wafaqi Mohtasib Secretariat, Regional Office, P-501/A, New Civil Line, Behind Iqbal Stadium, Faisalabad
- (i) Wafaqi Mohtasib Secretariat, Regional Office, H.No.3/H, Survey No.178, Qasim Road Cantt. D. I. Khan P.O. Box No: 1992
Tele Nos. Exchange: 051-9217206-10 Fax No: 051-9217224
E-mail: mohtasib@mohtasib.gov.pk Tele Nos. Exchange: 042-99201017- 20
Fax No: 042-99201021
E-mail: wmsrol@mohtasib.gov.pk Tele No. Exchange: 021-99202106-7 Fax No: 021-99202121
E-mail: wmsrok@mohtasib.gov.pk
Tele No. Exchange: 091-9211570 Fax No: 091-9211571
E-mail: wmsrop@mohtasib.gov.pk
Tele No. Exchange: 081-9202679 Fax No: 081-9202691
E-mail: wmsroq@mohtasib.gov.pk
Tele No. Exchange: 071-9310011 Fax No: 071-9310012
E-mail: wmsros@mohtasib.gov.pk

3. The complaint can be presented to the Wafaqi Mohtasib in any one of the

following ways: — (a) It can be sent to any of the Offices of Wafaqi Mohtasib by post, Courier Service, fax or e-mail.

(b) It can be presented to the Incharge Central Registry/Receipt and Issue Section, of any of the offices during the office hours on working days, who shall issue a receipt on the prescribed Form.

(c) A complaint can also be presented to the Wafaqi Mohtasib in person at the Head Office, Islamabad or any Regional Office, when he happens to be there.

4. The Wafaqi Mohtasib can investigate complaints of mal-administration against any Federal Ministry/Division/Department/Corporation/Commission/Institution/ Statutory Body established or controlled by the Federal Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or High Court and the Federal Public Service Commission (FPSC). Complaints pertaining to Pakistan's relations with foreign States, and Defence matters or complaints against the Armed Forces fall outside Mohtasib's jurisdiction. Similarly, a matter which is sub-judice at the time of filing of a complaint, or complaints by or on behalf of a public servant or functionary concerning any matter relating to the Agency in which he is, or has been working, are barred. (Detailed information with regard to the jurisdiction of the Wafaqi Mohtasib can be obtained personally or by post from any of the offices of Wafaqi Mohtasib).

5. It is advisable to approach the higher authorities of the concerned Agency before making a complaint to the Wafaqi Mohtasib.

6. Copies of relevant documents and the latest correspondence with the Agency should, if possible, be annexed to the complaint.

7. The receipt of the complaint is acknowledged and the orders passed by the Wafaqi Mohtasib with regard to its admission or rejection are communicated to the complainant within two days of the receipt of the complaint. However, after investigation has commenced, the complainant is informed of the position of his case at least once in a fortnight. If the complainant does not receive any information during the prescribed periods, he can contact the Registrar or the dealing officer personally or through post or telex or on telephone, as convenient.

8. The Investigating Officer can also be contacted by fax, e-mail or telephone in important matters.

جناب وفاق محتسب

اسلام آباد

لاہور / کراچی / پشاور / کوئٹہ / سکھر / ملتان / فیصل آباد / ڈیرہ اسماعیل خان

(۱) فکایت کنندہ کا نام، پتہ اور شناختی کارڈ نمبر.....

تعلقہ.....

(۲) ایجنسی کا نام و پتہ.....

(۳) استدعا.....

(۴) فکایت کے اہم نکات یہ ہیں:-

- (۱)
- (II)
- (III)
- (IV)
- (V)

(تختی فکایت قومی شناختی کارڈ کی نقل کے ساتھ منسک ہے)

(۵) بیان صحتی:-

میں..... حلفیہ بیان کرنا کرتی ہوں کہ:-

- (الف) فکایت مندرجہ بالا کے تمام واقعات میرے علم و یقین کے مطابق درست ہیں۔
- (ب) اس موضوع پر اس سے پہلے میرے جانب سے کوئی فکایت، وفاق محتسب کے کسی دفتر میں پیش نہیں کی گئی۔

☆ فکایت نمبر..... تاریخ..... جناب وفاق محتسب کے اسلام آباد اطلاعاتی دفتر..... میں دی جا چکی ہے۔
(۶) اس فکایت سے متعلق کوئی دہائی یا ہوائی کارروائی کسی عدالت یا راجائی عدالت میں زیر سماعت نہیں۔

☆ اس سلسلے میں ہوائی کارروائی ہو رہی ہے جس کی تفصیل یہ ہے:.....

(۷) میں نے متعلقہ محکمہ کے حکام ہاا سے اس سلسلے میں تحریری فکایت کی نقل (نقل منسک ہے) لیکن جواب سے محروم رہا رہی۔

☆ میری فکایت کو رد کر دیا گیا (خط و کتابت کی نقل و نقل منسک ہے)۔

تاریخ.....

A F F I D A V I T

I, _____ do hereby solemnly affirm-

(a) That the facts mentioned in this complaint are correct to the best of my knowledge and belief;

(b) That no complaint on this subject has previously been lodged by me, or on my behalf, with the Wafaqi Mohtasib, in the Head Office or any of the Regional Offices;

or

*That a complaint No: _____ dated _____ has previously been lodged with the Wafaqi Mohtasib on this subject;

(c) That no suit, appeal, petition or other judicial proceeding in connection with the subject-matter of this complaint is pending in any court, tribunal or board;

Or

*That a suit, appeal, petition or other judicial proceeding in this connection is pending before the _____

Case No: _____

Signature/Thumb Impression of the Complainant

Form A-I

[See regulation 5(2)]

Intimation to the complainant
about rejection of his complaint in limine.



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To
{*Name and address of the Complainant*}

Subject: _____

With reference to the above cited complaint, you are hereby informed that after examination of the case the Honourable Wafaqi Mohtasib is of the view that he cannot take cognizance of the matter for the following reason:-

2. We are sorry for not being able to help you on this complaint.

3. Please visit www.mohtasib.gov.pk for further information on how we can help you in other matters.

Signature
{REGISTRAR}

[See regulation 5(3)] Intimation to the complainant about admission of his complaint.



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To
{*Name and address of the Complainant*}

Subject: _____

With reference to your above cited complaint, you are hereby informed that the Wafaqi Mohtasib has been pleased to admit it for investigation and it has been marked to , Phone No. (Office) (Mobile), E-mail address.

2. Further steps in the matter shall be taken by the said officer.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB

Signature
{*REGISTRAR*}

وفاقی نقشب سیکرٹریٹ

اسلام آباد

لاہور / کراچی / پشاور / کوئٹہ / سکھر / ملتان / فیصل آباد / ڈیرہ گاسٹائل خان

فکاءت نمبر _____ مقام تاریخ _____

جناب (فکاءت نمبر فکاءت نام، پتہ، شناختی کارڈ نمبر اور تلفون) _____

مضمون استوائ _____

آپ کی مندرجہ ذیل فکاءت کے حوالے سے آپ کا اطلاع دی جاتی ہے کہ جناب وفاقی نقشب صاحب نے آپ کی فکاءت کو مزید تفتیش کے لیے حکور کر لیا ہے

اور اسے جناب _____ فون نمبر _____ موبائل نمبر _____

پتہ _____ کو بھیج دیا ہے۔

۲۔ اس معاملے میں مزید کا وفاقی حفظ برقرار کریں گے۔

جناب وفاقی نقشب کے حکم سے جاری ہوا

دستخط

(رجسٹرار)



**WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
(STATION)**

REGISTRATION DATE:
Admissibility [Admissible] Date:
=====

=====

NAME OF COMPLAINANT:

ADDRESS:

District:

CNIC NO: PHONE NO:

CELL NO:

AGENCY:

SUBJECT:

MAIN GRIEVANCES OF THE COMPLAINANT:

Entertained and Marked to:

DEPUTY REGISTRAR/REGISTRAR

MEMBER/AS/DG/DIRECTOR/CONSULTANT

ORDERS:

WAFaqI MOHTASIB/AUTHORISED OFFICER

Date of receipt of complaint by Member/Advisor/DG

Case entrusted for investigation to

Date of receipt of complaint by the Investigating Officer

NOTE: - INVESTIGATING OFFICER IS REQUESTED TO UPDATE PERSONALLY
THE RECORD IN THE COMPUTER ON RECEIPT OF ABOVE
COMPLAINT.

Form C
[see regulation 6(3)(5) and 22(3)]
**For presentation of complaint in person to the Wafaqi
Mohtasib**



**WAFAQI MOHTASIB (OMBUDSMAN)'S
SECRETARIAT**

Complaint No. _____ (To
be allotted by the Registrar)
Name and address of the complainant _____

CNIC No. of the Complainant: _____

Telephone/Cell Phone/Fax/E-mail: _____

Name, Address & Contact No. of Authorised Person on behalf of
the Complainant (optional): _____

Name of the Agency _____

Gist of the Complaint: _____

Prayer: _____

Orders by the Wafaqi Mohtasib

Date of forwarding the complaint to the Investigating Officer _____

Form D
[see regulation 9]

Monthly institution and disposal statement of complaints
(Calendar Years and)*

		Head Office	Lahore	Karachi	Peshawar	Quetta	Sukkur	Multan	Faisalabad	D. I. Khan	Total	Percent
	Institution											
		Disposal										
	Institution											
		Disposal										
	Institution											
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* With the passage of each year these will change and be reflected accordingly.

Form E
[see regulation 22(1), (3) and (5)]
Order Sheet



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Date	Brief steps taken in the case	Date Next date fixed



WAFAQI MOHTASIB (OMBUDSMAN)’S SECRETARIAT
CLOSURE FINDINGS

1. Complaint No: _____
2. Date of Registration: _____

3. Name & Address of the Complainant:

4. Name of the Agency Complained Against:

5. Name of the Investigating Officer, Station:

6. Subject of Complaint:

7. Date when IO asked for Report from Agency:

8. Date of Receipt of Report from Agency:

9. Number & Dates of Hearings: (i) Number

(ii) Dates

10. Date of Dispatch of Draft Findings:

TEXT

This should include the essence of the complaint, the prayer of the complainant, response of the Agency, wherever required, and the grounds for closure of the complaint which, in the case of want of jurisdiction, should be with reference to the relevant Article of P.O. No. 1 of 1983, i.e. Article 2(1), Article 9(1)(a)(b)(c), Article 9(2), Article 10(2) and (3) and to the relevant provision of Regulation 23(1) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2003.

Wafaqi Mohtasib (Ombudsman)

Date: _____

Form F

[See regulations 12(2) and 24(1)(2)] Intimation to the complainant and/or the Agency about closure of further investigation of a complaint.



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To
_____ {*Name and address of the Complainant*}

Subject: _____

With reference to the above cited complaint, you are hereby informed that after examination of the case the Honourable Wafaqi Mohtasib has been pleased to close further investigation of the complaint for the reason mentioned in the findings dated-----
(copy enclosed)

2. In case the reason leading to the closure of the case has ceased to exist, you may, if you so wish, again approach this Office for consideration and redressal of your grievance.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{*Name & designation of Implementation Officer*}

Copy to the Agency. [if required under regulation 24(2)]



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

FINDINGS

1. Complaint No: _____ 2. Date of Registration: _____
3. Name and Address of the Complainant:

4. Name of the Agency complained against:

5. Name of the Investigating Officer, Station:

6. Subject of Complaint:

7. Date when Report called from Agency:

8. Date of receipt of complete Report:

9. Number and dates of hearings: (a) Number

(b) Dates

10. Date of dispatch of draft Findings: _____

THE COMPLAINT

This part should briefly contain the grievance of the complainant and the relief sought. All what the complainant has said should not be recorded. Only a gist of the main points should be reflected. This may be done either in running form or in numbered sub-paragraphs, the objective being to bring out the facts clearly and succinctly.

REPORT OF THE AGENCY

If the Agency/Department confirms all or some facts stated by the complainant then only say that it 'confirms' such and such facts. If it, however, refutes any of these facts or brings to light new facts, then these should be listed separately. In addition, if it refers to a specific law, rule, regulation or instruction on which it wants to rely in support of its contention, then this must be noted clearly.

POINTS AT ISSUE

At this stage it is important that the points which need to be examined in the light of the complainant's stand and the response of the Agency/Department should be listed. These are points of fact and law which must be resolved to accept the version of one or the other party, in whole or in part, and to be able to arrive at the Findings and, flowing from them, the Recommendations. These points of fact and law should, preferably, be listed very briefly, in the form of sub-paragraphs, and kept in mind when conducting the hearings and subsequently when recording the Findings / Recommendations.

HEARING PROCEEDINGS

The purpose of hearing is to enable the Investigating Officer to clear his doubts in respect of points at issue which remain un-resolved through correspondence and to enable the parties to reach an agreement, if possible.

FINDINGS

Findings should be based on and flow from an analysis of the facts of the case in the light of law, rules, regulations and instructions applicable to it and related to the pleadings of the complainant and the stand taken by the Agency. They should be brief and to the point and couched in moderate language. Facts arrived at and points relating to law, regulations, rules and instructions admitted as applicable must be clearly recorded to show the correct position in the circumstances of the case. If “mal-administration” is established, the applicable portion of Article 2(2)(i) or (ii) of President’s Order No. 1 of 1983, should be referred to so as to indicate its nature. If no “mal-administration” established, the complaint should be rejected.

RECOMMENDATIONS FOR IMPLEMENTATION

The recommended relief to the Complainant should be clearly and un-ambiguously specified. The concluding paragraph, where relief has been recommended, should always be to the effect of requiring the Agency to implement the recommendations within a specific time period or to inform the Wafaqi Mohtasib of its reasons for non-compliance in terms of Article 11(2) of the President’s Order No. 1 of 1983.

Wafaqi Mohtasib (Ombudsman)

Dated: _____



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

FINDINGS

Complaint Number Reg. ----- Date of Registration -----

Name and Address of the Complainant -----

Name of the Agency complained against -----

Name and Designation of the Investigating Officer -----

Subject of the complaint -----

THE COMPLAINT

The complaint, report of the Agency and rejoinder by the complainant along with relevant documents, are attached.

Gist of the complaint (3 to 4 sentences only)

RESPONSE BY THE AGENCY

2. This should include the point of view of the Agency on the complaint given in its report and during the hearing (be very concise and specific)

COMPLAINANT'S REBUTTAL (IF ANY)

3. Be very specific and concise.

FINDINGS/RECOMMENDATIONS

4. This section should include the points at issue, findings thereon and recommendations (be very specific and concise). The findings should be based on the available record and hearing proceedings and may comprise of 1 to 2 paragraphs.

WAFAQI MOHTASIB (OMBUDSMAN)
Dated _____

Form F-II

[See regulation 24(6)] [Intimation to the Complainant and the Agency about rejection of complaint]



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To
{*Name and address of the Complainant*}

Subject: _____

A copy of the Wafaqi Mohtasib (Ombudsman)'s Findings, dated _____
rejecting your complaint is enclosed for information.

2. Your attention in this regard is invited to the provisions of Article 11 read with Section 13 of the Federal Ombudsmen Institutional Reforms Act, 2013 and Article 32 of P.O. No. 1 of 1983, under which you may within thirty days make a review petition to the Honourable Wafaqi Mohtasib or, as the case may be, representation to the President against the above Findings.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{*Name & designation of Implementation Officer*}

Copy to the Agency.

Form F-III

[See regulation 24(7)] [Intimation to the Complainant and the Agency about acceptance of the complaint]



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date}

To

1. {Agency}
2. {Name and address of the Complainant}

Subject: _____

A copy of Wafaqi Mohtasib (Ombudsman)'s Findings/Recommendations dated _____ in the complaint cited above is enclosed for information.

2. The Agency, in terms of Article 11(2) of P.O. No. 1 of 1983 is required to-
 - (a) intimate to this Office compliance of the recommendations contained in the Findings within the time frame specified therein; or
 - (b) intimate to this Office, under the signatures of the Principal Officer of the Agency or an officer authorized by him for the case seeking alteration, modification, amendment or recall of the said recommendations in terms of Article 11(2A) *ibid.*
3. Attention is also invited to the provision of Article 11(2A) of P.O. 1 of 1983 read with section 13 of Federal Ombudsmen Institutional Reforms Act 2013 and Article 32 of P.O.1 of 1983 under which any person, aggrieved by a decision or an order by the Wafaqi Mohtasib may also, within thirty days, -
 - (a) file a review petition before the Wafaqi Mohtasib; or
 - (b) make a representation to the President.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{Name & designation of Implementation Officer}

Encl: as above

Notice for Hearing



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No: _____

Date of Registration: _____

Name of Complainant: _____

Date of Findings: _____

To,

1. (Name and address of complainant)
2. (Agency)

**SUBJECT: Notice to the Complainant and the Agency for hearing on
_____ at _____ under Article 11(2A).**

WHEREAS in the complaint, the particulars of which are indicated above,
recommendations for implementation to the following effect were given by the Wafaqi
Mohtasib:-

and whereas, the Agency has now, in terms of Article 11(2) of the President's Order No. 1
of 1983, reverted to this Office and made a petition for reconsideration/review of the matter
in terms of Article 11(2A) of President's Order No. 1 of 1983, for the reasons indicated in
its letter No. _____ of _____ (copy enclosed);

Now, therefore, the complainant is hereby called upon to send his rejoinder or to attend
a hearing along with rejoinder as envisaged under the proviso to Article 11(2A), fixed in this
Office as to why the recommendations in question should not be altered, modified, amended
or recalled.

The Agency is called upon to depute an officer fully conversant with facts of the case
to attend the hearing with complete record of the case and to produce all said documents
which are intended to be relied upon in the hearing of the review petition.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Signature
{Name & designation of Implementation Officer}

Relevant extract from the law

Article 11(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.”

Article 11(2A)

“If after considering the reasons of the Agency in respect of his recommendations under clause (2), the Wafaqi Mohtasib is satisfied that no case of mal-administration is made out he may alter, modify, amend or recall the recommendations made under clause (1):

Provided that where the order is made on a complaint, no order shall be passed unless the complainant is given an opportunity of being heard.”

[Review. - (1) The Ombudsman shall have the power to review any findings, recommendations, order or decision on a review petition made by an aggrieved party within thirty days of the findings, recommendations, order or decision.

(2) The Ombudsman shall decide the review petition within forty-five days.

(3) In review, the Ombudsman may alter, modify, amend or recall the recommendation, order or decision.](S-13). The Federal Ombudsmen Institutional Reforms Act, 2013)

Notice for Hearing



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No: _____

Date of Registration: _____

Name of Complainant: _____

Date of Findings: _____

To,

1. (Agency)
2. (Name and address of the complainant)

**SUBJECT: Notice to the Agency and the Complainant for hearing on
_____ at _____ under Article 11(2A).**

WHEREAS in the complaint, the particulars of which are indicated above, the following *findings* were given by the Wafaqi Mohtasib: -

and whereas, the complainant has now, reverted to this Office and made a petition for reconsideration/review of the matter in terms of Article 11(2A) of President's Order No. 1 of 1983, reproduced below, for the reasons indicated in his review petition, dated _____ (copy enclosed);

Now, therefore, the Agency is hereby called upon to send its report or to depute an officer fully conversant with the facts of the case to attend a hearing, along with the report and complete record of the case, as envisaged under the proviso to Article 11(2A), fixed in this Office as indicated in the subject and to respond as to why the *Findings* in question should not be altered, modified, amended or recalled. Failure to attend the hearing, without adequate reasons being intimated, would lead to an *ex-parte* decision in the matter.

The complainant may attend the hearing along with all documents in support of the review petition.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature {Name & designation of Implementation Officer}

Relevant extract from the law

Article 11(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.”

Article 11(2A)

“If after considering the reasons of the Agency in respect of his recommendations under clause (2), the Wafaqi Mohtasib is satisfied that no case of mal-administration is made out he may alter, modify, amend or recall the recommendations made under clause (1):

Provided that where the order is made on a complaint, no order shall be passed unless the complainant is given an opportunity of being heard.”

[Review. - (1) The Ombudsman shall have the power to review any findings, recommendations, order or decision on a review petition made by an aggrieved party within thirty days of the findings, recommendations, order or decision.

(2) The Ombudsman shall decide the review petition within forty-five days.

(3) In review, the Ombudsman may alter, modify, amend or recall the recommendation, order or decision.](S-13 The Federal Ombudsmen Institutional Reforms Act, 2013)

[See regulation 26(5)]



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
REVISED FINDINGS

- (a) No. of original Complaint:
- (b) Date of registration:
- (c) Name and address of the Complainant:
- (d) Name of the Agency:
- (e) Name and designation of the Investigating Officer Station:
- (f) Subject of the original Complaint:
- (g) Date of Findings in original Complaint:
- (h) Date of registration of Review/reconsideration Petition by the Agency:
- (i) Name and designation of the Investigating Officer, if different from (e) :

GIST OF ORIGINAL FINDINGS / RECOMMENDATIONS

This portion should, as the title indicates, contain a gist of the Findings in the original complaint and the Recommendations for Implementation flowing there from.

REASONS FOR REVIEW

2. Under this should be indicated, in clear and concise terms, the reasons advanced by the Agency (for not complying with the recommendations)/complainant and desiring an alteration, modification, amendment or recall of the original recommendations. Only new points of facts or law raised by the Agency/complainant to be given.

RESPONSE OF THE COMPLAINANT

3. Where the reconsideration petition is filed on the basis of an order (findings) made on a complaint, an opportunity of being heard must be afforded to the complainant under Article 11(2-A) as laid down in WMS Form F-V. It must be ensured that the requirement of a notice to the complainant as required under Regulation 26(3) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013 in the prescribed format is complied with and an opportunity provided to the complainant for putting in his response before the hearing proceedings are undertaken. The response of the complainant, if provided in writing, should be clearly and concisely indicated without necessarily repeating it verbatim.

POINTS AT ISSUE

4. The point(s) at issue should be “case specific” and not “generic” and must relate to whether the reasons advanced by the Agency for not complying with the recommendations, warrant any alteration, modification, amendment or recall of the original recommendations and, if so, to what extent?

Investigation and Disposal of Complaints Regulations 2013 38

HEARING PROCEEDINGS

5. This para should contain the gist of the pleadings of both parties in the hearings, relating to their respective stands and should, as far as possible, be confined to the points or issues raised in the review petition and, wherever provided, the written response of the *Agency/complainant*.

REVISED FINDINGS

6. These should be limited to the position emerging on the points at issue from the reconsideration petition, the response in writing, if any, of the *Agency/complainant* and the substance of the hearing proceedings, and specifically indicate the extent to which, if any, the original findings need to be, altered, modified, amended or recalled. If no ground has been established for any change in or recall of the original findings, they should be upheld, the *review/* reconsideration petition rejected. The Agency be asked to implement the *recommendations (if any)* within the originally indicated time frame to commence from the date of receipt of copy of the revised findings. If the original findings are to be changed or recalled the conclusion as such should be mentioned here leaving the exact nature and specifics of the final recommendations to be indicated under the next caption.

FINAL RECOMMENDATIONS FOR IMPLEMENTATION

7. These should flow from the findings and be indicated in specific, clear and unambiguous terms for implementation by the Agency within a specified time frame. The concluding part should specify that in case the *Agency/complainant* continues to be aggrieved by these final recommendations he/it may, if he/ it so desires, prefer a representation to the President under Article 32 of P.O. No. 1 of 1983, within thirty days of the receipt of a copy of the final recommendations.

Wafaqi Mohtasib (Ombudsman)

Dated: _____

Form F-VII

[See regulation 26(6)] (To be used in case of recall of the original Findings/Recommendations)



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and

Date} To

1. {Name of the Agency}
2. {Name and address of the Complainant}

Subject: Communication of Revised Findings/Recommendations in Terms of regulation 26(6).

Reference Agency's letter No. _____ dated _____ intimating the reasons for not complying with the Findings/Recommendations dated _____ in Complaint No. _____.

2. After due consideration the Honourable Wafaqi Mohtasib has been pleased to approve the Revised Findings (copy enclosed) dated _____ in which the original Findings/Recommendations dated _____ have been altered/recalled in terms of Article 11(2A) of P.O. No. 1 of 1983.

3. It is, however, brought to the notice of the complainant and the Agency that if either of them is not satisfied with the Revised Findings/Recommendations he/it may exercise his/its option for making a representation to the President in terms of Article 32.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{Name & designation of Implementation Officer}

Form F-VIII

[See regulation 26(6)](To be used in case of Alteration, modification, and amendment of original Findings/Recommendations)



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date} To

- (a) {Name of the Agency}
- (b) {Name and address of the Complainant}

Subject: **Communication of Revised Findings/Recommendations in Terms of Regulation 26(6).**

Reference Agency's letter No. _____ dated _____ intimating the reasons for not complying with the Findings/Recommendations dated _____ in Complaint No. _____.

2. After due consideration the Honourable Wafaqi Mohtasib has been pleased to approve the Revised Findings (copy enclosed) dated _____ in which the earlier Findings and Recommendations have been modified to the extent shown.

3. The Agency is hereby called upon to comply with and implement the Revised Findings/Recommendations within the time-frame indicated therein as required by Article 11(2) of P.O. No. 1 of 1983.

4. It is, however, brought to the notice of both the Agency and the complainant that in case either of them is not satisfied with the Revised Findings the option for making a Representation to the President in terms of Article 32 of P.O. No. 1 of 1983 can be exercised.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

Form F-IX

[See regulation 26(6)] (To be used in case of closure of further Investigation of review petition)



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date} To

- (a) {Name of the Agency}
- (b) {Name and address of the Complainant}

Subject: **Communication of intimation about closure of further investigation of the review petition in terms of regulation 26(6).**

Reference Agency's letter No. _____ dated _____ intimating the reasons for not complying with the Findings/Recommendations dated _____ in Complaint No. _____.

2. After due consideration of the review petition the Honourable Wafaqi Mohtasib has been pleased to close its further investigation in terms of regulation 23(1)(x) as it is time-barred, having been filed after the expiry of the stipulated time-frame indicated in the original Findings for implementation of the Recommendations or for intimating the reasons for not doing so, in terms of Article 11(2) of P.O. No. 1 of 1983, and the Agency failed to plead any special circumstances warranting condonation of the delay.

3. The Agency is, therefore, hereby called upon to comply with and implement the recommendations made in the above mentioned findings within the time-frame indicated therein starting from the date of receipt of this intimation as required by Article 11(2) P.O. No. 1 of 1983.

4. In case the Agency continues to be aggrieved, it may exercise the option of making a representation to the President under Article 32 of P.O. No. 1 of 1983.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

[See regulation 26(6)] (To be used in case of rejection of re-consideration petition)



**WAFAQI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {*Station and Date*}

To

- (a) {*Name of the Agency*}
(b) {*Name and address of the Complainant*}

Subject: **Communication of Intimation About Rejection of Review
Petition in Terms of Regulation 26(6).**

Reference Agency's letter No. _____ dated _____
intimating the reasons for not complying with the Findings/Recommendations
dated _____ in Complaint No. _____.

2. After due consideration of the review petition the Honourable Wafaqi Mohtasib has been pleased to reject the same in terms of regulation 26(6) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013 as the Agency has failed to establish any factual or legal grounds warranting any alteration, modification, amendment or recall of the said Findings and Recommendations dated _____. A copy of the Revised Findings dated _____ is enclosed.

3. The Agency is hereby called upon to comply with and implement the recommendations made in the original findings dated _____ within the time-frame indicated therein starting from the date of receipt of a copy of the Revised Findings dated _____, as required by Article 11(2) of P.O. No. 1 of 1983.

4. However, in case the Agency continues to be aggrieved it may exercise the option of making a Representation to the President in terms of Article 32 of P.O. No. 1 of 1983.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{*Name & designation of Implementation Officer*}



**WAFaqI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT ISLAMABAD
RECTIFIED FINDINGS**

- (a) *No. of original Complaint:*
- (b) *Date of Registration:*
- (c) *Name and Address of the Complainant:*
- (d) *Name of the Agency complained against:*
- (e) *Name and Designation of the Investigating Officer, Station:*
- (f) *Subject of the Original Complaint:*
- (g) *Date of Findings in original complaint:*
- (h) *Date of Supplementary Complaint:*
- (i) *Name & Designation of the Investigating Officer, if different from (e):*

**THE ERROR(S), MISTAKE(S) OR MISREPRESENTATION
REQUIRING RECTIFICATION**

This part should briefly mention the typographical errors, mistakes or misrepresentation requiring correction and rectification with reasons.

COMMENTS OF COMPLAINANT OR AGENCY (IF NEEDED)

Such comments may not be needed in every case and, therefore, should be called for only when required on account of the likely impact of the correction or rectification on the earlier Findings and Recommendations.

HEARING PROCEEDINGS

Hearing should be held only where deemed appropriate, otherwise the matter should be considered on the basis of the record.

RECTIFIED FINDINGS

The position should be assessed to determine whether correction or rectification of error(s), mistake(s) or misrepresentation is warranted and, if so, its likely impact on the earlier Findings and Recommendations in the original complaint.

**ORDERS /RECOMMENDATIONS FOR
RECTIFICATION OF EARLIER FINDINGS**

Where the Findings indicate that only correction of errors and mistakes in factual data is required, this may be directed to be done.

Where, however, on the basis of the required correction of the factual data, it is proposed to consequentially modify the original Findings in respect of the "Recommendations for Implementation", this should be in the form of recommending the rectification of the earlier "Recommendations", to the indicated extent.

Wafaqi Mohtasib (Ombudsman)

Dated _____



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To

Subject: Communication of Rectified Findings to the Complainant and the Agency

WHEREAS the above mentioned complaint was investigated by this office and through his Findings dated _____ the Wafaqi Mohtasib, in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, had recommended that —

AND WHEREAS subsequent to the issuance of the above Findings it came to the notice of this Office that through a typographical error, mistake or misrepresentation by the complainant or the Agency, an incorrect figure, fact or position having material effect on the case, got reflected in the said Findings and Recommendations;

AND WHEREAS for the sake of correction of record or in the interest of justice it was necessary to rectify the said error, mistake or misrepresentation, the Findings were considered by the Wafaqi Mohtasib for the purpose who was pleased to record Rectified Findings in supersession of the said earlier Findings;

NOW, THEREFORE, a certified copy of the said Rectified Findings dated _____ is being forwarded to you for information/necessary action.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{*Name & designation of Implementation Officer*}

[see regulation 29(2)] Show Cause Notice to the Agency for initiating special report to President



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date}

To

Subject: **Show Cause Notice**

WHEREAS the above-mentioned complaint was investigated by this Office and by his Findings dated _____ the Wafaqi Mohtasib had recommended in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, that-

AND WHEREAS *vide* Article 11(2) of the Order, you were required to inform the Wafaqi Mohtasib within the specified time about the action taken on his recommendations;

AND WHEREAS the *[record shows that you have not so far informed this Office about the action taken on the said recommendation]/ *[reasons furnished by you for non-compliance of the recommendations have been considered] and the Wafaqi Mohtasib is of the opinion that injustice has been caused to the complainant in consequence of mal-administration and that the injustice *[has not been] *[will not be] remedied.

NOW, THEREFORE, you are hereby called upon to identify the person primarily responsible for defiance of recommendations so that a special Report on the case may be laid before the President under Article 11(4) of the Order.

Your written reply must reach the undersigned by or before

(date)

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

* Alternate suggestions – Delete whichever is not applicable.

[see regulation 30(2) Notice to show cause for non-compliance of recommendations and initiating proceedings for Defiance of Recommendations under CPC, 1908



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To

Subject: **Show Cause Notice**

WHEREAS the above-mentioned complaint was investigated by this Office and by his Findings, dated _____ (copy enclosed) the Wafaqi Mohtasib had recommended in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, that-

AND WHEREAS *vide* Article 11(2) of the Order, you were required to inform the Wafaqi Mohtasib within the specified time about the action taken on his recommendations;

AND WHEREAS the *[record shows that you have not so far informed this office about the action taken on the said recommendation]/ *[reasons furnished by you for non-compliance of the recommendations} have not been found satisfactory.

NOW, THEREFORE you are hereby called upon to show cause:

- (i) why the matter may not be referred to the President under Article 12(1) of the Order for initiating proceedings for Defiance of Recommendations; and
- (ii) why the legal proceedings under the Code of Civil Procedure, 1908 may not be initiated against you under section 10 of the Federal Ombudsmen Institutional Reforms Act, 2013.

Your written reply must reach the undersigned by or before
(date)

You may also indicate in your reply whether you want to be heard in person.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Secretary
Wafaqi Mohtasib's Office

[see regulation 30(3)(b)] (Warrant of Attachment of Movable Property)



**WAFAQI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {Station and Date} To

[The Bailiff of the Office]/[The Bank]/*[]

Subject: - **Warrant of attachment of movable property for
implementation of the findings of the Honourable
Wafaqi Mohtasib**

WHEREAS the above-mentioned complaint was investigated by this office and by his Findings dated _____ the Wafaqi Mohtasib had recommended in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, that

AND WHEREAS the said sum of Rs. _____ has not been *[paid to the complainant] /*[refunded to the complainant]/*[adjusted in the _____ of the complainant] and the explanation for the same given by Mr. _____, the representative of the Agency in the hearing held on _____ has not been found satisfactory.

NOW, THEREFORE, this is to command you to attach the movable property of the said _____, representative of the Agency as set forth in the schedule hereunto annexed*, or which shall be pointed out to you by the said _____ and unless the said _____ shall pay to you the said sum of Rs _____ together with Rs _____, the costs of this attachment, to hold the same until further orders from this Secretariat.

You are further commanded to return this warrant on or before the _____ day of _____, 20____ with an endorsement certifying the day on which and the manner in which it has been executed, or why it has not been executed.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

Form H-II

[see regulation 30(3)(b)] (Warrant for Seizure of Specific Movable Property)



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date}

To

[The Bailiff]/[Local Police]

Subject: - **Warrant for seizure of movable property for
implementation of the findings of the Honourable Wafaqi
Mohtasib**

WHEREAS the above-mentioned complaint was investigated by this office and by his Findings dated _____ the Wafaqi Mohtasib had recommended in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, that

WHEREAS, the said property (or share) has not been delivered to the complainant by the Agency, as recommended by the Honourable Wafaqi Mohtasib.

These are to command you to seize the said movable property (or a... share of the said movable property) and to deliver it to the complainant or to such person as he may appoint in his behalf.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

[see regulation 30(3)(b)](Show Cause Notice for Warrant of Arrest)



**WAFAQI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {Station and Date}

To

Subject: - **Notice to show cause why warrant of arrest should not issue**

WHEREAS the above-mentioned complaint was investigated by this office and by his Findings dated _____ the Wafaqi Mohtasib had recommended in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, that

WHEREAS vide Article 11(2) of the Order, you were required to inform the Wafaqi Mohtasib within the specified time about the action taken on his recommendations or to make review petition to the Honourable Wafaqi Mohtasib in terms of section 13 of Federal Ombudsmen Institutional Reforms Act, 2013, hereinafter referred to as the Act or to make representation to the President of Pakistan under Article 32 of the Order.

WHEREAS the *[record shows that you have neither so far informed this office about the action taken on the said recommendation nor made a review petition to the Honourable Wafaqi Mohtasib or a representation to the President within the specified time]/*[the complainant has made application to this Secretariat for implementation of the findings referred to above by arrest and imprisonment of your person] and the Wafaqi Mohtasib is of the opinion that injustice has been caused to the complainant in consequence of mal administration and that the injustice *[has not been]/*[will not be] remedied.

NOW, THEREFORE, you are hereby required to appear before the undersigned on _____ day of _____, 20 to show cause why you should not be committed to prison for non-implementation of the said findings.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

[see regulation 30(3)(b)] (Warrant of Arrest for Implementation of Findings)



**WAFAQI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {Station and Date} *To*

*[The Bailiff]/[Local Police]

Subject: - **Warrant of arrest for implementation of findings of the Honourable Wafaqi Mohtasib**

WHEREAS the above-mentioned complaint was investigated by this office and by his Findings dated _____ the Wafaqi Mohtasib had recommended in accordance with Article 11(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order, that

AND WHEREAS, said sum of Rs. _____, as recommended by the Honourable Wafaqi Mohtasib, has not been paid to the complainant by _____, representative of the Agency in the satisfaction of the said findings.

These are to command you to arrest the said _____ unless the said _____ shall pay to you the said sum of Rs. together with Rs. for the costs of executing this process, to bring the said representative before the undersigned with all convenient speed.

You are further commanded to return this warrant on or before the _____ day of _____ 20____ with an endorsement certifying the day on which and manner in it has been executed, or the reason why it has not been executed.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

Form H-V

[see regulation 30(3)(b)] (Warrant of Committal of the Representative of the Agency to Jail)



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date}

To

The officer in charge of the Jail at....

Subject: - **Warrant of committal of Mr. _____**
to jail

WHEREAS, who has been brought before the undersigned on this _____ day of _____, 20__ under a warrant for implementation of a findings of the Honourable Wafaqi Mohtasib in the above cited complaint, dated and by which findings it was recommended that the said should pay Rs. to the complainant;

AND WHEREAS the said has not implemented the findings nor satisfied this Secretariat that he is entitled to be discharged from custody;

You are hereby commanded and required to take and receive the said into prison and keep him imprisoned therein for a period not exceeding or until the said findings shall be fully implemented, or the said _____ shall be otherwise entitled to be released according to the terms and provisions of Section 58 of the Code of Civil Procedure, 1908.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Signature

{Name & designation of Implementation Officer}

Form H-VI

[see regulation 30(3)(b)] (Order for the Release of a Person Imprisoned for Implementation of Findings)



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date}

To

The officer in charge of the Jail at _____

Subject: - **Order for the release of a person imprisoned for implementation of findings of the Honourable Wafaqi Mohtasib**

UNDER orders passed this day, you are hereby directed to set free

Mr. _____, representative of _____ now in your custody.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Signature

{Name & designation of Implementation Officer}



**WAFaqI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {Station and Date}

Subject: **Notice to Complainant**

Dear Sir,

Your above complaint is under examination in this Office. By our letter, dated _____
you were

required to by *(date)*

. There has been no reply from you. A notice is hereby given to inform you that in case there
is no response by _____

from you by *(date)* Your complaints will be

your complaint shall be processed on the basis of available information.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Signature

{Name and designation of Investigating Officer}

{Name and address of the Complainant}

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To

{*Name and address of the Agency*}

Subject: **Notice to Agency for failure to submit comments.**

WHEREAS the above-mentioned complaint was accepted by the Wafaqi Mohtasib for investigation and a notice under Article 10(4) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), was issued by this Office calling upon you to meet the allegations contained in the complaint including rebuttal.

AND WHEREAS you were required to send your comments by (*date*) _____. A formal reminder was also issued asking for comments by..... But no response has been received so far from you in this regard.

NOW THEREFORE, in accordance with the proviso to clause (4) of Article 10 and clause (9) of Article 10 of the President's Order No. 1 of 1983, you are required to depute an officer fully conversant with facts of the case to attend the office of the undersigned along with the relevant original file on (*date*) and to explain the reasons for non-submission of report.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature {*Name and designation of Investigating Officer*}



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To

{*Name and address of the public servant*}

Subject: **Notice to Public Servant for Disciplinary Action**

WHEREAS the above-mentioned complaint is under investigation in this Office, wherein on

_____ you were directed by the order of the Wafaqi Mohtasib to-

AND WHEREAS the record shows that you have not so far complied with the above directions of the Wafaqi Mohtasib.

NOW THEREFORE, in exercise of powers conferred by Article 14(5) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983), you are called upon to show cause as to why the matter may not be referred to the competent authority, for taking disciplinary action against you for disregarding the directions of the Wafaqi Mohtasib.

Your reply must reach the undersigned by or before _____

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature

{*Name and designation of Investigating Officer*}



**WAFaqI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {Station and Date} To

{Name and address of the
public servant or Agency}

Subject: **Notice to show cause for initiating**

civil/criminal/disciplinary proceedings. WHEREAS the above
complaint is being investigated in this Office.

AND WHEREAS the Wafaqi Mohtasib has examined the available record and is of
the view that while _____
_____ you have acted in a manner
warranting civil/criminal/disciplinary proceedings against you.

NOW, THEREFORE, the Wafaqi Mohtasib has, in exercise of powers vested in
him under Article 14(6) of the Establishment of the Office of Wafaqi Mohtasib
(Ombudsman) Order 1983 (President's Order No. 1 of 1983), directed to call upon you
to show cause as to why the above matter may not be referred to _____

(the appropriate authority)
for taking civil/criminal/disciplinary proceedings against you

within a period of _____. Your reply must reach the
undersigned on or before the ___ day of ____ 20__.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Signature
{Name and designation of Investigating Officer}



**WAFAQI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

Complaint No. _____ {Station and Date} To

{Name and address}

Subject: **Notice to show cause for award of compensation against the complainant.**

WHEREAS you made a complaint against _____
which was investigated and finalized on _____.

AND WHEREAS in his findings, the Wafaqi Mohtasib has observed that your above
said complaint was false/frivolous/vexatious and that you had intentionally made such a
complaint to malign the Agency/Mr. _____.
(Functionary/Public Servant)

NOW, THEREFORE, the Wafaqi Mohtasib has, in exercise of the powers vested in
him by Article 14(4) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman)
Order, 1983 (President's Order No. 1 of 1983), directed that you should be called upon to
show cause as to why a sum of _____ should not be awarded to the
Agency/Public Servant/Functionary concerned against you for making such complaint.
The said amount, if not paid by you, shall be recovered from you as arrears of land
revenue.

Your reply should reach the undersigned on or before the _____ day of

_____ 20 ____ . BY ORDER OF THE HONOURABLE WAFAQI

MOHTASIB.

Signature
{Name and designation of Investigating Officer}



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*} To

{*Name and address of the Agency*}

Subject: **Notice to show cause to Agency for initiating contempt proceedings.**

WHEREAS the above complaint is being investigated in this Office by _____
(*give facts amounting to contempt of Wafaqi Mohtasib*)
which amounts to contempt of Office of Wafaqi Mohtasib requiring action against you under Article 16 (1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), hereinafter referred to as the Order.

NOW, THEREFORE, you are hereby called upon to show cause as to why you should not be punished, for committing the contempt of the Wafaqi Mohtasib, under the Order.

Your reply must be handed over to the undersigned personally on

_____ at _____ hours.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{*Name and designation of Investigating Officer*}

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {*Station and Date*}

To

{*Name and address*}

Subject: **Notice to complainant or any other person to show cause for contempt.**

WHEREAS on _____ at _____ you

(*give facts amounting to contempt of the Office of Wafaqi Mohtasib*)

AND WHEREAS you by the said letter/speech/action, abused/interfered with/impeded/obstructed the proceedings of the Wafaqi Mohtasib

OR

Scandalized the Mohtasib/staff/nominee/authorized person/officer of the Office of Wafaqi Mohtasib, which tends to bring the Mohtasib/his Office/Staff etc. into hatred/ridicule/contempt

OR

Committed _____ which tends to prejudice the fair determination of a matter pending before the Wafaqi Mohtasib.

AND WHEREAS this calls for action against you for contempt under Article 16(1) of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (Presidents Order No. 1 of 1983), hereinafter referred to as the Order;

NOW, THEREFORE you are hereby called upon to show cause as to why you should not be punished, under the Order, for committing the contempt of the Wafaqi Mohtasib.

Your reply must be handed over to the undersigned personally on

_____ at _____ hours.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{*Name and designation of Investigating Officer*}

[see regulation 33(6)]



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Complaint No. _____ {Station and Date} To

{Name and address of the Agency}

Subject: Show cause notice to the Agency for awarding compensation to the complainant.

WHEREAS the above complaint has been investigated in this Office and the Wafaqi Mohtasib has come to the conclusion therein that the complainant has suffered loss/damage of _____ on account of the mal-administration committed by you/Agency while _____. (*brief mal-administration*)

NOW, THEREFORE, you are hereby called upon to show cause as to why the costs/compensation in terms of Article 22 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983), for

_____ (*amount or equivalent amount*)

may not be awarded against you/the Agency which, if not paid, shall be recoverable as arrears of land revenue from you/the Agency.

Your reply must reach on or before the _____ day of

_____, 20____

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB.

Signature
{Name and designation of Investigating Officer}

[see regulation 25(4)] For
Consignment to Record
(Closed/Rejected findings)



**WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD/REGIONAL OFFICE _____**

INFORMATION ABOUT FINAL DISPOSAL OF CASE No: _____

1. Name of the complainant _____

2. Name of the Agency _____

3. Name of the Investigating Officer _____

4. Date of Original Findings _____

5. Date of Revised Findings _____

6. Time consumed in the investigation ___ Years ___ Months ___ Days

7. Final out-come (Please tick [✓] the relevant box)

_____ (a) Complaint

rejected

(b) Further Investigation discontinued (Complaint closed)

Signature
{Name and designation of Investigating Officer}

[see regulation 25(4)] For Consignment to Record Room (Implementable/Closure findings under Regulation 23(1) (f) & (h) and where the President on the representation under Article 32 sets aside the finding of the WM)

**WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD/REGIONAL OFFICE**

INFORMATION ABOUT FINAL DISPOSAL OF CASE No: _____

1. Name of the complainant _____

2. Name of the Agency _____

3. Name of the Investigating Officer _____

4. Date of Original Findings _____

5. Date of rectified Findings _____

6. Date of Revised Findings _____

7. Time consumed in the investigation _Years _

Month_ Days

8. Nature of Recommendations, (Please tick [✓] the relevant box)

(a) Any report required

(b) Any corrective disciplinary action suggested

(c) Any defect in Law/Rules or procedure indicated

(d) Any other direction (Please specify)

9. Nature of mal-administration

10. Nature of complaint

11. Nature of relief

12. (a) Representation to the President: Yes, No

By Agency

By Complainant

(b) Decision of the President:

(i) Agency's representation rejected (a) Implemented

(ii) Complainants representation accepted

(iii) Agency's representation accepted (b) Not Implemented

(iv) Complainants representation rejected

13. Implementation of the recommendation

14. Implementation date _____

Signature

{Name and designation of Investigating Officer}



**IMPORTANT POLICIES, SOPs, ORDERS,
INSTRUCTIONS
&
CIRCULARS**



FEDERAL OMBUDSMAN

REGISTRATION



FEDERAL OMBUDSMAN

WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. Registrar/WMS

Dated: September 9, 2013

Subject: **STATEMENT/AFFIDAVIT OF COMPLAINANT REGARDING**
MATTER SUBJUDICE OR ALREADY PENDING IN COURT OF LAW
OR TRIBUNAL

Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order 1983 read with “The Federal Ombudsmen Institutional Reforms Act 2013” require that the complainant at the time of filling of complaint, must file Affidavit WMS Form A under Art 10 of said law. However, it has been observed time again that this clause has not been implemented, which is also causing to file writ petitions against Wafaqi Mohtasib Secretariats. Further the situation come verse when Complainant misguide and mislead the facts of the case especially in sub-judice and adjudicated matters.

Therefore, the Assistant Registrars at the time of receipt of complaint and Advisors/Associate Advisor at the time of first hearing, must ensure that “Affidavit Form A / Statement of Complainant” is attached with the complaint or the complainant has filed an affidavit on first hearing for avoidance of any legal complications in future. While sending notice of hearing / comments to the Agency, you may also ask the Agency to submit clearly in the comments regarding pendency of the instant matter or decided by the court of law.

Sd/-
Registrar



FEDERAL OMBUDSMAN

WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No.4(2) Coord/WMS/2019

Dated: 26th February 2020

The Honourable Wafaqi Mohtasib has been pleased to decide that the following SOPs shall be observed for registration of complaints at limine stage, henceforth;

- a) Complaints not properly submitted will be examined carefully, before rejection at limine stage. If missing information is available in the complaint text or any of its annexure, the same may be utilized, if possible, to create a proper format of a complaint.
 - b) The cases, which are not addressed to the Honourable Wafaqi Mohtasib, like copies for information OR addressed to other Authorities / Agencies and copies endorsed to WMS, if covered under jurisdiction of Wafaqi Mohtasib, may be admitted.
 - c) The cases, in which there is delay on the part of Agency in payments/ procedure completion, especially pension cases, not involving calculations, may not be rejected, as being Service matter, at limine stage.
 - d) The cases, where cause of grievance persists or there is continuous cause of action and project / process is not closed, may not be rejected being time barred at limine stage.
 - e) The adjudicated matters may be carefully examined and if the subject matter is not already adjudicated, the cases may be admitted.
 - f) If the complainant withdraws the case from courts / tribunals, prior to the lodging of complaint at Wafaqi Mohtasib Secretariat, the complaint may not be rejected, being Sub-judice matter.
 - g) The cases where there is no contractual controversy between the complainant and the Agency may not be rejected in limine being Contractual matter.
2. The following type of cases will, however, continue to be rejected at limine stage:
- i. The cases which are not against any Federal Agency.
 - ii. The cases which are premature awaiting action by the Agency, or where no cause of action has occurred.
 - iii. The cases which are general in nature.
 - iv. The cases pertaining to Defence Division, the Defence Production Division and the Army, Naval or Air Forces of Pakistan, or any Department Authority or Organization directly or indirectly under the management control of, or in any manner connected with, the said Divisions or the said Forces.
3. The following guidelines may also be noted for the purpose of registration of complaints:
- i. The cases, closed under Rule 23(1)(c) of Wafaqi Mohtasib (Investigation and Disposal) of Complaints, 2013 may be reopened / re-investigated on a sufficient cause given by the complainant, under Regulation 23(2) of Wafaqi Mohtasib (Investigation and Disposal) of Complaints Regulation, 2013.
 - ii. The cases which are identified as duplication on CMIS i.e. already admitted for investigation may be clubbed with existing complaint, with sub-serial numbers in CMIS.
 - iii. The status of those cases which are identified as duplication on CMIS, but were already rejected or decided, may be informed to the complainants, at limine stage.

Sd/-
Aijaz Hussain Lone
Director General (Coord)



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(2)/Coord/WMS/2022

Dated: 27th December, 2022

C I R C U L A R

It has been observed that in a significant number of cases, the subject of the complaint is not correctly indicated in the docket of the Findings. Besides, some complaints are not fully and accurately described in Para.1 of the Findings as the contents thereof do not duly match with the ones reflected in the complaints downloaded from CMIS.

2. The Hon'ble Wafaqi Mohtasib has taken a serious notice of these omissions and has been pleased to direct that:

- a) The Registrar Office at Head Office and in all Regional Offices should exercise greater care in entering the subject of each complaint in CMIS at the time of registration, so as to reflect its precise nature.
- b) Special attention may be paid by all I. Os to accurately and fully describe the contents of the complaint while drafting their Findings.

3. Apart from above, all complainants must be asked to submit their CNIC No. as well as telephone contact before their complaints are registered and processed further.

Sd/-
(Sohail Ahmad)
Advisor (Coordination)



FEDERAL OMBUDSMAN

INVESTIGATION GENERAL



No. PS (1)/Secy/WMS/07
**WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT,
ISLAMABAD**

MUHAMMAD IHTESHAM KHAN
SECRETARY

Islamabad, the 9th January, 2007

CIRCULAR

Subject: **ACTION ON COMPLAINTS.**

The institution of Wafaqi Mohtasib is providing valuable services in attending to the problems of the general public which are faced in their dealings with Federal Government agencies. While more efforts are required to improve the complaint management system and redressal, however, it is noticed that the performance of this organization mostly goes un-noticed in the eyes of the public. It is, therefore, imperative that proper publicity is given to the achievements both nationally and regionally.

2. In view of the foregoing, the regional offices are directed to give proper publicity to their progress on various complaints received from the general public especially their implementation status. This will encourage further public response and also imbibe efficient service provision in the public sector agencies.

3. While taking necessary action on the above instructions the following guidelines must be strictly followed:

- i. The information provided to the press must be in form of a formal press statement instead of a sensational news item.
- ii. Only essential information without dramatizing or exaggerating the facts may be contained in the statement.
- iii. It should be ensured that names of the agency's employees and un-founded allegations are not included in the press releases. Also, warnings and consequence for non-implementation must be avoided.
- iv. While issuing press releases it must be ensured to avoid involvement in controversies with the public sector agencies and the press. Furthermore, favoritism and personal relations with the press may be avoided in the whole exercise.
- v. A copy of the press release with date and cutting of the concerned newspaper must be forwarded to this office for record.
- vi. Since regional offices at Lahore, Karachi, Peshawar and Quetta have easy access to the electronic media, therefore efforts may be made to use this facility.

Sd/-

(MOHAMMAD IHTESHAM KHAN)



FEDERAL OMBUDSMAN

No. 8/PS/Secy/WMS/07-Art.33
**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

MUHAMMAD IHTESHAM KHAN
SECRETARY

Islamabad, the 23rd January, 2007

CIRCULAR

Subject: **INFORMAL RESOLUTION OF DISPUTES UNDER ARTICLE 33 OF
P.O. 1 OF 1983.**

The Honourable Wafaqi Mohtasib has been pleased to invest all Investigating Officers at Headquarters and Regional Offices with powers to conduct the cases of informal resolution of disputes under Article 33 of P.O.1 of 1983, as per Agencies assigned to them.

Sd/-
(MOHAMMAD IHTESHAM KHAN)

Distribution:

1. All Investigating Officers in Wafaqi Mohtasib Secretariat, Islamabad and Heads of Regional Offices, Lahore, Karachi, Peshawar, Quetta, Multan, Faisalabad, Sukkur and D.I. Khan.
2. The Advisor (Registration), Wafaqi Mohtasib Secretariat, Islamabad.
3. The DCO, Wafaqi Mohtasib Secretariat, Islamabad.



**WAFaqi MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

No.F.No 2(2)/WMS/Adv(A)/Circ/2007

Dated: 7th March, 2007

CIRCULAR

Subject: **APPLICATION OF ARTICLE 52 OF FIRST SCHEDULE TO THE
LIMITATION ACT, 1908.**

In number of cases the applicability of the Limitation Act of 1908 (Article 52 of First Schedule) has been proposed by the Investigating Officers. In a recent case, the President has decided that the Limitation Act should not be applied by the Wafaqi Mohtasib in cases of recovery of government dues and that the question of limitation be left to be decided by a civil court.

2. It has accordingly been considered that even though considerable time may have elapsed, the claim of government dues is not extinguished. Whenever action for recovery of outstanding arrears is initiated by an Agency, the question whether such action by it was within limitation or not, can only be decided by a civil court. The office of Wafaqi Mohtasib can give findings only on facts i.e. whether the arrears amount claimed is correct or not. If, found correct, the customer is liable to pay for it. If he feels that claim against him cannot be made owing to a matter of limitation, he can approach to the civil court. However, if it is found that the Agency had failed to take timely action for recovery of outstanding bills, resulting in accumulation of unrecovered amount, it may be reasonable to recommend recovery in installments.

3. Accordingly, the Investigating Officers are advised to follow the above in all such cases of recoveries and concurrently recommending (a) some relief in the payment schedule (b) initiation of disciplinary action against those responsible for the delay.

Sd/-
(Farhat Hussain)
Advisor (Appraisal)



FEDERAL OMBUDSMAN

**WAFaqi MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

No. 2(1)/WMS/Adv(A)/Cir/2007

Islamabad, the 17th December, 2007

Subject: **PRO-ACTIVE ROLE TO SETTLE COMPLAINTS THROUGH CONSENT.**

The Hon'ble Wafaqi Mohtasib has observed that while some Investigating Officers prevail upon the parties appearing before them to settle their contentious issues, others are content to make recommendations without attempting a compromise.

2. Conceptually, the office of the Ombudsman is not a court but has, as an important function, bringing about an agreement which provides both relief to the complainant as well as meets the demands of the Agency. This is only possible if both parties concede some ground so that there is a meeting point at which the matter can be settled. Where there is no such possibility then, of course, recommendations have to be made on the merits of the case.

3. To achieve settlements at the hearing stage, Investigating Officers have to make special efforts to bring about a compromise. This is only possible if the Agency is represented at an appropriate level which enables the representative to take decisions on behalf of the Agency. Accordingly, in the letters issued for hearings, the Agency should be asked to send a representative of suitable seniority with the authority to bring the case to a closure, if possible. The Hon'ble Wafaqi Mohtasib has stressed on this important function of the Office of Ombudsman and has emphasized the need for early settlements as far as possible. All Investigating Officers are requested to make maximum efforts to achieve such settlements in respect of the cases before them.

Sd/-

Mohammad Ihtesham Khan

The Gazette



of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, NOVEMBER 18, 2008

PAR- III

Other Notifications, Orders, etc.

GOVERNMENT OF PAKISTAN
LAW AND JUSTICE DIVISION

NOTIFICATION

Islamabad, the 18th November, 2008

No. F.557/2008-Law-I. – It is hereby notified for general information that nothing contained in the Martial Law Order 13th August, 1984, applies, nor shall in any manner be construed to apply, to the Pakistan International Airlines Corporation and the Civil Aviation Authority.

ABDUL GHAFFAR
DAUDPOTA,
Section Officer

(2861)

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**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

**GHIASUDDIN
SECRETARY**

F. No.4(8)Dir.(Analysis)WMS-09

Islamabad the 17th April, 2009

Subject: **INTERACTION WITH PUBLIC**

Complaints have been brought to the notice of the Honourable Wafaqi Mohtasib that in some cases complainants seeking information on the status of their cases from the various offices of the Wafaqi Mohtasib's Secretariat are not dealt with in a helpful and citizen-friendly manner.

2. The Honourable Wafaqi Mohtasib has been pleased to desire that all dealing officers/officials/investigating officers should extend utmost courtesy and deal in a polite manner while responding to public queries/inquiries. Every effort should be made to satisfy the complainants who seek information, in a helpful and friendly manner.

Sd//
(GHIASUDDIN)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

**Mr. Liaquat Ali Chaudhry
Advisor (Appraisal)**

F. No.2(1)/WMS/Adv(A)/Policy/Cir/2010

Islamabad the 25th May, 2010

Subject: **ISSUANCE OF NOTICES TO THE COMPLAINANTS.**

During the investigation proceedings notices are issued to the complainants for furnishing of information or documents, verification of the complaint or its contents, submission of rejoinder, joining of hearing proceedings and confirming the provision of relief, etc.

2. It has come to the notice of the Honourable Wafaqi Mohtasib that in some cases notices particularly for rejoinder/hearing are not being served properly on the complainants and findings are concluded ex-parte and against the complainants. In such cases the complainants, while representing to the President, take the plea that no notice was received by them and they were neither heard nor sufficient opportunity given and were condemned un-heard. Resultantly such Findings being not found sustainable by the President are set aside.

3. In order to avoid such situations, the Honourable Wafaqi Mohtasib has desired that each and every notice issued to the complainant should be served through registered post with acknowledgement due and the postal record in this respect should be entered and placed in the record of the case in order to serve as an evidence that notices were sent to the complainant properly.

4. All the Investigation Officers are accordingly advised to abide by the above instructions and to ensure that in future no complaint is received that notices were not served properly.

Sd/-

(LIAQUAT ALI CHAUDHRY)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

F. 8(159)A-I/WMS/2013

Islamabad the 13th March, 2013

CIRCULAR

It has been noted with great concerned that certain complainants have obtained copies of confidential portion of the Note Sheets attached with investigation files.

2. This is a serious breach of confidentiality, which must be avoided at all costs.
3. I am directed to say that any such violation shall be dealt with sternly in future and disciplinary action will be initiated against the official(s) involved.

Sd/-
(K. M. Zubiar)
Director General (Admn)

The Gazette



of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, SEPTEMBER 30, 2013

PAR- II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW, JUSTICE AND HUMAN RIGHTS

NOTIFICATION

Islamabad, the 26th September, 2013

S.R.O. 842(1)/2013. – In exercise of the powers conferred by clause (a) of Section 2 of the Federal Ombudsman Institutional Reforms Act, 2013 (XIV of 2013), the Federal Government is pleased to notify Karachi Electric Supply Company (KESC) as an Agency under the aforesaid Act.

(No. F. 516/2013-LAW-I.)

ALI AHMED
Section Officer

(2801)

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WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

No. F.6(10)WMS/2015

Islamabad, the 07 July, 2015

Subject: **ADDITIONAL GUIDE LINES FOR PROCESSING OF COMPLAINTS AND PREPARATION OF FINDINGS (NEW FINDINGS TEMPLATE).**

In continuation of this Office Circular No. F.6(10)/Coord/WMS/2015 dated 18th June, 2015, on the subject cited above, issued in the light of Lahore High Court verdict given in ICA Nos. 196/199/2015, advising Wafaqi Mohtasib Secretariat to concentrate only on mal-administration aspect of the complaint, a new findings template to give effect to the order of the Court, is forwarded herewith for strict compliance in letter and spirit.

Sd/-
(HAFIZ M. ZIAUDDIN)
ADDITIONAL SECRETARY
(ADMN)

Distribution:

1. All I.Os in the Head Office, Islamabad and Regional Offices.
2. All Regional Heads.
3. Registrar, WMS, Islamabad
4. PS to the HWM, WMS, Islamabad.
5. PS to the Secretary, WMS, Islamabad.
6. PS to As (Admn), WMS, Islamabad.
7. PS to DG (Admn), WMS, Islamabad.
8. PS to DG (Coord), WMS, Islamabad.
9. DCO, WMS, Islamabad.
10. Office, Copy.



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

FINDINGS

Complaint No :
Date of Registration :
Name & Address of the Complainant :
Name of the Agency :
Brief Subject : Relating to mal-administration.
Name of the Investigating Officer :
Date when Report called from Agency: :
Date of Receipt of Complete Report: :
Number & Dates of Hearing :
Date of Dispatch of Draft Findings: :

COMPLAINT

Gist/Summary of complaint be given.

RESPONSE BY THE AGENCY

2. Gist/main points of response by Agency be mentioned.

COMPLAINANT'S REJOINDER

3. Rejoinder in brief.

POINTS AT ISSUE

4. The point at issue is to be framed in the context of mal-administration or in consequence of mal-administration.

HEARING PROCEEDINGS

5. Crux of the hearing proceedings be given.

FINDINGS/RECOMMENDATIONS

6. Brief viewpoints of parties omission/discrepancies be highlighted.

For example

In the present case, the Agency has accused the complainant of theft of energy through obtaining direct supply; no FIR has been registered by the Police, nor has the device, contrivance or case property used in the direct connection been mentioned or documentary evidence of its having been handed over to the Police provided. Moreover, the statement on oath of the employee of the Agency to have caught the complainant in the act of unauthorized abstraction of energy and supported by the statement of some respectable elders of the community, has also not been made available. Thus, the basic requirements of substantiating the allegation of theft of electricity on account of direct connection have not been satisfied. Additionally, the procedure prescribed for such cases by the Agency in its circular dated 26.10.99 has also not been complied with in as much as:-

- (i) the detection bill has not been prepared on the prescribed proforma; and
- (ii) a notice on the prescribed format has not been given.

7. These omissions and discrepancies have rendered the impugned detection bill without lawful authority and of no legal effect. These facts do not lead to the inference that the complainant was involved in unauthorized abstraction of energy and derived undue financial benefits. The above action of the Agency, therefore, amounts to mal-administration, in terms of Article 2(2) of President's Order No.1 of 1983.

8. Matter to be referred to the Agency in case mal-administration is noticed.

9. In view of the position contained in para-7 above, the Agency is advised: -

- i. to consider the matter and adopt proper procedure/rules/regulation which were violated by it, resulting in mal-administration which caused the complaint; and
- ii. to take disciplinary action against the delinquent officer/official involved in the mal-administration of the complaint, under the relevant laws applicable to him;

10. Compliance should be reported within 30 days of the receipt of these Findings or reasons for not doing so intimated in terms of Article 11(2) of President's Order No.1 of 1983.

This issues with the approval of the Honourable Wafaqi Mohtasib.

(INVESTIGATING OFFICER)

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
COORDINATION WING
ISLAMABAD

No.F.1(1)/PS/WMS/Add/Secy/2015

Islamabad, the 31st July, 2015

CIRCULAR

Subject: **NON COMPLIANCE OF INSTRUCTIONS OF HWM**
REGARDING PROCESSING OF COMPLAINTS AND
FORMULATION OF FINDINGS ON THE GUIDELINES ISSUED
FROM TIME TO TIME

It has been observed with concern that public complaints received for redressal, are disposed of summarily without putting in adequate efforts to develop findings based on cogent reasons and solid ground. The guidelines circulated from time to time in this regard, particularly those of 18th June, 2015, in pursuance of the judgment of the Lahore High Court in ICA No. 196-199/2015 are not being complied with by the Investigating Officers.

2. Investigating Officers were reminded, through letters dated the 8th July, 2015 and 28th July 2015, to strictly adhere to the guidelines, particularly in drafting and appraising the findings. In addition, copies of instructions contained in this Office's Circular dated 22.09.2007, were also conveyed to facilitate the I.Os, while dealing with the complaints relating to service matters.

3. The Honorable Wafaqi Mohtasib has taken serious notice of these deficiencies as it defeats the objective being pursued by this Office and hampers the quality output, in particular the investigations of complaints which are being arbitrarily concluded under Regulation 23(1) of Wafaqi Mohtasib (Investigation and Disposal of Complaints), Regulations, 2013. It is, therefore, reiterated that followings steps may invariably be taken by the IOs in the execution and finalization of investigations: -

- i. All the findings should be drafted on the pattern of new template, circulated vide this Office's Letter No. F(6)WMS\2015 dated 7th July, 2015, in order to give effect to the Order of the Court for this Office to concentrate only on the aspects of maladministration of the complaints.
- ii. In every findings, the respective I.O should ensure incorporating the nature and level mal-administration on the part of the agency and also refer to the relevant provisions of law.
- iii. All the IOs shall maintain an updated list of focal persons of the dealing agencies containing their names, designations, addresses and contact numbers and that copies of all correspondence with the agency / complainant should also be endorsed to them well in time.
- iv. The APS/PS/SPS to the investigating Officers shall contact the focal persons over phone to ensure receipt of correspondence including the hearing notices and the

- same recorded in the case file with date and time of contact and reflected in the findings.
- v. Similarly, the APS/PS/SPS shall also ensure that copy of report of the agency is(A)endorsed to the complainant by the agency itself well ahead of the date of hearing of the case, and, if not, arrangement should be made for supply of the same to the complainant.
 - vi. The APS/PS/SPS shall also contact the complainant at least five days before the date of hearing to ascertain receipt of report of the agency and hearing notice of the case. This must be recorded in the case file with date and time of contact and reflected in the findings.
 - vii. It is mandatory for the IOs to call personally the agency as well as the complainant three days before the date of hearing, so fixed, to confirm the receipt of relevant documents by them and to ensure their participation in the ensuing hearing of the case or otherwise and record his / her discussion on the case file.
 - viii. (viii)The observations / deficiencies pointed out by the Apprising Wing of HQ, Islamabad, on the draft findings would be final and its compliance binding on all the concerned. In rare cases, if IO has some reservations on the appraisal of the findings, he / she will submit the detailed reasons to the Regional Head, who, if considered appropriate, may, with his own views submit the same directly to the HWM.
4. The IOs are, therefore, directed in public interest and with a view to enhancing organizational efficiency and effectiveness to revisit all the guidelines and instructions that have been issued to-date, beside the above points. The Appraisal Wing in future will also take note of this aspect as part of the appraisal of the findings.
5. This issues with the approval of the Honourable Wafaqi Mohtasib.
6. Please acknowledge receipt by August 7, 2015.

Sd/-
(Hafiz M. Ziauddin)
Additional Secretary (Admn)

Distribution:

1. All Head, Regional Offices
2. All Senior Advisors / Advisors / Associate Advisors / Consultant in HQ, Isb.
3. PS to HWM
4. PS to Secretary
5. PS to Senior Advisor Appraisal
6. Data Control Officer, HQ, Isb.

OFFICE OF THE SENIOR ADVISOR / N.C.C
FEDERAL OMBUDSMAN SECRETARIAT
ISLAMABAD

F.No.1 (2)/ Snr.Adv.App/16

22.04.2016

Subject: Common Deficiencies Deleted in Appraisal

During appraisal, some findings are returned to I.Os owing to serious shortcomings. This results in delay in disposal of cases. Also some IOs persist in repeating these mistakes. I had requested members of my appraisal team to list common deficiencies noticed in appraisal. These are attached for information of all I.Os as well as appraising officers designated in each regional office. The objective of this exercise is to apprise the IOs the wide range and nature of flaws which need careful attention to ensure quality and to avoid adverse court's ruling.

Sd/-
(Ejaz Ahmad Qureshi)
Senior Advisor / NCC

Copy to:

1. All Regional Heads, WMS
2. All IOs at Head Office, WMS, Isb.

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT, ISLAMABAD

Subject: **Quality of findings**

Reference Note dated 8th April, 2016 on the above subject.

2. We need to clearly mention in our letter to the Regional Offices that the quality of Findings has deteriorated and unless this trend is arrested it might put the institution of Wafaqi Mohtasib in disrepute. The following aspects need to be highlighted in this regard: -

- i. Cases have come to notice where I.Os. casually sign the Findings which contain many factual/spelling errors. This has led to a widespread perception that in many cases the typed draft is signed by the I.O. without checking its accuracy.
- ii. In order to curb this practice all concerned be categorically told that from now onward it would be the responsibility of I.O./Regional Incharge responsible for appraising Findings to submit the Findings to Head Office free from spelling/factual errors. Findings received with such errors will not only be returned but its record will be kept and cases of persistent errors will be reported.
- iii. Sketchy Findings or Findings which do not convey the intended message would not be acceptable. Findings should be like a speaking order. In order to achieve this objective model Findings be circulated.
- iv. During the last 1½/2 years many amendments of instructions were issued by Head Office. As a result, some regions are not clear about the updated instructions. It is, therefore, proposed that updated instructions may be issued which have bearing on development of Findings.
- v. Closure Findings template does not have space for recording hearing proceedings. Since hearing proceedings form an integral part of Findings, creating separate space for it may be considered.

Sd/-

(Muhammad Ayub Khan Tarin)

Senior Advisor

11.04.2016

Mr. Ejaz Ahmad Qureshi,
Senior Advisor/NCC

WAFaqI MOHTASIB SECRETARIAT, ISLAMABAD

Subject: **Quality of findings**

Reference your letter No. Nil dated 08.04.2016.

2. Kindly find enclosed suggestions and analysis regarding present quality of findings for improvement.

Sd/-
(Farah Ayub Tarin)
Senior Advisor
11.04.2016

Senior Advisor (Appraisal)

While appraising findings of various regions following common errors have been noted. These errors do not meet the guidelines circulated vide circular No.F.No.6(10)/Coord/WMS/2015 dated 18th June 2015.

1. Subject of ‘complaint in brief’ is either too brief or it is too lengthy which at times is confusing. It was clearly stated vide the above referred circular that subject should identify the nature of mal administration e.g. misuse of authority, delay, inaction or inefficiency etc. In order to make it more comprehensive reference may also be made to the definition of the word ‘mal-administration’ in Article 2(2) of P.O. No.1 of 1983. IOs may state the subject clearly and it should invariably be written in capital and bold letters.
2. While describing ‘complaint in brief’ it has been noted that IOs describe the complaint either in 2 or 3 sentences or it is too lengthy, complaint as long as one and half page has also been written. This may be avoided, only the gist of the complaint, be stated concisely and clearly.
3. In some cases findings including grounds for closure lack thrust of investigation; they do not clearly bring out the nature and level of mal-administration. This has particularly been noted in case of complaints dealing with electricity and sui gas.
4. In case of electricity bills, relief in the form of installments is 10, 12, 18, 20 etc. installments. Reference should be the NEPRA policy, which has laid down a procedure for granting installments in case of default. Unlimited powers only rest with the Chief Executive Officer.
5. Hearing proceedings are generally not written mainly because it is missing in the template which makes the Grounds for closure sketchy and at times do not clearly bring out the factors that led to the decision.
6. After the finding is written the IO should go through it for proof reading to make it error free.
7. Use of capital letters should only be used where needed.
8. Too many references to PLD decisions only make the findings too technical.
9. It has been noted that use of ‘font’ is different in different regions. Standard font used should be New Roman Times and size 12.
10. Closure findings are at times sketchy probably due to the template under use it may be noted that the length of prescribed format can be increased as per the findings. The template prescribed does not restrict the length of the findings, therefore findings should be developed containing all elements of investigation.
11. Closure under 23(1) of regulation may contain the complete clause referred to such as: ‘the agency is not at fault as a particular procedure was to be adopted or formalities were not to be followed by the complainant for redressal of his grievances’, the findings is therefore closed under ‘b’, use of complete regulation will convey the real essence of the closure of the findings. It must be borne in mind that complainants/readers do not understand closure under a, b, f or h until fully explained. This will add substance to our findings.

Office of the Senior Advisor
Wafaqi Mohtasib's Secretariat
Islamabad

Subject: **Quality of findings**

Reference above subject, the following recommendations are jointly submitted by Mr. Javaid Akhtar Sheikh, Advisor, and Raja Raza Arshad, Senior Advisor:

- i. The number of complaints should be equitably distributed, wherever required, amongst the IOs, keeping in view a manageable number. This will give more time to the overly burdened IOs to investigate the complaints thoroughly and, thereafter, write more comprehensive and logical findings, thus improving the quality.
- ii. The docket contains all the relevant dates, as such it is not necessary to cite them in the text of the finding. This will prevent the typographical errors in the text.
- iii. In the now pertaining to the closure regulation, the entire regulation may be written. This will be useful for anybody, who is not conversant with the regulations of the Wafaqi Mohtasib.
- iv. Regulation 23(1)(b) starts off by stating that the Agency is not at fault. As such, it should be used in the context of the complainant, who has to follow a prescribed procedure for redressal (later part of the regulation). It should not be used in the context of the Agency not following a prescribed procedure. If the Agency does not follow its procedure, then it is guilty of mal-administration. If such is the case, then it negates the opening phrase of the regulation.
- v. Some IOs are closing complaints under 23(1) c by stating "non-prosecution". This may not be appropriate; as non-prosecution means that the legal proceedings have not been initiated. This regulation should be cited when the complainant is absent and the available record is not enough to decide upon the matter.
- vi. The complaint in brief and the complaint subject should be defined by one of the elements of mal-administration, as defined in Article 2(2) of P.O. No.1 of 1983.
- vii. It has been observed that some IOs close a complaint under 23(1)(b), when it should be rejected under 23(3). Closure is done on the basis that the Agency is not at fault, whereas, the position is that the complainant really does not have a complaint.
- viii. The Revised Findings should cite, in the appropriate place, the decision of the Wafaqi Mohtasib exactly as it appeared in the original closure and other findings. If the original findings attracted a closure regulation, then the regulation should be mentioned. Similarly, recommendations of the original findings should be cited.

- ix. Revised Finding should not be closed under 23(1), except when it attracts the provision of regulation 23(1(y)). In the Revised Findings, the original finding can be upheld, modified or rejected. This will entail that the Review Petition is either accepted or rejected.
- x. Revised Finding should not be signed by the original or the current IOs. In doing so, they are defeating the purpose of review.
- xi. IOs should glance through the approved findings before they are issued to the parties to familiarize themselves with the changes made during appraisal.

2. Submitted.

Sd/-
(Javaid Akhtar Sheikh)
Advisor

Sd/-
(Raja Raza Arshad)
Senior Advisor

Senior Advisor (App).

**OFFICE OF THE CONSULTANT (APPRAISAL)
(MUHAMMAD SAQIB KHAN)**

As desired, a draft circular has been prepared based on the guidelines given by HWM, to ensure detail scrutiny, processing of complaints and formulation of findings in line with the instructions issued on the subject from time to time to the Investigating Officers, particularly in pursuance of the judgment of the Lahore High Court in ICA No.196-199/2015.

Sd/-
(Muhammad Saqib Khan)
Consultant (Appraisal)
28.07.2015

Senior Advisor (Appraisal).

OFFICE OF THE CONSULTANT (APPRAISAL)
(MUHAMMAD SAQIB KHAN)
CONSOLIDATION OF COMMON DEFICIENCIES NOTED DURING
APPRAISAL OF FINDINGS/CLOSURE FINDINGS.

The appraisal section of WMS has undertaken regular review and appraisal of findings received from different regional offices. It has been noted that a very large number of findings were deficient in the expression and did not fully comply with the legal framework and instructions issued overtime. The shortcomings are of different nature but common in weak expressions. It has been agreed that a consolidated information sheet may be formulated to serve as a ready reckon that facilitate in pin pointing the shortcomings commonly observed in the majority of findings appraised by the Secretariat during the last years. The major areas of shortcomings have been picked-up and presented in the subsequent section of this note to serve as an` aid for consultation.

1. In a many number of cases the I.Os have not taken trouble to carefully go through (a) Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order 1983 (b) Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013, (c) Federal Ombudsmen Institutional Reforms Act 2013, and guidelines/ instructions issued for time to time for processing of complaints and preparation of Findings particularly that of the additional guidelines circulated on 18.06.2015, in pursuance of the judgment of the Lahore High Court dated 03.06.2015, which provide the entire legal framework for processing and finalization of complaints. Each I.O needs to consult and frequently revisit these laws/regulations to constantly deepen and improve understanding adherence to the regulatory requirements.
2. The format of “Closure Findings” "Findings” "Revised Findings” and Rectified. Findings” for submission of cases to the Wafaqi Mohtasib are not being strictly followed as given in Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulation, 2013 and subsequent instruction on the subject issued from time to time.
3. Findings generally lacked analysis of facts of the case in the light of laws, rules, regulations and applicable instructions. In many cases there is no coherence or flow of the events emerging in the findings which would lead to a logical conclusion for rejection or acceptance of a complaint. There are also gaps and missing links in the proceedings, which need to be incorporated and substantiated in the Findings.
4. A rejection of Findings for not providing relief to the complaint is essentially required to be a "findings" as per format of WMS Form "F-1" as mentioned above. However, it has been observed that in some cases, these rejection findings are submitted by the I.Os as "Closure Findings".
5. Both “Closure Findings" and the "Findings" are sometimes unduly stretched over many pages which loses the focus and is not desirable. These need to be concise and to the point, clearly spelling out relief to be provided or otherwise and better be contained to 1-2 pages.

6. In certain cases, the provision of laws, rules and regulations of the Agency are indicated, but the same provisions are reproduced in many similar cases on “cut and paste” basis. This is not required as specific circumstances of that case (s) would require different treatment and its expression.
7. At times the entire report of the Agency is reproduced in the findings, instead of giving its gist confirming or refuting some or all facts stated by the complainant. The report of the Agency is also repeated again and again while recording hearing proceedings or concluding the complaint.
8. The reference and mention of various steps involved in the investigation process of a complaint are either totally omitted or partially stated in the findings without indicating dates of these steps or communications taken place between this office and Agency or with the complainant or vice versa.
9. In some cases, Findings are not drafted with due care, as structure of the sentences is improper, misspelled and no proof reading after initial drafting.
10. In many cases, the recommended relief to the complainant is not clearly and unambiguously stated with specific time period or to intimate the reasons for non-compliance in terms of Article 11(2) of P.O.1 of 1983.
11. The statement of conclusion lacks the prescribed structure of a Findings as delineated in the WM (Investigation and Disposal of Complaints) Regulations, 2013, a conclusion of 'Recommendatory' Findings must invariably, contain recommendation(s) and a time-line for compliance as stipulated in the model findings, issued on 07.07.2015, in pursuance of judgment of Lahore High Court dated 03.06.2015.
12. The actual compensation claimed by the complainant and that paid by the Agency, have to be indicated, especially with a break-up of the dues with the time period (s) involved.
13. There are also anomalies in the attempt to decide disputed question of fact and law, particularly the actual quantum, of payment to be made, issues which are better to be adjudicated by a court of competent jurisdiction.
14. Most of the finding are being closed under regulation 23(1)(f) and (h) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013. Some have been closed without assigning any time frame for implementation of the "agreement" reached with the complainant by the representative of the Agency or the "undertaking" given by the representative of the Agency during the hearing to redress the grievance. Without assigning a time frame, the Closure Findings are a loose "undertaking" to redress grievance of the complainant do not bind the Agency to honor such an “agreement” within a time limit. As such, the case remains inconclusive and the grievance of the complainant tends to re-emerge in many cases, in the time to come. Timeframe is crucial and for which instruction has already been circulated vide this office Circular No.2 (1) WMS/Adv(A)Policy/Cir/2010 dated 03.08.2010.
15. In a number of "Closure Findings", the “Closure type” under Regulation 23 (1) of above regulations, the application of appropriate clause is not given. In fact, corrections were made in all such findings as well as in the covering list by

16. inserting correct sub-clause of the regulations. It needs to be ensured that such omissions do not reoccur.
17. In a quite sizeable number of cases, where the grievance of the complainant has been redressed after the intervention of Wafaqi Mohtasib, these cases have been closed in terms of Regulation 23 (1)(g) of the (Investigation and Disposal of Complaints) Regulations, 2013, on the ground that after redressal the complainant has withdrawn his complaint. This is absolutely out of order. As the grievance of the complainant has been redressed upon/after the intervention of this Secretariat and be only closed under Regulation 23 (1)(e) of above regulations.
18. Wherever the grievance of the complainant has been redressed after intervention of the Wafaqi Mohtasib Secretariat, the words grievance “rectified” has been used. It would be advisable that instead of the word rectified the “redressed” is used in the case where relief has been provided to the complainant.
19. Under Regulation 12 (5) of the Wafaqi (Investigation and Disposal of Complaints) 2013, the complaint is required to be sent to the Agency for submission of a report and on receipt of that report same is to sent to the complainant for his rejoinder under Regulation 12 (5) ibid before proceeding with hearing of the case. None of the above closure findings expressly mention that this process/ procedure has been adopted.
20. The closure findings are finalized under 23 (1)(a) to (z)of above Regulation which start with the following sentence: -
 - a. "The investigation of complaint shall, with the approval of the Mohtasib, be closed when it is found that” if any of the condition given at Regulation 23 (1) (a) to (z) existed in a certain cases (s) meaning thereby that it is the process of investigation of compliant which is to be closed. However, in almost all the closure findings, the last paragraph concludes with the words that the complaint is closed in term of "OR" it is closed in term of" which is not in order in the light of above quoted regulation.
21. While commenting upon the examination of record/report related to complaint sent by the Agency or the complainant, the word “diagnoses of report /record /document” or the report / record/ document was diagnosed" has been used in some of the “Closure Findings”. This is not a proper term to be used for examination of a report of record or a document in normal official parlance. Proper words in this context which could be appropriately used are “perusal” or “analysis” or “examination” or “scrutiny” of report/ record/ documents. The word diagnoses are primarily used for the diagnosis of disease or ailment or a problem.
22. In a number of cases, the following words have been used in the context of submission of report by the Agency: -
 - a. “which is obtained POF”
 - b. This does not convey any meaning. Consequently, in all such cases where the above words appear these have been deleted by applying white fluid in none of above “closure findings” in the column “date of dispatch of draft findings” has been mentioned. This column has been left blank and required to be filled completed.

23. It has been observed that most of the cases have been closed in a one “Closure Findings” combining the cases of identical nature in that one findings. For example, 41 cases of unjust billing of SEPCO, Sukkur, being of identical nature have been clubbed together in one closure finding and disposed off as “consent findings”. Under Wafaqi Mohtasib Secretariat, (Investigation and Disposal of Complaints), Regulations 2013, there is no such format providing for clubbing of the cases of identical nature in one closure finding. The clubbing of such cases are not desirable, need to be avoided and that each case be dealt on its own merit and circumstantial evidence is not available or complainant does not respond to its “Rejoinder” OR ‘Hearing notice” the case may be decided Ex-parte on the basis of available evidence.
24. In almost all the cases, the I.O has not sent the report of the Agency to the complainant for REJOINER, which is clearly in contravention of Regulation 15 of the Disposal of Complaints, Regulations, 2013. This step cannot be skipped for speedy finalization of case, as clearly against the principle of justice and equity.
25. The "Revised Findings" are not drafted in line with the instruction contained in Regulations 26 and on the format as set out in Form F-VI for review under clause (2-A of Article 11 of P.O.1 o1 1983. The instructions issued by this Secretariat overtime are to be fallowed in letter and spirit.
26. The hearings of the cases are prolonged and stretched more than 2-3 in pursuit of finalization of case to provide relief to the complainant. These cases are unduly delayed and not finalized within give time limit. This needs to be restricted up to ½ hearings. This may be adopted as a matter of principal. In case, one of the parties does not attend the first or second hearing, ex-parte decision should be taken on the basis of available record/evidence.
27. All the pages of findings are required to be signed by the I.O and the appraising officer and duly stamped. This has been found missing in some cases.
28. It has been observed in some cases that the findings are appraised by the same Investigating Officer, which is not in conformity with the prescribed code of conduct and against the relevant instruction. The appraisal needs to be done independently by an officer(s) who have not been involved in the investigation process of the same cases.
29. It has been observed that the Agency, at the initial stage, had imposed fine in millions of rupees, but when this Secretariat's intervened under the refuge of this Office. This only reflects hollowness of the process of investigation needs through investigation.
30. It has been observed that the Agency, in certain cases, failed to specifically mention the charges against the complainant and to justify the basis for imposing the fine and subsequently, without taking due care of the legal requirement and the process involved, took hasty U-turn in giving the relief without affording any justification and statement of reasons. This makes the whole process of the Agency doubtful and less objective, thereby causing loss of millions of rupees to national exchequer and affecting the credibility of the Agency.

31. It has been noticed that in the cases relating to BISP, the IO has recommended relief to complainants on the plea that the Agency commits maladministration by not disclosing Proxy Means Test (PMT) formula determining the eligibility of an applicant of financial assistance under the said Programme is to be, rejected, as it is Government Policy to develop a suitable criterion and the function of this office to only ensure against discrimination in the applicability of that criterion. Moreover, only ensure against discrimination in the applicability of that criterion. Moreover, disclosure of the PMT formula, so developed may open up a Pandora's Box for an influx of complaints that may disrupt the modus-operandi of BISP which deals with millions of such cases.
32. The complaints, relating to post retirement pension benefits and in service claims, should be processed in pursuance of the instruction contained in this Secretariat letter dated 28th July, 2015.
33. It has been observed that the word "Forum" is used for the Office which is not desirable. It is advisable that the word "Office" as mentioned In the Establishment of Office of Wafaqi Mohtasib President Order No.1 of 1983, may be used instead of "Forum" for which necessary instructions have already been issued vide No.(I) A.S (C&D) 2014 dated 09.04.2014.
34. It has been noted that some of the findings could have been hit in limine under Article 10 (2) of P.O.1 of 1983 and closed in terms of Regulation 23 (1) (I) of Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013, being time barred, but this has not been done. It was too late for this Office to invoke the said regulation and rejected them at that stage. However, to avoid any such cases be made g the Registrar at the very initial stage. In case of oversight, it should be pointed out in the investigation phase and decision taken in keeping with the law/regulations and facts / circumstances of the case.
35. The language expressed in the findings may be revisited to maintain decorum and official versions commensurate with the status of the authority to whom it is submitted.
36. In case the complainant is not satisfied with the findings/closure findings of the Wafaqi Mohtasib Secretariat, he can always prefer a review petition against that finding as is permissible under Section-13 of the Federal Ombudsmen Institutional Reforms Act 2013.
37. In case where "Mal-administration" is established, the applicable part of Article 2(2)(i) or (ii) of P.O.1 of 1983, should have been referred to indicate its nature. If "Mal-administration" is not established, the complaint should have been rejected but with reference to Regulation 23 (3) of Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013. The applicability of the said Articles/Regulations have been found missing in some findings, and to be made up accordingly.
38. The concluding paragraph of the revised findings needs to be specific with time-frame for implementation of recommendations. It also needs to be mentioned that, in case, the Agency/Complainant still feels aggrieved of the final recommendation,

and prefer to go for representation to the President, under Article 32 of P.O. 1 of 1983, within 30 days of the receipt of a copy of the final recommendations.

39. It is generally noted that the Agency is represented by junior level official i.e. office assistant/clerk, who are neither competent to make commitment on behalf of the Agency nor are they familiar with the insight and intricacy of the cases. This practice needs to be discouraged strictly and the Agency represented by an officer not below the level of 17-18.
40. The grammatical flaws, lack of clarity due to poor syntax and rules of "Direct and in direct speech" have been observed in the findings.

It is hoped that the above list shortcomings would be functionally used in the investigation and appraisal process to set higher tone for brevity of meaningful expressions in the search for truth and fairness. It is aimed at improvement with uniformity and standardization of expressions. Hopefully, this will facilitate to enrich and enhance understanding overcome some of the commonly referred omissions and glitches.

Sd/-
(Muhammad Saqib Khan)
Consultant (Appraisal)
13.04.2016

SENIOR ADVISOR (APPRAISAL)

Subject: **GUIDELINES FOR FINDINGS DATED 20.11.2016**

A meeting of the Appraisal Team was held under the Chairmanship of Mr. Ejaz Ahmad Qureshi, Senior Advisor (Appraisal), to discuss the issues arising out of the situation emerging from the advice tendered jointly by the Attorney General and Minister for Law and Justice to the president's Secretariat and minutes of the meeting dated 20-11-2016 under Hon'ble Wafaqi Mohtasib.

After detailed deliberations, the following recommendations were made: -

1. All the findings (each page) are to be signed and stamped by the Investigating Officers concerned and the Appraisal Officers (both at the Head Office as well as Regional Offices) before submission to the Hon'ble Wafaqi Mohtasib for approval, all cases in the pipeline would be returned to the IOs for re-submission through postal / courier service with original signatures (in blue ink) and stamp.
2. In cases in the pipelines where there are no financial or legal implications, the condition of original signatures/stamp may be waived and the Hon'ble Wafaqi Mohtasib may sign those findings in respect of only pending cases.
3. The cases pertaining to Head Office, which are with original signatures and have already been vetted / re-vetted, are being submitted to Hon'ble Wafaqi Mohtasib for signature after additional scrutiny by Senior Advisors (Appraisal).
4. As the findings are to be appraised with due diligence, 30 findings per day per appraiser would be the benchmark. However, there would be no relaxation of prescribed time limit for disposal of complaints.
5. In all cases of gas relating to SNGPL and SSGC, complainant be informed through a letter to be drafted by the Legal Wing as the jurisdiction of the Wafaqi Mohtasib Secretariat has been ousted with the promulgation of Gas (Theft Control and Recovery) Act, 2016, enacted on 23-03-2016 and President's decision dated 01-09-2015 in complaint No. P/589/15 on the findings of HWM dated 21-09-2015. This is subject to the advice of Legal Wing by 24-11-2016.
6. All cases relating to Service matters; time barred cases; cases subjudice in Courts of competent jurisdiction or a Tribunal or a Board; case involving industrial, commercial and utility contracts requiring lengthy investigation or recording of evidence and cases forbidden in law should be returned through regret letter to be drafted by the Legal Wing, and issued by designated officers Incharge of scrutiny before admission.
7. It is not possible to complete the re-vetting of all the pending findings by Friday i.e 25th November, 2016 in view of the number of cases (around 9000) and the requirement of signing of each finding afresh by IOs and submission by post or courier service. A minimum of three weeks will be required to complete this exercise.

8. The cases involving an amount over Rs. 100,000/- should be submitted in a separate folder. Senior Advisors (Appraisal) will ensure thorough scrutiny. Similarly, cases closed under different regulations (such as e, f, h, etc.) should also be submitted in separate folders for facilitating HWM. This may be done by the Office of DCO.
9. The findings (relief, rejected/revised) should be drafted in the light of guidelines already issued on 18-06-2015 and 07-07-2015 and the new guidelines, dated 22-11-2016. Senior Advisor Mr. Qureshi will vet the drafts before issue.
10. As already circulated vide F. No.2(1)/WMS/Adv(A)/Policy/Cir/2010, dated 3rd August 2010 in cases where the Agency undertakes to give consent to provide relief to the complainant, investigation proceedings in such cases should be concluded with recommendations for implementation within a specific time limit as committed.
11. In case a complainant still files a review petition against such cases closed under Regulation 23(1)(f) and (h), the Registrar Office should send such a review petition directly to the Implementation Wing instead of treating it as a review petition.
12. Investigation Officers should not process cases relating to policy matters and academic standards of educational institution or those of other organizations dealing with registration of professionals such as doctors, engineers etc. as already circulated vide no.6(28)/WMS-Coord.2016, dated 3rd June, 2016.
13. As per policy of NADRA change in date of birth is only allowed if difference of age is less than 05 years. The change in date of birth is also not allowed if the complainant is over 45 years' age and for this the complainant is required to approach a court of competent jurisdiction for a decree. IOs may strictly enforce this policy of NADRA.
14. Draft regret letter may be provided to the concerned officers in respect of 12 and 13.
15. The above guidelines shall also apply to SCR cases.

OFFICE OF THE SENIOR ADVISOR APPRAISAL / NCC

F. No. 1(2)/Snr. Adv. App/2017

Islamabad, the 20th October, 2017

Subject: APPRAISAL OF FINDINGS

In the monthly review meeting dated 10th October, 2017, the undersigned gave details of common deficiencies and weaknesses notices during appraisal. These were duly approved by the HWM vide minutes No. 18(1)/WMS/Coord/2017 dated 18th October, 2017 for circulation to all IOs and ROs for strict compliance. These are:

1. Types of Findings should be in the Formats prescribed in the Regulations, 2013. Templates of Findings are available on CMIS.
2. Findings should be a "Speaking Order".
3. Arguments of parties and IO's own assessment must be clearly stated.
4. Cut and paste must be avoided.
5. Text of Closure Regulation must be stated.
6. For electricity and gas cases, amount must be mentioned.
7. If the investigation is inconclusive in the first hearing, another chance for hearing be given to both parties to avoid summary closure.
8. Findings must be in simple English. Grammatical and spelling mistakes must be avoided.
9. Gender (he or she in the text) must correspond with the gender of the complainant.
10. It must be mentioned whether the Agency followed its policy, rules and procedures and whether mal-administration was established.
11. These must be no deliberate concealment of facts.
12. In sub-judice cases, Findings should no contain discussion on merits.
13. The Findings should not go into the merits of the case is IOs find that it is beyond the jurisdiction of the Wafaqi Mohtasib.
14. Findings must be based on accurate observations, clear thinking, meaningful analysis and rationally drawn conclusions. Recommendations should be clear and implementable.
15. If the Agency is found evasive in responding to the allegations, the fact should be incorporated in the Findings.
16. Complaints relating to academic standards, policy matters, or those beyond Wafaqi Mohtasib mandate should be rejected.
17. Due care and caution should be exercised while recommending closure and proper regulation should be applied.

Sd/-

**(Ejaz Ahmad Qureshi)
Senior Advisor**

Copy to:

1. All Regional Heads, Wafaqi Mohtasib Secretariat
2. All IOs / Advisors at Head Quarter, WMS
3. PS to HWM
4. PS to Secretary WMS
5. DCO

**WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD**

No.6(29)WMS/Coord//2017

Islamabad the 14th November, 2017

OFFICE ORDER

In the monthly review meeting held on 10.11.2017, the Honourable Wafaqi Mohtasib was pleased to direct, inter-alia, that: -

- a) Each I.O should ensure that at least 80 complaints are disposed of by him every month. In case of lesser number, he will send a justification, in writing to the office of the HWM.
- b) The Regional Heads should ensure that the cases allocated to each I.O range from 150 to 200 to enable him to dispose of at least 80 cases each month.
- c) Each Appraising Officer at the Head Office as well as in the Regional Office at Lahore and Karachi should ensure that on average 50 cases are duly appraised by him per day.
- d) All I.Os at the Head Office and in the Regional Office should ensure that the deficiencies pointed out in their Findings by the Appraisal Wing are duly addressed; and such deficiencies do not recur in future to avoid unnecessary burden on the Appraisal Wing and delay in approval of Findings.

Sd/-
(Aijaz Hussain Lone)
Director General (Coord)

Distribution:

1. All concerned officers in WMS, Islamabad.
2. All Regional Heads.
3. Assistant Registrar-II

Copy for information to:

1. P.S to HWM
2. P.S to Secretary
3. A.P.S to Senior Advisor / NCC
4. A.P.S to Addl. Secretary (Coord)
5. P.S to A.S (Admn)

Wafaqi Mohtasib (Ombudsman)’s Secretariat
Islamabad

Islamabad the 23rd January, 2018

Subject: **STANDARD OPERATING PROCEDURE (SOP) FOR SUBMISSION OF FINDINGS.**

The following Standard Operating Procedure (SOP) for preparation and submission of Findings is circulated for the information and compliance of all I.Os and Appraising Officers at the Head Office, as well as the Regional Offices:

Opening Part of the Findings

- i. Before investigating a case, the I.O needs to carefully go through and frequently re-visit;
 - a. Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order 1983
 - b. Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013; and,
 - c. Federal Ombudsman Institutional Reforms Act, 2013.(all the document are available on the website of the WMS i.e. www.mohtasib.gov.pk under the caption of Legal Framework. All investigation should be carried out in the light of these laws/regulations.
- ii. Types of Findings should be in the Formats prescribed in the Regulations, 2013. Templates of Findings are available on CMIS.
- iii. Dates mentioned in the complaint as well as in the Report of the Agency should be correctly incorporated.
- iv. Number of hearings mentioned in the docket must correspond, in chronological order, with the dates of hearings mentioned therein.
- v. Information in the docket of the Findings should be error free and must not be reproduced in the narrative part of the Findings to avoid discrepancies in dates, names etc.
- vi. Subject of Findings should be such that it identifies the nature of mal-administration e.g. misuse of authority, delay, inaction or inefficiency etc. Other examples of similar such words are given in the definition of the word “mal-administration” in Article 2(2) of P.O. No.1 of 1983.

No investigation should be carried out in case it is learnt that the case was sub-judice. In such cases, Findings should not contain any discussion on merits of the case.

- vii. The Findings should not go into the merits of the case if the I.O finds that it is beyond the jurisdiction of the Wafaqi Mohtasib; and no hearing should be held where it is learnt that the subject matter of the complaint is being or has been adjudicated by a court of competent jurisdiction. The case should be simply closed under the relevant regulation without discussing the merits of the case.
- viii. Complaints relating to academic standards & criteria, policy matters, or those beyond Wafaqi Mohtasib mandate should be rejected.
- ix. Unnecessary background information should not be given in the opening part of the Findings. However, in electricity and gas cases, amount of relief claimed, units, billing month etc. must be mentioned.

- x. Clubbing of findings may be done at pre-hearing stage subject to the following conditions:
 - a) The Investigation Officer is the same
 - b) The Agency is common.
 - c) The cause of action is similar.
 - d) The conclusion drawn after the hearing is also common.
 - e) The regulation applied for closure of further investigation is the same.
 - f) Clubbing may not be done of more than ten complaints and clubbed Findings may not be lengthy. However, they should state the complaints, reports of the Agency, arguments at the time of hearing and the reason for closure with absolute clarity. The nature of mal-administration must be highlighted.
 - g) Complaints where closure is under Regulation 23(1)(f/h), or Relief Findings may not be clubbed together in one Findings.
- xi. Name and designation of the representative of the Agency must be mentioned in the docket, below the “Number and Dates of Hearings”.

Report of the Agency / Rejoinder

- i. Report of the Agency must be obtained. If it failed to submit the same, a hand written report in this regard may be obtained from the representative of the Agency attending the hearings.
- ii. Only gist of the Agency’s Report should be mentioned with clarity in the Findings, just below the complaint, instead of reproducing it entirely verbatim in the Findings. The report should not be repeated in various parts of the Findings.
- iii. If the Agency is found evasive in responding to the allegations, the fact should be incorporated in the Findings. No question raised in the complaint should remain unanswered by the Agency.
- iv. Agency’s Report must be sent/give to the complainant for submission of his rejoinder.

Hearing Proceedings

- i. Any officer below the level of BS-17 or 18 must be discouraged from attending the hearing.
- ii. If the investigation is inconclusive in the first hearing, another chance for hearing be given to both parties to avoid summary closure.
- iii. The stance of the complainant against the report of the Agency should be given candidly in the Findings instead of mentioning the report of the Agency only.
- iv. The Findings must quote the rules/regulations violated by the Agency and the ones under which it commits, if it does, to provide relief to the complainants.
- v. In case of the disputes pertaining to detection billing, reports of the M&T or the Surveillance & Investigation team should be invariably seen during the hearing. Besides, comparison of the consumption data of the detection as well as the pre and post detection period must be obtained and incorporated in the Findings.
- vi. Every effort should be made to dispose of complaints through mediation; and signatures of the complainant and that of the representative of the Agency should be obtained on the Order Sheet / file as a token of the agreement reached during the hearing. The Agreement should be clearly described with time frame for implementation.

Findings

- i. Cut and paste should be avoided.
- ii. The case should not be closed only on the Agency's report. Arguments of both parties and IO's own assessment of the situation must be clearly incorporated.
- iii. Findings should be a "Speaking Order"; and couched in a language commensurate with the requirement of politeness and decency that characterize the tone and tenor of official communications. However, recommending action against any delinquent official should be appropriately worded to retain the desired effect.
- iv. Findings must be based on accurate observations, clear thinking, meaningful analysis and rationally drawn conclusions. Recommendations should be clear and implementable.
- v. It must be mentioned whether the Agency followed its policy, rules and procedures and whether mal-administration was established.
- vi. Findings must be in simple English with proper syntax. Grammatical and spelling mistakes should be avoided. Gender (he or she in the text) must correspond with the gender of the complainant.

Concluding Para / Recommendations

- i. Recommended relief to the complainant should clearly and unambiguously be stated with specific time period for implementation, or to inform the WM of its reason for noncompliance, in terms of Article 11(2) of P.O. No.1 of 1983. It may be simultaneously recommended to the Agency to adopt proper procedure / rules / regulation, which were violated by it, resulting in mal-administration which caused the complaint.
- ii. Due care and caution should be exercised while recommending closure; and proper regulation should be applied.
- iii. In all cases where gross mal-administration on the part of the Agency is observed the I.O must not hesitate in recommending an inquiry and disciplinary action against the delinquent official of the Agency concerned.
- iv. It should be recommended to the Agency to take steps to ensure that mal-administration cited in the Findings does not recur in the future.

General Instructions

- i. There must be no deliberate concealment of facts.
- ii. Text of Closure Regulation must be stated in all Closure Findings.
- iii. The rationale for the I.O's conclusion that the Agency was not at fault must be clearly given in all those Closure Findings where further investigation is recommended to be closed in terms of Regulation 23(1)(b) of I&DC Regulations, 2013.
- iv. Findings in all complaints which are proposed to be rejected under regulation 23(3) must be drafted on either of the formats as set out in form F-1 instead of preparing Closure Findings under regulation 23(1)(b) on Form E-1.
- v. Each page of the Findings should be initialed by the I.O. concerned as well as the Appraising Officer.

- vi. All complaints of gas and electricity billing involving amount over Rs. 1 lac will be sent to NEPRA / OGRA for appropriate action. Not time limit will be mentioned as those Agencies have to follow their own law.
- vii. The thrust of investigation into any complaint should be to determine the nature and level of mal-administration where it occurs.
- viii. I.Os shall NOT get into calculation of tariff, determining the chargeable units etc. for which the proper forums are NEPRA / OGRA and the relevant authorities. If mal-administration in billing process is established, the Agency should be advised to take corrective steps within its powers.
- ix. Observations and corrections made during appraisal must be noted for future avoidance.
- x. Before dispatching the approved Findings to the parties, I.O must see the same to note the amendments made in ink.

Sd/-
(Ejaz Ahmad Qureshi)
Senior Advisor (Appraisal)/NCC

Distribution:

All Investigation Officers at Head Office and Regional Offices.

Copy with compliments to:

1. HWM
2. Secretary WMS
3. Additional Secretary Admn
4. Additional Secretary Coordination

Wafaqi Mohtasib (Ombudsman)'s Secretariat

Islamabad

No. 6(29)WMS/Coord/2018

13th April, 2018

Subject: **STANDARD OPERATING PROCEDURE (SOP) FOR DISPOSAL OF FINDINGS**

Reference Wafaqi Mohtasib Secretariat Standard Operating Procedures (SOPs) for submission of findings circulated vide letter, dated 23-01-2018.

2. In order to closely monitor the disposal of Findings and tracking those down especially during the process of appraisal and approval, the following Standard Operating Procedures (SOPs) are circulated for information and strict compliance by all concerned at the Head Office as well as the Regional Offices:

Submission of Findings

- i. All I.Os in the Regional Offices will ensure that after completion of investigation in the complaints assigned to them draft Findings are prepared within 35 days of the receipt of the complaint.
- ii. In the case of Karachi and Lahore, where Appraising Officers are designated, the draft findings may be submitted to the designated Appraising officer by 35th day of receipt of the complaint. In the case of the Regional Offices the I.Os may forward the draft findings directly to the Head Office by 35th day of receipt of the complaint.
- iii. The designated Appraising Officer(s) in Karachi and Lahore will appraise the Findings and return the same to the concerned I.O. after putting his initials thereon. The entire process of appraisal in the Regional Offices will be completed within 5 days.
- iv. The I.O. concerned will upload the appraised Findings on the CMIS and ensure that the duly initialed hard copy of the Findings along with the auto-generated covering list, duly signed and stamped by him, are forwarded through courier to the DCO at Islamabad within two days.
- v. On receipt of the hard copies of the Findings from the Regional Offices, DCO will submit those to the designated Appraising Officers in the Head Office within two days for appraisal.
- vi. The Appraising Officers in the head Office will appraise the assigned Findings within 05 days and submit the same through the CMIS to the Senior Advisor (Appraisal). They will simultaneously submit the hard copies thereof, duly initialed by them, along with the auto-generated covering list to the Senior Advisor (Appraisal).
- vii. The I.Os in the Head Office will also submit the initialed hard copies of the Findings along with the auto-generated covering list duly signed and stamped by them to the DCO by the 35th day of the receipt of the complaint.
- viii. The procedure outlined at v & vi above will be followed in respect of the draft Findings pertaining to the Head Office.
- ix. The Senior Advisor (Appraisal) will submit all vetted Findings to the HWM for approval / signature within two days.
- x. The Office of the HWM will return the approved / signed Findings to the DCO within two days.

- xi. The DCO will scan and enter the approved findings in the CMIS and dispatch, through courier, hard copies of all Findings to the respective I.Os. in the Regional Offices within two working days. Similarly, The Findings pertaining to the Head Office will also be scanned and handed over by him to the concerned I.Os within two days.
- xii. The I.O. concerned in the Head Office as well as the Regional Offices will issue the Findings to the complainant and the Agency concerned within a day by taking out a print of the approved Findings, scanned and uploaded by the DCO, without waiting for the hard copy of the Findings.

General instructions

- In all returned cases, the I.O. concerned will ensure that the returned Findings are amended as per observations approved by the HWM. He will resubmit the amended Findings along with observations within two days directly, in a separate folder, to the Appraising Officer concerned at the Head Office under intimation to the DCO. In no case the Findings of the returned cases should be mixed with the other drat Findings.
- The office of the HWM will forward all approved / signed Findings to the DCO through the diary. However, if the HWM marks the Findings again to the I.O. concerned for some clarification, the office of the HWM will still route the Findings through the DCO who will duly enter the movement of the Findings in the CMIS. The office of the HWM will keep a record of such cases.
- In all cases where the HWM refers back a Finding with certain observations to the Senior Advisor (Appraisal), the Office of the HWM will ensure that the particular case is detached from the folder and forwarded to the Senior Advisor (Appraisal) through the DCO along with a copy of the covering list.
- A folder and the covering list should not contain more than 25 Findings.
- In any note from the Appraisal Wing is attached to a folder containing approved Findings, the same should form part of the record in the CMIS.

Sd/-
(Aijaz Hussain Lone)
Director General (Coord)

Distribution:

1. All Investigation Officers / Appraising Officers at Head Office and Regional Offices.
2. DCO.

Copy to:

1. P.S. to HWM
2. S.P.S to Secretary WMS.
3. A.P.S. to Senior Advisor / NCC
4. P.S to A.S. (Admn)
5. A.P.S to A.S (Coord)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No.8/13/2016-E-2

Islamabad, the 17th April, 2018

OFFICE MEMORANDUM

Subject: **REVISION OF PRIME MINISTER'S ASSISTANCE PACKAGE FOR FAMILIES OF GOVERNMENT EMPLOYEES WHO DIE IN SERVICE**

The undersigned is directed to refer to the above noted subject and to state that the Prime Minister has approved that: -

“The condition to apply for employment within one year under the Assistance Package as notified by the Establishment Division vides O.M No. 8/10/2000-CP-1 dated 6th August, 2004 and O.M No. 4/1/2005-CP-1 dated 13th April, 2005 is amended to the extent that: the widow/widower or a child of a civil servant who dies during service may be entitled to apply for contract appointment as per maximum age limit prescribed for Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993”

3. All Ministries / Divisions are requested to ensure circulation of the above mentioned amendments to their attached departments and sub-ordinate offices under their administrative control for implementation in letter and spirit.

Sd/-
(Muhammad Ijaz Khan)
Section Officer (E-2)
Tele# 9103653

**All Secretaries / Additional Secretaries Incharge,
Ministries/Divisions, AG, CGA, AGPR, MAG, Islamabad / Rawalpindi.**

Copy to:

- i) Deputy Secretary (Admn), Establishment Division, Islamabad
- ii) Deputy Secretary (CP-5), Establishment Division, Islamabad
- iii) All officers of the Establishment Division.

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No. 8/13/2016-E-2

Islamabad, the 11th June, 2018

OFFICE MEMORANDUM

Subject: **REVISION OF ASSISTANCE PACKAGE FOR THE FAMILIES
OF GOVERNMENT EMPLOYEES WHO DIE IN SERVICE.**

The undersigned is directed to refer to the subject noted above and to say that the Prime Minister has been pleased to approve that the

“Claims arising during the period between 15-06-2013 and 09.02.2015, while the assistance package dated 20-10-2014 was in the field, have to be processed in accordance with the law and rights created under this package”.

2. The cases of Assistance Package falling under the above stated decision can be submitted to Finance Division for consideration of funds provision through re-appropriation / Supplementary grants through respective FAs.

3. All Ministries/Divisions are requested to ensure circulation of the above mentioned decisions to their attached departments and sub-ordinate offices under their administrative control for implementation in letter and spirit.

Sd-
(Muhammad Ijaz Khan)
Section Officer (E-2)
Tele# 9103653

All Secretariat/Additional Secretariat Incharge,
Ministries/Divisions, AG, CGA, AGPR, MAG, Islamabad/Rawalpindi.

Copy to:

- i) Deputy Secretary (Admin), Establishment Division, Islamabad.
- ii) Director (IT), Establishment Division, Islamabad.
- iii) All officers of the Establishment Division.



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
36-Constitution Avenue, G-5/2, Islamabad
Phone NO; 051-9217213 - Fax: 051-92174224

No. 1(1) ASC/WMS/2018

Islamabad, 6th September, 2018

Subject: **CASES CLOSED UNDER REGULATIONS 23(1)(B)(E)(G) AND (Z)**

Reference letter of even number dated 08-06-2018 on the above noted subject.

2. The following instructions are being re-circulated for strict compliance please: -
- a. All cases closed under Regulation 23(1)(b) may be sent to the I.Os for re-investigation under clause 23(2), if the formalities have been completed and the Agency has not processed the complaint in accordance with the rules: or
If the applicant is not satisfied with the recommendations for the investigation; the applicant can go for review. It will be exempted from being time barred under Article 10(3) of the P.O. NO. 1 of 1983.
 - b. In cases closed under Regulation 23(1)(e), the I.Os to ensure that the report of the relief provided is placed on record before disposing of the case. If the relief is not extended to the complainant as reported, the I.O may call the Agency and ensure that orders in the report are complied with. The fresh application will not be shown as pending liability of the concerned I.O on the CMIS data.
 - c. In cases where the complaints are closed under Regulation 23(1)(g) and the complainant approached again this office, the application of the complainant may be considered as review petition; these cases may not be rejected in limine being time barred in accordance with the previous order of the HWM under Article 10(3) of the P.O. NO.1 of 1983.
 - d. All cases closed under Regulation 23(1)(z) be reviews on case to case basis for implementation
3. The Registrar is also requested to ensure that whenever the applications are received from the complainants these are referred to the Investigation Officer in accordance with the above instructions.

Sd/-
(ABID HUSSAIN)
Additional Secretary (Coord)

All Investigating Officers at Head Office
All Regional Heads of Regional Offices
All Implementation Officers of Regional Offices
The Senior Advisor (Law), WMS, Islamabad.
The Registrar, WMS, Islamabad
The Assistant Registrar-I
The Assistant Registrar-II
Copy to:-

P.S to HWM
SPS to the Secretary, WMS.

**WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD**

No. F.1/1/PS/WMS/2018

Islamabad, the 17th September, 2018

Subject: **Additional Guidelines for Processing of Complaints and Preparation of Findings**

The guidelines have been issued from time to time for processing of complaints and preparation of findings. It has been observed that some Investigating Officers are not following these guidelines in letter and spirit.

2. The Honourable Wafaqi Mohtasib has taken serious note of its and has directed that the guidelines issued from time to time in this regard should be strictly followed including the under mentioned relating to jurisdiction of Wafaqi Mohtasib (Ombudsman) in the matter:

- a) Subject of Finding should identify the nature of mal-administration e.g. misuse of authority, delay, inaction or inefficiency etc. Other words and expression used in the definition of the word "mal-administration" in Article 2(2) of P.O. 1 of 1983 may also be used instead of using the words and expressions like inflated billing; non-provision of gas connection; non-inclusion of assignment marks; refund of fee and so on and so forth.
- b) The investigation into any complaint should be confined to determine the nature and level of mal-administration and where mal-administration is involved, the particular act(s) of mal-administration as defined in Article 2(2) of the P.O. 1 of 1983 should be specifically be reflected in the findings which entails jurisdiction of Wafaqi Mohtasib (Ombudsman).

Explanation: -

The acts of mal-administration as defined in Article 2(2) of P.O. 1 of 1983 inter alia include the action of the Agency,

- i. Contrary to law, rules, regulation;
 - ii. Arbitrary, unjust, discriminatory;
 - iii. Based on irrelevant grounds;
 - iv. Refusing to provide due relief for certain reasons such as corruption, nepotism and administrative excesses etc.; and
 - v. Neglect, inattention, delay etc. in discharge of duties.
- c) Instead of issuing orders to the Agency, recommendations be issued to the Agency to deal with a particular complaint with a specific action in terms of relief.

**Sd/-
(Ejaz Ahmad Qureshi)
Senior Advisor (Appraisal)**

1. All Investigating Officers, Head Office and Regional Offices
2. P.S to HWM
3. S.P.S to Secretary

**WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD**

No. 6(29)WMS/Coord/2018

Islamabad, the 7th January, 2019

Subject: **PROCEDURE FOR RE-SUBMISSION OF FINDINGS RETURNED
ON THE OBSERVATIONS OF APPRAISING OFFICERS.**

In the monthly review meeting held on 10-09-2018 under the chairmanship of Honourable Wafaqi Mohtasib, it was, inter alia, decided that in future findings returned on the observations of Appraising Officers shall be submitted by the Investigation Officer concerned to the same Appraising Officer through DCO for re-appraisal. It has, however, been noted that this is not being followed by the Investigating Officers.

2. As directed by the Honourable Wafaqi Mohtasib, it is reiterated that in future findings returned on the observation of the Appraising Officers should be resubmitted by the Investigating Officers to the same Appraising Officer through DCO for re-appraisal.

3. The above instructions may be followed strictly.

Sd/-
(Aijaz Hussain Lone)
Director General (Coord)

Distribution

1. All concerned officers in WMS
2. All Regional Heads.

Copy for information to:

1. P.S. to HWM
2. S.P.S to Secretary WMS
3. S.P.S to Senior Advisor / NCC
4. S.P.S. to Senior A.S. (Admn)
5. S.P.S to Senior A.S. (Co-ordination)
6. S.P.S to Senior D.G (Admn)
7. P.R.O.
8. Incharge Facilitation Cell.



FEDERAL OMBUDSMAN

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
36-Constitution Avenue, G-5/2, Islamabad
Phone NO; 051-9217213 - Fax: 051-92174224

No. 1(1)WMS-Ad(A)/19

Islamabad, 21st March 2019

Subject: **DEFICIENCIES IN FINDINGS**

It has been noted that many findings related to process of billing suffer from deficiencies such as: -

- i. The actual billing period under dispute and the amount of the alleged exorbitant bills is not incorporated in the findings.
 - ii. The findings do not clearly indicate whether any comparison of the consumption data was carried out during the hearing to determine if there was any variation in the monthly consumption of the complainant during the billing period under dispute and the corresponding period of the preceding year so as to check the veracity of the complainant's allegation of exorbitant billing.
 - iii. The findings also do not usually indicate whether the Agency has finally replaced the defective meter of the complainant with a healthy one to prevent any erroneous billing in future.
2. All the Investigating Offices, Regional Appraisers and Appraising Officers at Headquarters need to take note of the above for future guidance while dealing with the cases of process of billing.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor (appraisal)

All I.Os/Regional Appraisers/Appraising Officers at Headquarter

WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD
CIRCULAR

No.1(1)/Senior Advisor/NCC/App/2019

Dated: 15-07-2019

Subject: **Processing of Pakistan Post Office Cases Automatically Transferred from the Complaint Handling System of the PPO to the CMIS of the WMS.**

It has been observed that in the context of the complaints transferred automatically from the Complaints Handling System of the PPO to the CMIS of the WMS after 30 days of their registration with the PPO, the IOs dealing with the cases have been recommending closure of further investigation under Regulation 23(1)(d) or 23(1)(e) of the I & DC Regulations, 2013. In majority of these cases the complaints are reported to have been resolved will before the date of registration of the complaints with the WMS. However, a deeper look into the cases have revealed that the position was entirely different and, consequently, the findings were not found to be in order. In fact, what needs to be figured out is that on what date the complaint was lodged with the PPO and on what date the items / parcels were actually registered for dispatch. These dates should then be compared with the date of receipts of those items/articles by the addressees to see whether any element of delay was involved and, if so, the fact should be highlighted in the Findings.

2. In all such transferred cases the relevant details already fed by the PPO in their internal Complaint Handling System could be gathered by the I.O from the CMIS of the WMS under the field "Main Points of complaints" or ascertained from the representative of the PPO during the hearing. Without doing so, the findings will remain questionable as there is no point dealing with a complaint resolved more than a month prior to its date of registration.

3. All Appraising Officers should also note the above position for appraising, in future, the findings pertaining to the complains relating to the PPO.

4. In case a resolved complaint s erroneously transferred from the PPO to the CMIS (after 30 days of its registration with the PPO) due to unnecessary delay in updating the status of complaint by the PPO in their System, the I.O> concerned should highlight the fact in the Findings and advise the representative of the PPO present in the hearing to ensure that such a predicament does not recur in the future.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers at H.O and R.Os
3. All Investigating Officers at H.Qs, Islamabad
4. DCO (pl. circulate through email to all Regional Heads, All I.Os at H.O. and R.Os.

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD
CIRCULAR

No.1(1)/Senior Advisor/NCC/App/2019

Islamabad, the 2nd August, 2019

It has been observed lately that after addressing the observation of the Appraising Officers, some of the I.Os unnecessarily mention in the reformulated findings that their Findings were returned, with observation, by the Appraising Officers. At times even the relevant excerpts of the A. O's observation are reproduced in the main body of the Findings.

2. In this context it must be noted that the process of Appraisal is an internal mechanism to maintain the quality, accuracy and uniformity of decisions of the Wafaqi Mohtasib. Once the observations of the A.Os are approved by the HWM and conveyed to the I.O concerned, his job is to reinvestigate the complaint on the basis of the observations conveyed and ensure that the shortcomings in the original Findings are duly removed. To reproduce the observations in the body of the reformulated Findings would not only reflect negatively on the ability of the I.O to properly and judiciously investigate the complaint from all angles but would also send a wrong signal to the recipients of the Findings.

3. Foregoing in view, all I.Os are advised that Findings should not peak either about the observations of the A.Os or the steps taken to address those observations. Instead, only the shortcomings should be removed before re-submission of the Findings.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor/NCC

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers at H.O and R.Os
3. All Investigating Officers at H.Qs, Islamabad
4. DCO (pl. circulate through email to all Regional Heads, All I.Os at H.O. and R.Os.

Copy for information to:

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

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD
CIRCULAR

No.6(26)/WMS/Coord/2019

Islamabad, the 5th August, 2019

SUBJECT: COMPLAINTS RELATED TO CONTRACTUAL OBLIGATIONS

Wafaqi Mohtasib Secretariat receives a number of complaints alleging non-payment of contractual amounts. The matter remained under active consideration as to the manner in which such complaints may be processed.

2. After due deliberations, it has been decided that the complaints relating to contractual obligations may be processed in the following manner.

- i. In cases where there is a dispute over performance of the contract between the parties, the proper forum is a court of law for the purpose of examination of witnesses and interpretation of rules, regulations and different clauses of contract. Such cases should be closed under Regulation 23(1)(q) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.
- ii. The cases in which there is no dispute between the parties and the Agencies undertake to make payment of outstanding huge amounts to the complainants, such type of undertaking by the Agencies may be referred to the concerned Agencies under Regulation 23(1)(z) of the Wafaqi Mohtasib's above mentioned Regulations 2013. The reason for this is that this office should not get involved in payment of huge amounts notwithstanding the fact that the Agencies undertake to make such payments.
- iii. However, in cases in which the amount is small such as payment of stationary items and stores etc. and there is no dispute between the parties, such complaints may be disposed of under Regulation 23(1)(f) of the said Regulations as is the practice in vogue in other cases of undertaking given by the Agency.

Sd/-
(Aijaz Hussain Lone)
Director General (Coord)

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers at H.O and R.Os
3. All Investigating Officers at H.Qs, Islamabad
4. DCO (pl. circulate through email to all Regional Heads, All I.Os at H.O. and R.Os.

Copy for information to:

1. S.P.S to HWM
2. S.P.S to Secretary WMS.
3. S.P.S to Senior Advisor / NCC

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD

OFFICE OF THE SENIOR ADVISOR / NCC

CIRCULAR

No.1(1)/Senior Advisor/NCC/App/2019/1030

Islamabad, the 08th August, 2019

Subject: **IMPROVEMENT IN FINDINGS**

In a meeting held with the Investigating Officers at headquarters on 22.07.2019 on the above subject, the Honourable Wafaqi Mohtasib expressed serious concern regarding quality of findings and advised improvements both by the Investigating Officers and Appraising Officers. The common deficiencies noticed in the draft findings were that in some cases blatant mistakes were found where the name of the Agency is different in the docket form the main body of the findings. Sometimes report submitted by the Agency is reproduced verbatim instead of giving gist as many sentences are incoherent. Also, undue delay is noticed in calling for report from the Agency resulting in non-disposal within 60 days. Another major issue was that some IOs did not submit revised findings with observation separately as per standing instructions.

2. After deliberations, the following decisions have been taken with the approval of the HWM: -

- i. The name of the Agency should be same in the docket and as well as in the main body of the findings.
- ii. The gist of the report, submitted by the Agency, should be given instead of reproducing the report.
- iii. Delay in calling for report from the Agency should be avoided.
- iv. The Revised Findings with observations may be submitted separately as per standing instructions.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor/NCC

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers at H.O and R.Os
3. All Investigating Officers at H.Qs, Islamabad
4. Registrar WMS, H.Q, Islamabad.
5. DCO (pl. circulate through email to all Regional Heads, All I.Os at H.O. and R.Os.

Copy for information to:

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

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD

OFFICE OF THE SENIOR ADVISOR / NCC

CIRCULAR

No.1(1)/Senior Advisor/NCC/App/2019/1030 Islamabad, the 08th August, 2019

Subject: **DELAY IN DELIVERY OF ARTICLES**

In a meeting held with the Investigating Officers at headquarters on 22.07.2019 on the above subject, the need for identification of delay in delivery of articles by Pakistan Post Office in case closed under Regulation 23(1)(d) of Wafaqi Mohtasib (Investigation & Disposal of Complaints), Regulations, 2013 came up for discussion. It is clarified that the delay in delivery of such articles even in cases closed under Regulations 23(1)(d) should be identified and maladministration on the part of the Agency should be clearly indicated in case of undue delay and inquiry / disciplinary action proposed against the delinquent official (s).

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor/NCC

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers at H.O and R.Os
3. All Investigating Officers at H.Qs, Islamabad
4. Registrar WMS, H.Q, Islamabad.
5. DCO (pl. circulate through email to all Regional Heads, All I.Os at H.O. and R.Os.

Copy for information to:

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

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

ISLAMABAD

No.1(1)/Senior-Adv/WMS/2020

Islamabad, the 30th September, 2020

SUBJECT: GUIDELINES FOR PREPARATION OF FINDINGS

During appraisal of Findings it has been lately observed that due attention is not being paid by some of the Investigating Officers to the guidelines for preparation of Findings especially while dealing with the complaints against DISCOs and Insurance Companies. Resultantly, in some cases either the Agency concerned or the complainant filed a representation to the President against the decision of the HWM. In particular, the following deficiencies have been noticed in the Findings prepared by some of the Investigating Officers: -

- a) The complaint is not duly described in the first para. For instance, in the case of electricity related complaints, the consumer number, the nature of connection (i.e. domestic, commercial, industrial or agricultural), the detection period, the date of disconnection of electricity, the amount of arrears involved due to non-payment of bills etc. are not given.
- b) It is also not clear from the Findings whether the I.O has seen the consumption history of the complainant, and if so, what transpired.
- c) The requirements of dealing with the electricity complaints have been modified in the Consumer Service Manual 2020 whereas some of the I.Os are still following the provisions of the Consumer Service Manual 2010 which are no longer in operation.
- d) The guidelines circulated on 23.01.2018, 13-04-2018 and 25-02-2020 for preparation of Findings and for dealing with insurance claims are also not followed meticulously.

2. due to the above reasons, not only the Findings prepared by various I. Os lack uniformity but the work load on the Appraisal Wing has unduly increased. In order, therefore, to arrest this situation it is reiterated that the above guidelines for preparation of Findings should be followed in letter and spirit.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor/NCC

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers / I.Os at H.O and R.Os
3. DCO (may please be circulate through e-mail).

Copy for information to:

1. Additional Secretary (Admn)
2. Additional Secretary (Coord.)
3. S.P.S to HWM
4. S.P.S to Secretary WMS.

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD
OFFICE OF THE SENIOR ADVISOR / NCC

No.1(1)/WMS-Senior Ad(App)/20

Islamabad, the 10th November, 2020

To

All Investigating Officers,
Wafaqi Mohtasib Secretariat,
Head Quarter & Regional Offices.

SUBJECT: USE OF STANDARD AND CORRECT WORDING OF THE SUBJECT.

It has been noted that the standard and correct wording of the subject of the complaint is usually not being used by the Investigating Officers in the findings. All the Investigating Officers are, therefore, strictly advised to ensure that the correct and standard wording of the subject of the complaint may be used in future to avoid redrafting by the Appraisal Wing.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor/NCC

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. DCO

Copy for information to:

1. S.P.S to HWM
2. S.P.S to Secretary WMS.
3. All Appraising Officer, at H.Q.



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
36-Constitution Avenue, G-5/2, Islamabad
Phone NO; 051-9217213
Fax: 051-92174224

Subject: **ADMISSION OF COMPLAINTS AGAINST CONTROLLER
GENERAL OF ACCOUNTS.**

Honourable Wafaqi Mohtasib has been pleased to include Controller General of Accounts (CGA) in the list of Federal Agencies against whom complaints are admitted by him. Henceforth, complaints against mal-administration of CGA in cases of transfer of pension, GP Fund etc. from one district to other and one province to other will be entertained at Wafaqi Mohtasib Secretariat, Head Office, Islamabad and its Regional Offices.

Sd/-
(Aijaz Hussain Lone)
Director General (Coord)

Distribution:

1. All Investigation Officers / Appraising Officers at H.O.
2. All Regional Heads.
3. Registrar, WMS, Head Office
4. Assistant Director (IT), WMS, Head Office, Islamabad with the instruction to circulate among all concerned through e-mail.

Copy for information to:

1. SPS to HWM
2. SPS to Secretary, WMS, Islamabad.
3. SPS to Senior Advisor (Appraisal / NCC), WMS, Islamabad

WAFAQI MOHTASIB SECRETARIAT ISLAMABAD

No. 1(1)/Senior Advisor/NCC/App/2019

Dated:23-08-2021

CIRCULAR

Subject: **Processing of Pakistan Post Office Cases Automatically Transferred from the Complaint Handling System of the PPO to the CMIS of the WMS**

Attention is invited to the instructions issued vide Circulars of even number, dated 15.07.2019 & 08.08.2019 on the above subject. In these instructions the need for investigation of delay in delivery of Articles by Pakistan Post office was underlined. It was clarified that the delay in delivery of such articles, even in case closed under Regulation 23(1)(d), should be identified and maladministration on the part of the Agency should be clearly indicated in case of undue delay and inquiry/disciplinary action proposed against the delinquent official(s).

2. While reiterating the above instructions, Investigation Officers are advised to obtain following information from the Agency to identify the delay in delivery of articles and incorporate it in the findings.

Complaint No	Name of Complainant	Date of Booking of article	Date of Delivery / payment of value of article to the sender	Reasons for delay

3. In case of delay in delivery of articles/ payment of value of the article to the sender, the case may be referred to the Director General, Pakistan Post with the advice to streamline the procedure to avoid such delays and take disciplinary action against the delinquent officials(s).

4. All Appraising officers may also note the above position while appraising the findings pertaining to PPO.

Sd-
(Ejaz Ahmad Qureshi)
Senior Advisor

Distribution

1. All regional Heads (with the instruction to bring it to the notice of all IOs)
2. All Appraising Officers at H.O & RO's
3. All Investigating Officer at HQ's, Islamabad
4. DCO (Pl. Circulate through email to all Regional Heads, All I.Os at H.O and R.Os)



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

F. 4(2)Coord/WMS/2021

Islamabad the 5th November, 2021

Subject: **INSTRUCTIONS REGARDING INVESTIGATION WORK AND STAFF BEHAVIOR.**

It has been observed that some Investigation Officers or their Staff do not behave properly with the complainants. In order to maintain the confidence of the complainants, dealing of Investigating Officers and conduct of their staff should be courteous even if their complaints are to be rejected. All the Investigation Officers should follow the instructions given below: -

- i. All Investigation Officers at Head Office and Regional Offices will make sure that the findings are prepared by themselves and may not left to the lower staff.
 - ii. All Investigation Officers at Head Office and Regional Offices should keep close watch on behavior of the staff with the complainants by making surprise visit in their rooms.
 - iii. Investigation Officers should try to accommodate the complainants on different timings to avoid the rush in the office and to conduct the hearings properly.
2. This issues with the approval of Honourable Wafaqi Mohtasib.

Sd/-
(Muhammad Ashfaq Ahmad)
Director General (Coord)



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

F. 12(01)Coord/WMS/2021

Islamabad the 15th December, 2021

Subject: **PREPARATION OF FINDINGS**

In the light of the decision of Honourable Supreme Court of Pakistan in Civil Appeal No. 1074 of 2009(2017 PTD 1481 SC) followed by direction of the President of Pakistan, the following note may be added while communicating the orders/recommendations to the concerned parties:

“The party aggrieved of the Findings may opt either to file a review petition before the Ombudsman OR a representation before the President within 30 days of receipt of such Findings. This period of limitation shall be reckoned from the date of receipt of the findings by the parties. If the option of review petition is exercised by the aggrieved party and the Findings are upheld, the aggrieved party shall be barred to file a representation before the President”.

2. All Investigating Officers both at the Head Office and Regional Offices should ensure that the above formulation is invariably incorporated at the end of all finding prepared by them, before uploading on the CMIS.

Sd/-
(Muhammad Ashfaq Ahmad)
Director General (Coord)

WAFAQI MOHTASIB SECRETARIAT
(Coordination Wing)
Islamabad

No. F.6(27)/WMS/Coord/2022

Dated: March 31, 2022

Subject: Presentation of Revised Findings

It has been observed that the draft Revised Findings received from some Investigation Officers are not up to the mark and attract major amendments/observations at the appraisal stage. The most frequent deficiencies include the following:

- i. The format given in Form F-VI (Regulation 26(5) of Wafaqi Mohtasib (Investigation and Disposal of Complaints Regulations), 2013 is not being fully followed. The concluding part titled "Final Recommendations for Implementation" is often missed out which is required to flow from the preceding section, "Revised Findings" and clearly indicate terms for implementation by the Agency within a specified timeframe.
 - ii. Revised Findings are often wrongly closed in terms of Regulation 23(1)(h) or Regulation 23(1)(g) in the event of mutual agreement between the parties during the course of hearing proceedings of the Review Petition or withdrawal of the Review Petition by the complainant. It is important to note that the Clause 2-A (Article 11) of the President's Order No.1 of 1983 provides that after considering the reasons of the Agency in respect of his earlier recommendations, the Wafaqi Mohtasib may after modify amend or recall the recommendations made under Clause 1. If no ground has been established for any change in or recall of the original Findings, these should be upheld and the Review Petition be rejected. The closure provisions of Clause 23(1) of the Investigation and Disposal of Complaints Regulations 2013 are not applicable in case of Revised Findings.
 - iii. The provision of filing a representation to the President after exercising the option of the Review Petition by the aggrieved party is regulated vide WMS Circular No. F.12(01)Coord/2021 of 15 December 2021. The aggrieved party is barred to file a representation to the President in case the original Findings are upheld (i.e the Review Petition is rejected).
 - iv. In case, the second party (other than the one that filed Review Petition) becomes aggrieved on account of rejection of the Review Petition. It may file a representation to the President of Pakistan. This provision, therefore, should be added in the concluding para following the section titled "Final Recommendations for Implementation" after assessing the implications of the rejection of the Review Petition to the second party.
 - v. In case, the Review Petition filed by the Agency is rejected and the relief recommended in the original Findings is upheld, the option of representation to the President may not be incorporated.
2. All Investigation Officers at the head Office and the Regional Offices should ensure that the above guidelines are fully followed while submitting Revised Findings for approval.

Sd/-

(Dr. Raania Ahsan)

Advisor/Director General (Coordination)

All Investigation Officers at
Head Office and Regional Offices.



FEDERAL OMBUDSMAN

**WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT,
ISLAMABAD**

No. F. 6(27)/WMS/Coord/2022

Dated: May 10, 2022

CIRCULAR

Subject: **Cases Pertaining to Private Housing Societies within Jurisdiction of Islamabad**

Private Housing Societies within jurisdiction of Islamabad are being regulated by the Circle Registrar, Cooperative Societies Department, Islamabad. It has been observed that in certain cases, recommendations are issued in the name of private housing societies instead of their regulator, i.e. Circle Registrar, Cooperative Societies Department, Islamabad. It has been decided with the approval of the Honourable Wafaqi Mohtasib that in future, no private housing society will be issued notice in the complaints received against them rather notices shall be issued to the regulator i.e. Circle Registrar, Cooperative Societies Department, ICT, Islamabad. This will be followed by issuing findings/recommendations in the name of Circle Registrar, Cooperative Societies Department, Islamabad.

2. All Investigation Officers / Implementation Officers at the Head Office shall ensure that above instructions are followed in dealing with cases pertaining to private housing societies within the jurisdiction of Islamabad.

Sd/-

(Dr. Raania Ahsan)

Advisor/Director General (Coordination)

Distribution:

- **All Investigating officers at the WMS Head Office, Islamabad.**

Copy forwarded for information to:

- i. PSO to HWM, WMS, Islamabad.
- ii. Secretary to HWM WMS, Islamabad.
- iii. SPS to the Secretary, WMS, Islamabad
- iv. Senior Advisor in-Charge (Coordination), WMS, Islamabad
- v. D.G. (Administration), WMS, Islamabad



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(2)/Coord/WMS/2022

Dated: 20th May 2022

Subject: **JURISDICTION OF WAFAQI MOHTASIB TO ENTERTAIN COMPLAINTS OF MAL-ADMINISTRATION AGAINST CANTONMENT BOARDS.**

The issue regarding jurisdiction of Wafaqi Mohtasib to entertain complaints of maladministration by Cantonment Boards regarding provision of civic amenities to its inhabitants, has been examined in detail.

Accordingly, it has been decided that Cantonment Boards are federal agencies in the context of providing civic amenities to its residents. Therefore, complaints regarding maladministration by Cantonment Boards in provision of such amenities are to be entertained by the Head Office and Regional Offices of Wafaqi Mohtasib, for redressal of grievances.

The issued with approval of the Honorable Wafaqi Mohtasib

Sd/-
(Khalid Zaman)
Director General (Coordination)



FEDERAL OMBUDSMAN

**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

No. 6(27)/Coord/WMS/2022

Dated: 6th July 2022

CIRCULAR

Subject: **Guidelines for closure of investigation under Regulation 23(1)(o) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013**

It has been observed that the draft findings received in respect of complaints in which investigation is closed in terms of Regulation 23(1)(o) of the Wafaqi Mohtasib (I&DC) Regulations, 2013 are often silent as to why the complainant has filed a complaint again in a matter that has already been disposed of through the earlier findings. Invoking Regulation 23(1)(o) without investigating the circumstances that caused resubmission of the complaint on the same subject poses the risk of denying due relief to the complainant.

2. Accordingly, the following guidelines for processing of complaints filed afresh in cases disposed of earlier through different categories of closure findings are circulated for strict compliance:

Regulation 23(1)(b): If the complainant submits that he has complied with all the requirements on his part and that the Agency was still not providing the requisite relief to him, this shall be practically a fresh complaint that must not be closed under Regulation 23(1)(o). Such cases will be reinvestigated by the I.Os under Regulation 23(2). However, if the applicant is not satisfied with the recommendations contained in the fresh findings he can go for review under Regulation 26.

Regulation 23(1)(e): If partial relief has been provided, the earlier complaint shall be treated to be still alive and should not be construed to be closed unless the complainant is satisfied and relinquishes his remaining claim. Otherwise such complaints may also be reinvestigated under Regulation 23(2) instead of closing those under Regulation 23(1)(o). In cases where complete relief has been extended, the earlier complaint will be deemed to have been redressed and the subsequent complaint shall be examined as a fresh complaint only if a new cause of action has arisen.

Otherwise, further investigation in such cases will be closed under Regulation 23(1)(o).

The I.Os should ensure that the report of the relief provided is placed on record before disposing of the case file. If the relief is not extended to the complainant as reported, such complaints shall be forwarded to the Implementation Officer concerned who may ensure that orders in the report are fully complied with. The fresh application will not be shown as pending liability of the concerned I.O. on the CMIS data.

Regulation 23(1)(f) and (h): Any fresh complaint of non-implementation of the earlier findings in such cases may be forwarded to the Implementation Wing. In both situations, the case will remain on the interface of the Implementation Wing till the findings are implemented by the Agency concerned.

Regulation 23(1)(c): Fresh complaints in such cases may be reinvestigated on a sufficient cause given by the complainant under Regulation 23(2) at any stage. Therefore, the Registration Wing will not assign a fresh number to such complaints and, instead, will forward the same to the I.O. concerned for further processing on merit, instead of summarily closing further investigation under Regulation 23(1)(o).

Regulation 23(1)(z): Cases wherein compliance report has been asked for by WMS within a specified timeframe shall remain active in the Implementation Wing. Any fresh complaint in such cases will be forwarded by the Registration Wing to the Implementation Wing. Neither any fresh complaint number will be allotted to such complaints by the Registration Wing nor will those be closed by the I.O. concerned through fresh findings under Registration 23(1)(o).

Regulation 23(1)(g): The fresh application of the complainant may be considered by the Registration Wing as a review petition as provided for under Regulation 26.

3. It is also important that the draft findings clearly mention the date and refer to the relevant regulation in disposal of earlier findings.

Sd/-

(Khalid Zaman)
Director General (Coord)

WAFaqI MOHTASIB SECRETARIAT ISLAMABAD

No. F.4(2)/Coord/WMS/2022

Dated: March 14th July, 2022

Subject: **Proposal/Advice by WMS Regional Heads / IOs to Agencies**

The HWM has observed that some Regional Heads/IOs formally propose or advise various Agencies to carry out changes in the policy governing the operations of those Agencies without taking into account the administrative, financial and legal implications of the proposed changes.

The Honourable Mohtasib has, therefore, directed that all Regional Heads/IOs should avoid making any policy proposals or rendering advice to the Agencies concerned in the context of any change in their policy / procedure / rules / regulations or deviation from the established practice; and, instead refer such proposals to him for a decision after due examination.

Sd/-
(Khalid Zaman)
Director General (Coord)

Distribution:

1. All Investigation and Appraising Officers, WMS, Islamabad.
2. Heads of all Regional Offices of WMS.

WAFAQI MOHTASIB SECRETARIAT ISLAMABAD

No. F.4(2)/Coord/WMS/2022

Dated: March 23rd August, 2022

Subject: **REVISION OF ASSISTANCE PACKAGE FOR THE FAMILIES OF GOVERNMENT EMPLOYEES WHO DIE IN SERVICE**

A copy of the following Office Memorandums issued by the Establishment Division, Government of Pakistan on the subject are hereby circulated for guidance and implementation by Investigation, Implementation and Appraisal Officers of WMS in relevant cases:

- i. O.M. No. 8/13/2016-E-2, dated 17th April 2022 (on page 144).
- ii. O.M. No.8/13/2016-E-2, dated 11th June 2022 (on page 145).

2. This issues with the approval of Honourable Wafaqi Mohtasib.

Encls: As stated

Sd/-
(Sohail Ahmad)
Advisor/DG (Coordination)

Distribution:

1. All Investigation and Appraising Officers, WMS, Islamabad.
2. Heads of all WMS Regional Offices for circulation to all Investi9gation, Implementation and Appraisal Officers in their jurisdiction.



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT, ISLAMABAD**

No. F. 4(2)/Coord/WMS/2022

Dated: 11th October 2022

CIRCULAR

Subject: **Closure of Cases under Regulation 23(1)(f) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013**

It has been observed that, in cases where the assurance of the Agency is subject to provision of documents by the complainant, some of the Investigating Officers closed the case under Regulation 23(1) (f) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013. Such cases cannot be implemented within the assured period if the complainant does not provide the necessary documents. Therefore, such cases should be closed under Regulation 23(1) (b) of the said regulations.

2. This issues with the approval of HWM.

**Sd/-
(Sohail Ahmad)
Advisor/DG (Coordination)**

Distribution:

- **All Investigating/Implementing/Appraising Officers, WMS Head Office, Islamabad.**
- **Heads of all WMS Regional Offices for circulation to all Investigating / Implementing/Appraising Officers under their jurisdiction.**

Copy forwarded for information to:

1. PSO to HWM/Associate Advisor WMS, Islamabad.
2. Secretary to HWM WMS, Islamabad.
3. Advisor (Appraisal) Mr. Shahid Humayun, WMS, Islamabad
4. Advisor (Implementation), WMS, Islamabad
5. Consultant/Registrar WMS, Islamabad

WAFaqI MOHTASIB SECRETARIAT ISLAMABAD

No. F.6(27)/WMS/Coord/2022

Dated: March 21st November, 2022

Subject: **Closure of Investigation under Regulation 23(1)(z)**

The HWM has been pleased to direct that:

- i. In all cases where Investigation is recommended to be closed under Regulation 23(1)(z), the Agency concerned must be given a time line to submit a compliance report so that there is no ambiguity in putting the findings on the interface of the Implementation Wing. Without such a timeline, implementation of the implementable findings would be difficult to monitor.
 - ii. The cases referred to NEPRA and OGRA should not be closed under Regulation 23(1)(z) as no time line is given to the said agencies to consider and dispose of the referred complaints. Instead, such complaints should be disposed of through a letter advising the aforesaid agencies to process and decide the complaints as per their policy, rules and procedures and inform the complainants accordingly. Copy of such letters should be endorsed to the complainants concerned for their information. The letter may be attached to the respective complaint in the CMIS and the case will be treated as closed.
2. An Updated User Guidelines, in relation to (ii) above, for Referred of Complaints to OGRA and NEPRA using CMIS are enclosed.

Encls: As stated

Sd/-
(Sohail Ahmad)
Advisor (Coordination)

Distribution:

1. All Investigation/ Appraisal/Implementation Officers/Registrar in the WMS Head Office, Islamabad.
2. All Heads of WMS Regional Offices for circulation to Investigation/Appraisal/Implementation Officers/Registrar in their respective Regional Office.

Updated User Guidelines for Referred of Complaints to OGRA & NEPRA using CMIS.

- Registrar may refer the complaint to OGRA or NEPRA by making it “Not Admissible” and mark to its admissibility reason as “Referred to OGRA” or “Referred to NEPRA”. This admissibility reason will also be printed on Form B and complaint will be rejected in Limini.
- Disposal of Referred Complaint at IO Level (Get Referral Decision Template from CMIS)
 - IO will have to define the type as Closure Findings – “Referred to OGRA” or “Referred to NEPRA” using “Complaint Findings” interface and submit. It will appear on the interface “Referred complaints Ready for Disposal”.
 - Open the interface “Referred Complaints Ready for disposal” and select the complaint from interface for disposal.
 - Attach/brows the scanned copy of the Referral Letter/upload the Referral decision signed by IO with Date and Stamp (Decision Attachment is mandatory as per the template in CMIS) (use the PDF format).
 - Press “Save” button. It will dispose of the complaint and auto generate SMS to the complainant.
 - The attached decision will also be available in Mobile App of WMS which can be seen by the complainant.

It is also clarified that henceforth every complaint will be required to be processed and disposed

of in the following manners:

- a) Rejection in limini;
- b) Through formal findings; or
- c) Referral to OGRA or NEPRA using referral letter instead of 23(1)(z)

WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD

No. F.4(2)/Coord/WMS/2022

Dated: March 27th December, 2022

CIRCULAR

It has been observed that in a significant number of cases the subject of the complaint is not correctly indicated in the docket of the Findings. Besides, some complaints are not fully and accurately described in Para 1 of the Findings as the contents thereof do not duly match with the ones reflected in the complaints downloaded from CMIS.

2. The Hon'ble Wafaqi Mohtasib has taken a serious notice of these omissions and has been pleased to direct that:

- a) The Registrar Office at Head Office and in all Regional Offices should exercise greater care in entering the subject of each complaint in CMIS at the time of registration, so as to reflect its precise nature.
- b) Special attention may be paid by all IOs to accurately and fully describe the contents of the complaint while drafting their Findings.

3. Apart from above, all complainants must be asked to submit their CNIC No. as well as telephone contact before their complaints are registered and processed further.

Sd/-
(Sohail Ahmad)
Advisor (Coord)

Distribution:

1. All Registrar and all IOs of WMS, Head Office, Islamabad.
2. All Regional Heads of Regional Offices for advising the Registrar Office and IOs concerned accordingly.



**WAFaq
SECRETARIAT**

MOHTASIB(OMBUDSMAN)'S

**Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F. 4(02)/Coord/WMS/2022

dated: 22nd March, 2023

C I R C U L A R

Subject: MAINTENANCE OF FILES / OFFICIAL RECORD.

It has been brought to notice by Advisor (Implementation) that most of the investigation case files received from various Investigation Sections of the WMS, after approval of findings by the HWM, contains loose papers, unpagged and without proper list.

2. All the Investigation Officers in WMS Head Office and all its Regional Offices may therefore ensure that their staff, deputed for the job, completes following requirements before sending files to the Implementation Wing of the WMS:-

- a. Proper placement of documents and numbering of pages in files.
- b. If there are some loose papers, they should be properly tagged.
- c. List of transferable files sent may be prepared in the **attached format** and properly tagged on top of the bundle of transferred files.
- d. Soft copies of the lists of files sent may also be provided to the Implementation Wing through email (advisor.imp@mohtasib.gov.pk).

3. This issues with the approval of Hon'ble Wafaqi Mohtasib.

Sd/-
(Sohail Ahmad)
Advisor (Coordination)



**WAFaqI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F.4(02)Coord/WMS/2022

Islamabad, the 19th April, 2023

CIRCULAR

Subject: **FAILURE TO SUBMIT REPORT AND ATTEND HEARING BY AGENCIES IN COMPLAINTS.**

It has been observed that some of the Agencies do not submit reports and on occasions their report are found ambiguous. More so, the Agencies are represented at junior level. These issues may be addressed by following the procedure mentioned below:

If an Agency did not put attendance or submit report on the first notice, it may be given one opportunity for the purpose. However, 2nd notice should be specific highlighting the negligence on the part of the Agency vis-à-vis consequences for non-attending the hearing proceedings or non-submitting the report. Format for such 2nd notice is on overload.

If on 2nd notice, the Agency did not respond, the complaint may be decided ex-parte where sufficient material is available on record to dispose of the complaint to meet the ends of justice.

Where it is observed that the complaint cannot be disposed of without the report of the Agency, 3rd notice may be issued to Head of the Agency for his personal attendance and submission of report highlighting the conduct of the Agency despite issuance of two notices.

2. This issues with the approval of HWM.

Sd/-
(Sohail Ahmad)
Advisor (Coord)

Distribution:

1. All Investigation, Appraisal and Implementation Officers at WMS, HO, Islamabad.
2. Heads of all Regional Offices of WMS for circulation amongst all Investigation, Appraisal and Implementation Officers in their jurisdiction.
3. The Registrar, WMS, Islamabad.



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 3(8)/Coord/WMS/2022

Dated: 12th June 2023

Subject: **DETERMINATION OF QUANTUM OF COMPENSATION TO BE PAID TO THE COMPLAINANT BY THE AGENCY**

Instances have come to the notice that some Investigating Officers recommended payment of huge compensation to the complainants by the Agencies concerned for various reasons. Such findings were also vetted by the Appraising Officers. However, the original findings were dully amended during the review filed by the Agency concerned.

2. It is clarified that awarding of compensation for any loss caused to a party does not fall within the domain of Wafaqi Mohtasib. Instead, determination of quantum of compensation is the domain of a court of competent jurisdiction. All Investigating and Appraising Officers are advised to deal with such matters accordingly, in future.

1. This issue with the approval of HWM.

Sd-
(Iqbal H. Siddiqui)
Director (Coordination)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT**

**Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F.4(2)Coord/WMS/2022

Dated: 08.09.2023

CIRCULAR

Subject: **PAYMENT OF DUES TO THE WIDOW OF DECEASED EMPLOYEE
REGISTERED WITH EOBI – DECISION OF PRESIDENT OF PAKISTAN
IN COMPLAINT NO. H/1399/2020.**

In a Representation in the subject complaint, the President of Pakistan was pleased to hold that a widow of a deceased employee registered with EOBI shall be made payment of outstanding dues from the date of death of her husband instead of six months from the date of submitting an application by the widow for the purpose. The decision of the President dated 03.08.2023 is circulated on the direction of HWM for information and future guidance.

Sd/-
(Manzoor Ali Khan)
Sr. Advisor (Coord)

Distribution:

1. All Officers at WMS, HO, Islamabad.
2. Heads of all Regional Offices of WMS for circulation amongst all Officers in their jurisdiction.
3. The Registrar, WMS, Islamabad.



**WAFaqi MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F.6(29)/WMS/Coord/2018

Dated: 15th September, 2023

CIRCULAR

In supersession of earlier Circular of even number dated 19th December, 2018, Honourable Wafaqi Mohtasib has been pleased to decide that all the complaints against NTS, PTS, OTS, BTS and other Testing Service Agencies, whose services are hired by the Federal Agencies for making recruitment and the complainants alleged serious irregularities in test/result or where such Testing Service Agencies cancel the process without assigning any cogent reason, will be entertained by the Wafaqi Mohtasib Secretariat.

Sd/-
(Manzoor Ali Khan)
Sr. Advisor (Coord)

Distribution:

1. All Officers at WMS, HO, Islamabad.
2. Heads of all Regional Offices of WMS for circulation amongst all Officers in their jurisdiction.
3. The Registrar, WMS, Islamabad.



**WAFaqI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT**

**Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F.4(2)Coord/WMS/2022

Dated: 10th November, 2023

CIRCULAR

Subject: **PAYMENT OF FINANCIAL AID TO WIDOWS OF DECEASED
OVERSEAS PAKISTANI – DECISION OF PRESIDENT OF PAKISTAN
IN COMPLAINT NO. HQR/5797/21**

In a Representation in the subject complaint, the President of Pakistan was pleased to hold that a widow of a deceased employee registered with EOBI shall be made payment of outstanding dues from the date of death of her husband instead of six months from the date of submitting an application by the widow for the purpose. The decision of the President dated 03.08.2023 is circulated on the direction of HWM for information and future guidance.

Sd/-
(Manzoor Ali Khan)
Sr. Advisor (Coord)

Distribution:

1. All Officers at WMS, HO, Islamabad.
2. Heads of all Regional Offices of WMS for circulation amongst all Officers in their jurisdiction.
3. The Registrar, WMS, Islamabad.

Immediate

WAFAQI MOHTASIB SECRETARIAT
(Coordination Wing)
Islamabad

No. F. 4(2)/COORD/WMS/2023

Dated: 17th November, 2023

CIRCULAR

Subject: DELAY IN SUBMISSION OF DRAFT FINDINGS AND THEIR APPROVAL

To cope up the delay between submission of drafts findings and their approval, the HWM has been pleased to direct that:-

- i. The concerned Investigation Officers will make sure that the timeline of 45 days for investigation and uploading of draft findings is met.
 - ii. The hard copies of the draft findings should be sent on same or the very next working day after uploading on CMIS.
 - iii. The hard copies of draft findings should not differ from the drafts uploaded on CMIS.
 - iv. The returned findings will be re-submitted within 3 days except for the cases where rehearing is involved.
3. All Regional Heads, Investigation Officers and Appraisal Officers shall ensure the compliance of HWM's directions

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

1. All Investigation and Appraising Officers, WMS Head Office, Islamabad
2. All Heads of WMS Regional Offices with the request to please circulate the instructions to all Investigation and Appraisal Officers in their respective jurisdiction.

Copy to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad.
3. P.S. to Secretary WMS, Islamabad
4. DG (Coordination), WMS, Islamabad
5. Registrar, WMS, Islamabad
6. DCO/Consultant (IT).This Circular may also be circulated via email through the CMIS system to all the Investigation /Appraisal Officers in the WMS Head Office and all Regional Offices.



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
36, Constitution Avenue,
Sector G-5/2, Islamabad
051-9216754 Fax: 051-9217224

No.4(2)/Coord/WMS/2024

Islamabad, the 28th February 2024

CIRCULAR

Subject: **ISSUANCE OF THE FINDINGS THROUGH CMIS.**

The Audit Division of PESCO Peshawar pointed out some fake findings prepared by the consumers to get under benefits.

2. In order to avoid fake findings and recognize the original findings in future, the Hon'ble Wafaqi Mohtasib has been pleased to direct that the Investigating Officers shall transmit all the findings through CMIS and try to communicate with the Agencies through CMIS along with manual mode of communication. Only the findings communicated through CMIS will be considered as genuine.
3. The Agency shall check the authenticity of the findings through the CMIS Wafaqi Mohtasib Secretariat in case of any ambiguity.
4. All the Investigating officers are, therefore, directed to ensure strict compliance of the above directions. In case of non-compliance, disciplinary action will be taken against the defaulters.

Sd/-

(Muhammad Ashfaq Ahmad)
Director General (Coordination)

Distribution:

1. All the Heads of the Agencies. (In the jurisdiction of WMS).
2. All Heads of WMS, Regional Offices (Please circulate it to all Investigation, Implementation, and Appraisal officers of WMS).
3. All Investigation, Implementation, and Appraisal Officers, WMS Head Office, Islamabad.
4. Registrar, WMS, Head Office, Islamabad.
5. DCO/ Consultant (IT), Please circulate through email to all Regional Heads, All Investigation / Appraisal / Implementation Officers, WMS Head Office, and Regional Offices and upload this circular on the Website of the WMS.

Copy for information to:

1. Secretary to HWM, WMS, Islamabad.
2. PSO to the HWM, WMS, Islamabad.
3. PS to Secretary, WMS, Islamabad
4. Director General (Admin), WMS, Islamabad.
5. Director (Coordination) WMS, Islamabad.

WAFaqI MOHTASIB SECRETARIAT
ISLAMABAD

No. F. 6(27)/COORD/WMS/2024

Dated: 19th April 2024

CIRCULAR

Subject: **SUBMISSION OF FINDINGS FOR APPRAISAL BY INVESTIGATION OFFICERS OF W.M.S. REGIONAL OFFICE, LAHORE**

Previously, Investigation Officers of the WMS Regional Office, Lahore were required to manually submit their cases for appraisal to Mr. Saqib Aleem, Advisor (Appraisal). However, to streamline and enhance the efficiency, the HWM has been pleased to direct that **with immediate effect** Investigation Officers of the WMS Regional Office, Lahore will submit their Findings for appraisal to Mr. Saqib Aleem through CMIS. Following the appraisal by Mr. Saqib Aleem, hard copies of the appraised cases will be forwarded by him to the DCO at the Head Office for subsequent approval by the HWM. The IT Wing has already developed a CMIS interface for this purpose.

Sd/-

(Iqbal H. Siddiqui)
Director (Coordination)

DISTRIBUTION:

1. **Senior Advisor Incharge, WMS Regional Office, Lahore.** The instructions may kindly be circulated to all the Investigation Officers of the Regional Office.
2. **Mr. Saqib Aleem, Advisor (Appraisal), WMS, Regional Office, Lahore.**
3. **Registrar, WMS, Islamabad**
4. **DCO/Consultant (IT), WMS, Islamabad**

Copy for information to:

- i. Secretary to HWM, WMS, Islamabad
- ii. PSO to HWM, WMS, Islamabad
- iii. P.S. to Secretary, WMS, Islamabad
- iv. DG (Administration), WMS, Islamabad
- v. DG (Coordination), WMS, Islamabad
- vi. Registrar, WMS, Islamabad
- vii. DCO/Consultant (IT), WMS, Islamabad



**WAFAQI MOHTASIB (OMBUDSMAN)'S
SECRETARIAT
36, Constitution Avenue,
Sector G-5/2, Islamabad
051-9217329**

No.3(217) A-II/ 2024

Islamabad, the 23rd May, 2024

CIRCULAR

Instances have come to notice that the grievances in some complaints at Head Office as well as Regional Offices are not being redressed by the Investigation/ Implementation Officers in true letter and spirit.

2. It has, therefore, been directed that all the Investigation and Implementation Officers shall examine the applications/ complaints minutely and make sure to redress the grievances as per prayers of the complainants in accordance with rules.
3. The above directions are issued for compliance by all concerned.

Sd/-
(Muhammad Safdar)
Director General (Admn)

Distribution:

- All Regional Heads
- All Investigation and Implementation Officers, WMS, Islamabad

Copy for information to:

1. Secretary to Wafaqi Mohtasib
2. PSO to HWM
3. PS to Secretary, WMS
4. PS to DG (Coord)
5. PS to Registrar
6. Circular/ Master file

WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD

No. F. 18(1)/COORD/WMS/2022

Dated: 03rd June 2024

CIRCULAR

Subject: MINUTES OF THE MEETING OF APPRAISAL WING OF WAFAQI MOHTASIB SECRETARIAT, HELD ON 22/05/2024 AT 1400 HOURS IN THE OFFICE OF SENIOR ADVISOR (APPRAISAL), RAJA RAZA ARSHAD

Minutes of the subject meeting, duly approved by the Honorable Wafaqi Mohtasib, are circulated for information and necessary action by all concerned.

Encls: As stated

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

1. All Appraising Officers in the WMS Head Office, Islamabad
2. All Investigation/Implementation Officers, in the WMS Head Office, Islamabad
3. Head/Incharge of All Regional Offices of the WMS for circulation among the Investigation/Implementation/Appraising Officers in their respective jurisdiction.
4. DG (Admn), WMS, Islamabad.
5. Registrar, WMS, Islamabad
6. Consultant (IT)/DCO, WMS, Islamabad. Please circulate the Minutes to all concerned Investigation, Implementation and Appraisal Officers through Email.

Copy forwarded to:

1. Secretary to HWM, WMS, Islamabad.
2. PSO to HWM, WMS, Islamabad.
3. PS to Secretary WMS, Islamabad.
4. Director General (Administration), WMS, Islamabad.

OFFICE OF THE SENIOR ADVISOR/CONVENER
(APPRAISAL WING)

A meeting of the Appraisal Wing was convened on 23.05.2024 at 14:00 Hours in the office of the undersigned on the circulated agenda items (F/A).

2. After deliberations on the agenda items, following was agreed upon by the majority of the Appraisal Wing:

i) Determining the threshold of disputed amounts of complaints pertaining to DISCOs/Gas Companies.

It was suggested by the majority of Appraisers that the threshold for a single I.O, dealing with the cases pertaining to DISCOs/Gas Companies, will be less than Rs. 100,000. The complaints of above Rs. 100,000 will be heard by a committee of two I.Os, except for the Regional Offices where there is only one I.O. Mr. Saqib Khan, Registrar, was of the view that the threshold may be increased to Rs. 200,000 because of the increased tariff. It was also the view of the majority of the Appraisers that the current practice may continue in respect of Regional Offices at Lahore and Karachi. In addition, it was unanimously agreed that all complaints of Rs 100,000 will be referred to the CEOs of the DISCOs/Gas Companies to dispose of them at their end, irrespective of the fact whether they have been heard by one I.O or two. All such referrals will highlight maladministration in clear terms.

ii) Data retrieval of defective electricity meters and subsequent charging in violation of para 4.3.2 (d) of the NEPRA's Consumer Service Manual, 2021.

All Appraisers unanimously agreed that the data of the defective meter should not be retrieved after the prescribed time limit of 3 months of display wash and all I.Os shall adhere to the instructions laid down in para 4.3.2 (d) of the NEPRA's Consumer Service Manual, 2021. In this context, it was also agreed that the 3 months' time, in respect of para 4.3.2 (d), will commence from the day the meter was declared defective and not from the date it was removed/replaced.

iii) Regulation 23(1)(b) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.

During discussion on the issue, it was opined by all the Appraisers that Regulation 23(1)(b) will be applied to close those complaints, where the

Agency is not at fault, because of the failure of the complainant to meet the Agency's procedures and formalities for the redressal of the grievance. It was suggested that, if the Agency is not at fault because it did not commit maladministration and there were no formalities to be adopted by the complainant, then the complaint should be closed, either, under Regulation 23(3), as a Rejected Finding, or in terms of Regulation 23(1)(z) with the following closing para:

“In view of the above the complaint is closed in terms of Regulation 23(1)(z) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulation 2013, as the Agency is not at fault and there is no further action pending on the part of the Agency.”

This was unanimously agreed upon.

3. As an additional agenda item, it was also suggested to the Appraisers that in Findings, where there are minor errors, such as typographical mistakes etc.; clarification can be sought telephonically from the I.Os; or by perusing the record. Such Findings should not be returned to I.Os.

(Raja Raza Arshad)
Senior Advisor/Convener
30.05.2024



**WAFAQI MOHTASIB
(OMBUDSMAN)'S
SECRETARIAT
36, Constitution Avenue,
Sector G-5/2, Islamabad
051-9217329**

No.3(162) A-II/ 2024

Islamabad, the 24th July, 2024

CIRCULAR

It has been noted with concern that Senior Advisors/ Advisors/ Investigation/ Implementation Officers etc. suddenly plan their leaves on the days already scheduled for hearing of cases. In most cases, the officers inform their staff about their leaves instead of Administration. This causes inconvenience to the complainants and may result in affecting of the image of WMS. Moreover, the Coordination Wing responsible for re-allocation of work to other suitable officer(s) is also unaware about the absence/ leave of the officers resulting in suffering of the complainants.

2. It has, therefore, been directed that all officers should plan their leaves and in case of urgency shall inform Director General (Admn) and PSO to HWM besides their immediate staff so that alternate arrangements can be made well in time and inconvenience caused to complainants/ higher authorities may be avoided.

3. All officers are requested to ensure compliance of the above instructions in true letter and spirit.

Sd/-
(Muhammad Safdar)
Director General (Admn)

Distribution:

- All Investigation and Implementation Officers, WMS, Islamabad

Copy for information to:

1. Secretary to Wafaqi Mohtasib
2. PSO to HWM
3. PS to Secretary, WMS
4. PS to DG (Coord)
5. PS to Registrar
6. Circular/ Master file

WAFAQI MOHTASIB SECRETARIAT

(Coordination Wing)

ISLAMABAD

No. F. 4(2)/COORD/WMS/2024

Dated: 20th August 2024

CIRCULAR

Subject: - JURISDICTION OF THE WAFAQI MOHTASIB OVER PAKISTAN
RED CRESCENT SOCIETY (PRCS)

The jurisdiction of the office of Wafaqi Mohtasib over the Pakistan Red Crescent Society (PRCS) as a Federal Government Agency has been reviewed. The status of the PRCS has been clarified as follows: -

As per the scheme of the Pakistan Red Crescent Society Act, 1920, there is a Managing Body of the Society at Federal level under section 3 of the Act headed by the President of Pakistan, followed by establishment of Branch Committees at Federal and Provincial level. Under sub-section (1-A) of section 8 of the Act of 1920, the Branch Committee at the Federal level is constituted by the President of Pakistan, whereas under sub-section (1B) of section 8 ibid, read with sub-section (1D) thereof, the Branch Committees at Provincial level are constituted by the respective Governor of the Province and all the properties at Provincial level vest in the respective Provincial Branch Committees. **Thus, under the said Act, the Branch Committees at Federal and Provincial levels have an independent role after the 18th Amendment in the Constitution of the Islamic Republic of Pakistan. So, the Provincial Branch Committees do not fall within the purview of the Federal Agency under Article 2(1) of P.O. 1 of 1983. However, the Managing Body and the Federal Branch Committee of the PRCS fall within the definition of the Agency notwithstanding that their activities also take place at Provincial level.** Therefore, any complaint of maladministration with regard to the functions of the Managing Body and the Federal Branch Committee may be entertained by the Office of the Wafaqi Mohtasib.

2. In light of the above, the HWM has been pleased to direct that the Complaints received against the Pakistan Red Crescent Society (PRCS) may be handled by the WMS Investigation and Implementation Officers keeping in view the above clarified status of the PRCS.

Sd/-

(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

1. All Investigation, Implementation and Appraisal Officers at WMS, HO, Islamabad.
2. Head of all Regional Offices of WMS for circulation among all Investigation, Implementation and Appraisal Officers in their jurisdiction.
3. DG (Administration), WMS, Islamabad
4. DG (Coordination), WMS, Islamabad
5. Registrar, WMS, Islamabad.
6. DCO/Consultant (IT), WMS, Islamabad

Copy for information to:

- i. Secretary to HWM, WMS, Islamabad
- ii. PSO to HWM, WMS, Islamabad
- iii. P.S. to Secretary, WMS, Islamabad

WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD

No. F. 4(2)/Coord/WMS/2024

Dated: 23rd August, 2024

CIRCULAR

Subject: **SOP to avoid interruption in Scheduled Hearing of Complaints as a consequence of Re-Allocation of Investigation Work between various Investigation Officers of the WMS Head Office**

Instances have come to the notice where during the process of re-allocation of the Agencies between various Advisors/Investigation Officers of the WMS or relinquishment of charge by an Advisor with immediate effect, the hearings that were already scheduled on the next day, or the day after, were interrupted and the complainants and representatives of the concerned Agencies on arrival in the WMS were taken aback as to which I.O. is to hear their scheduled complaint. The HWM has taken a serious view of such lapses.

2. In order to ensure that such occurrences do not happen in future, with the approval of HWM, following **SOP** is issued which must be strictly followed by all concerned in letter and spirit: -

- i. The Coordination Wing will issue the redistribution of investigation/implementation work immediately after receiving the orders of HWM, endorsing those orders to all the relevant officers and staff of the previous officers enabling them to transfer the physical record/files. **The Registration Wing will transfer the cases through CMIS on the same day.**
- ii. Immediately upon receiving the Circular from the Coordination Wing regarding re-allocation of investigation/implementation work, **the Private Secretary/Staff of the Advisor/IO with whom the hearing of complaint was already scheduled and notified to the complainant, will ensure preparing a list of all such cases and forward it with physical files of these cases to the Advisor to whom the Agency has been re-allocated. This transfer of files must be completed before the scheduled time and date of hearing.**
- iii. The Private Secretary/Staff of the Advisor to whom the investigation/implementation work is transferred **will coordinate with the Staff/Advisor with whom the hearing was earlier scheduled, and will check the cases those were already scheduled for hearing the next day or the day after of the Coordination Wing's Circular and will ensure obtaining all relevant files/record from the Advisor with whom the hearing was earlier scheduled.**

- iv. The staff of the Advisor with whom the hearing was earlier scheduled will **politely inform the complainant/Agency representatives about the change of the IO** and will properly guide them to the office of the Advisor to whom the hearing has been transferred.
- v. In the WMS Head Office, if for any valid reason, the Advisor/IO with whom a hearing was scheduled is not in a position to conduct the hearing or his unavailability, the Private Secretary/Staff of the said Advisor/IO will timely inform the Director General (Coordination)/or the Secretary to HWM enabling them to make alternate arrangement for the hearing. In the WMS Regional Offices, the Regional Head will make alternate arrangements in such cases.

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

1. All Investigation and Implementation Officers, WMS Head Office, Islamabad.
2. Head/Incharge of all WMS Regional Offices.
3. Director General (Admn), WMS, Islamabad.
4. Director General (Coordination), WMS, Islamabad
5. Registrar, WMS, Head office, Islamabad.
6. DCO / Consultant (IT), WMS, Islamabad

Copy for information to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad.
3. PS to Secretary, WMS, Islamabad

WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD

No. F. 4(2)/Coord/WMS/2024

Dated: 04th September 2024

CIRCULAR

Subject: Disposal of Complaints involving Civil and Criminal Issues

The issue whether the complaints in which civil or criminal proceedings had been initiated by the concerned Agencies, can be investigated by the Office of the Wafaqi Mohtasib to the extent of maladministration or not, has been thoroughly examined. The HWM has been pleased to decide as follows:

- i. In complaints involving civil or criminal issues, where action has been initiated by the Agencies, by registering FIRs, but court proceedings have not commenced, the office of Wafaqi Mohtasib will not investigate maladministration. Such complaints will be closed in terms of Regulation 23(1)(z) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013, and will specify that further investigation is not required as FIR has been registered. However, before closing the complaint, the Investigation Officer should ask for a copy of the FIR from the Agency.
- ii. In Complaints involving civil or criminal issues, where court proceedings have commenced and are *sub judice*, the office of Wafaqi Mohtasib will not investigate maladministration. Such complaints will be closed in terms of Regulation 23(1)(j) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013. In this context, before closing the complaint, the Investigation Officer should get a copy of the filing of the case in a court of law.

Sd/-

(Iqbal H. Siddiqui)

Director (Coordination)

Distribution:

1. All Investigation, Implementation and Appraisal Officers, WMS Head Office, Islamabad.
2. Head/Incharge of all WMS Regional Offices for circulation to all the Investigation, Implementation and Appraisal Officers within their jurisdiction
3. Registrar, WMS, Head office, Islamabad.
4. DCO / Consultant (IT), WMS, Islamabad

Copy for information to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad.
3. PS to Secretary, WMS, Islamabad
4. Director General (Admn), WMS, Islamabad.
5. Director General (Coordination), WMS, Islamabad

WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD

No. F. 4(2)/Coord/WMS/2024

Dated: 04th September 2024

CIRCULAR

Subject: Pro-Rata System used for Calculation of Electricity Tariff Slabs

A Writ Petition No. 43616/2024 titled “M/S Judicial Activism Panel Through Mr. Muhammad Azhar Siddique Advocate vs FOP & Others” was filed in the Honourable Lahore High Court concerning the pro-rata system used for calculation of electricity tariff slabs. Following the decision dated 11/07/2024, issued by the Honourable Lahore High Court in this Writ Petition, NEPRA issued directions through its letter No. NEPRA/DG(CAD)/TCD-10/11474-11505 dated 30/07/2024. **A copy of the NEPRA’s directions, referred to above, is at Annex-I for information.**

2. In view of the above, the matter has been considered in the WMS. It has been decided with the approval of HWM that the complaints made to the WMS pertaining to pro-rata billing (which were being closed under Regulation 23(1) (i) as policy matter) need to be referred to the CEOs of DISCOS to dispose of such complaints in light of the NEPRA’s directive dated 30/07/2024, referred to above. The referral paras in the Findings should be as follows:

“It was observed that in respect of pro-rata billing, NEPRA has issued certain instructions, vide NEPRA/DG (CAD/TCD-10/11474-11505, dated 30/07/2024. In view of these instructions, it seems appropriate to refer the complaint to the CEO, (name of relevant DISCO), to dispose it of as per NEPRA’s directive mentioned above.

In view of the above, the complaint is closed under Regulation 23(1)(z) of the Wafaqi Mohtasib (Investigation & Disposal of Complaints) Regulations, 2013. A compliance report be submitted to this Office within 30 days”.

3. All the Investigation/Implementation/Appraisal Officers may please follow the above guideline while handling the complaints on the subject.

Encls: As stated

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

1. All Investigation, Implementation and Appraisal Officers, WMS Head Office, Islamabad.
2. Head/Incharge of all WMS Regional Offices for circulation to all the Investigation, Implementation and Appraisal Officers within their jurisdiction
3. Registrar, WMS, Head office, Islamabad.
4. DCO / Consultant (IT), WMS, Islamabad

Copy for information to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad.
3. PS to Secretary, WMS, Islamabad



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
36-Constitution Avenue, Sector G-5/2, Islamabad.
Phone:(051) 9217329

No. 8(412) A-I/2024

Islamabad, the 4th October, 2024

CIRCULAR

With approval of the Hon'ble Wafaqi Mohtasib, the following revised Territorial Jurisdiction of Wafaqi Mohtasib Secretariat, Head Office and its Regional Offices, as specified in the Scheduled of Regulation 3(2) of the "Investigation and Disposal of Complaints Regulations 2013" is hereby circulated for information/ compliance: -

OFFICE	TERRITORIAL JURISDICTION (DISTRICT WISE)
<u>HEADQUARTERS, ISLAMABAD</u>	Federal Capital Area Islamabad, Rawalpindi, Attock, Jhelum, Chakwal. Besides, the complaints received from all districts of A.J.&K and Northern Areas / Gilgit Baltistan shall continue to be investigated at Head Office, Islamabad till the establishment of Regional Offices.
<u>PUNJAB</u>	
Regional Office, Lahore	Lahore, Kasur, Sheikhupura and Nankana Sahib
Regional Office, Multan	Multan, Pakpattan, Vehari, Khanewal, D.G. Khan, Layyah, Muzaffargarh and Rajanpur
Regional Office, Faisalabad	Faisalabad, Sahiwal, Jhang, Toba Tek Singh, Chiniot and Okara
Regional Office, Gujranwala	Gujranwala, Gujrat, Sialkot, Narowal and Hafizabad
Regional Office, Bahawalpur	Bahawalpur, Bahawalnagar, Rahim Yar Khan and Lodhran
Regional Office, Sargodha	Sargodha, Khushab, Mianwali and Mandi Bahauddin
<u>SINDH</u>	
Regional Office, Karachi	All districts of Karachi and Lasbella (Balochistan)
Regional Office, Sukkur	Sukkur, Khairpur, Ghotki, Naushero Feroze, Larkana, Jacobabad, Shikarpur, Kashmore, Qamber and Shahdadkot
Regional Office, Hyderabad	Hyderabad, Jamshoro, Matiari, Tando Muhammad Khan, Shaheed Benazirabad (Nawabshah), Badin, Dadu, Thatta and Sajawal
Regional Office, Mirpur Khas	Mirpur Khas (Digri) Umarmkot, Sanghar (Tando Adam), Tando Allah Yar and Tharparkar – Mithi
<u>KHYBER PAKHTUNKHWA</u>	
Regional Office, Peshawar	Peshawar, Charsada, Hangu, Karak, Kohat, Mardan, Nowshera, Swabi and Tribal districts of Kurram, Orakzai, Khyber, Mohmand, and Bajaur

OFFICE	TERRITORIAL JURISDICTION (DISTRICT WISE)
	Sada Complaints Collection Center for Kurram and Orakzai Districts
Regional Office, D. I. Khan	D. I. Khan, Bannu, Lakki Marwat, Bhakkar and Tank Wana Complaints Collection Center for South Waziristan Upper, South Waziristan Lower and North Waziristan Districts
Regional Office, Abbottabad	Abbottabad, Haripur, Mansehra, Battagram, Upper Kohistan, Lower Kohistan, Koli Polas (Kohistan) and Torghar (Kala Dhaka)
Regional Office, Swat	Malakand, Swat, Chitral, Shangla, Buner, Upper Dir, and Lower Dir
OFFICE	TERRITORIAL JURISDICTION (DISTRICT WISE)
<u>BALUCHISTAN</u>	
Regional Office, Quetta	Quetta, Barkhan, DeraBugti, Duki, Panjgur, Gawdar, Harnai, Jafarabad, Jal Magsi, Kachi, Kech, Qilla Abdullah, Kohlu, Loralai, Musa Khel, Naseerabad, Pishni, Qilla Saifullah, Sherani, Sibi, Sohbatpur, Zhob and Ziarat
Regional office, Kharan	Kharan, Noshki, Chaghi, Mushkay, Panjur, Turbat and Gawadar
Regional office, Khuzdar	Khuzdar, Surab, Awaran, Kalat and Mastung

Sd/-
(Muhammad Safdar)
Director General (Admn)

Copy to:

1. Secretary to the Hon'ble Wafaqi Mohtasib.
2. PS to the Secretary, Wafaqi Mohtasib Secretariat, Islamabad.
3. PS to Senior Advisor (Law), WMS, Head Office, Islamabad.
4. All Investigation, Appraisal and Implementation Officers at WMS, Head Office, Islamabad
5. Heads of all Regional Offices of WMS for circulation among all Investigation, Appraisal and Implementation Officers in their jurisdiction.
6. PS to Registrar, WMS, Head Office, Islamabad.
7. Consultant (I.T), WMS, Head Office, Islamabad.
8. Notification file.
9. Master file.

WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD

No. F. 4(2)/COORD/WMS/2024

20th November, 2024

CIRCULAR

Subject: GUIDELINES FOR INVESTIGATION OFFICERS ON DRAFTING FINDINGS

In compliance with the directives of the Hon'ble Wafaqi Mohtasib (HWM) and recommendations of the committee headed by Justice ® Muhammad Raza Khan, the following guidelines are issued for all Investigation Officers to enhance the quality of Findings and improve public trust in the Wafaqi Mohtasib Secretariat:

1. Telephonic Hearings:

- Investigation Officers must make diligent efforts to hear complainants at least telephonically.
- If a complainant cannot be heard, the specific reason must be included in the Findings to justify the exception.

2. Closure of cases in Regulation 23(1)(z):

- The cases closed under Regulation 23 (1)(z), where mal-administration has been established and referred to the Heads of the Agencies with specific timeframe for implementation, shall be sent to implementation officers for further action. However, other cases, having no specific time frame, be consigned to record.

Sd/-
(Muhammad Ashfaq Ahmad)
Director General
(Coordination)

Distribution:

- 1. All Heads of the WMS Regional Offices. Please circulate the guidelines to all the Investigation/Implementation/Appraisal Officers in their respective jurisdiction**
- 2. All Appraisal Officers in the WMS Head Office**
- 3. All Investigation/Implementation Officers in the WMS Head Office**

Copy for information to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad
3. SPS to Secretary, WMS, Islamabad
4. DG (Administration), WMS, Islamabad
5. Registrar, WMS, Islamabad
6. DCO/Consultant (IT), WMS, Islamabad

**WAFaqI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD**

No. F. 4(2)/COORD/WMS/2024

27th November 2024

CIRCULAR

Subject: MEETING HELD ON 21/11/2024 ON THE COORDINATION AND OVERLAPPING PROCEEDINGS IN PENSION CASES OF CONTROLLER MILITARY ACCOUNTS

A meeting was held under the chairmanship of the HWM with the Military Accountant General (MAG) at the WMS on 21st November 2024 to discuss matters pertaining to complaints made by the pensioners of Controller Military Accounts (CMA) to the WMS and implementation by the MAG on the Findings by the WMS. Minutes of the meeting have been circulated separately to all concerned today.

2. During the meeting, the MAG pointed out that notices for hearings of cases at the WMS are sometimes addressed to the wrong offices of the CMA, resulting in unintentional absence from hearings by the CMA representative. In this regard, he explained that while CMA (OP) deals with pension matters of officers, the CMA (P) handles pension matters of JCOs, soldiers and civilians.

3. To resolve the issue, the HWM has been pleased to direct that the concerned Investigation and Implementation Officers of the WMS dealing with complaints pertaining to the CMA should henceforth address hearing notices and other communications directly to the MAG, with a copy to the concerned officers of the CMA. The HWM has further directed that the pending complaints (mentioned in the minutes of the meeting) should be disposed at the earliest, based on the merits of each case.

Sd/-

(Iqbal H. Siddiqui)
Director Coordination)

Distribution:

- i. All Investigation and Implementation Officers at the WMS Head Office, Islamabad
- ii. Heads of all Regional Offices of the WMS
- iii. Registrar, WMS, Islamabad
- iv. DCO/Consultant (IT), WMS, Islamabad

Copy for information to:

1. Secretary to the HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad
3. SPS to Secretary WMS, Islamabad
4. Mr. Muhammad Saqib Khan, Registrar, WMS, Islamabad

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
(COORDINATION WING)
ISLAMABAD

F. No. 4(2)/COORD /WMS/2024

10th December 2024

CIRCULAR

Subject: GUIDELINES FOR DEALING WITH COMPLAINTS AND IMPLEMENTATION PROCEEDINGS ON FILING OF CASES IN THE COURTS

It has been observed that at times the complainants/Agencies approach the Courts after filing of complaints or for that matter during the process of implementation of the Findings. It has been decided by HWM in the meeting held on 5th December, 2024 to deal with such matters as follows:

(a) Where after filing of a complaint, a complainant approaches a Court pertaining to the subject matter of the complaint or such subject matter is otherwise pending adjudication, the investigation of the complaint shall be closed being the matter subjudice notwithstanding the contents of Regulation 23(1)(j) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.

(b) Where during the process of implementation of the Findings, an Agency files a Writ Petition in a High Court, challenging the Findings of the Wafaqi Mohtasib or Order of the President, as the case may be, implementation proceedings shall not be adjourned *sine die* unless the Petition is admitted for hearing or operation of the impugned Findings of the Wafaqi Mohtasib or Order of the President or both are suspended by the Court:

Explanation. Mere filing of the Petition does not mean admission of the Petition.

(c) Where during the process of implementation of the Findings, a complainant approaches Court, the implementation proceedings shall be closed being the Findings not required to be implemented.

Sd/-

(Muhammad Ashfaq Ahmad)
Director General (Coordination)

Distribution:

1. All Investigation and Appraisal Officers at WMS, HO, Islamabad.
2. Head of all Regional Offices of WMS for circulation among all Investigation and Appraisal Officers in their jurisdiction.
3. Registrar, WMS, Islamabad.

Copy to:

1. Secretary to HWM, WMS, Islamabad.
2. PSO to HWM, WMS, Islamabad.
3. SPS to Secretary, WMS, Islamabad.
4. DG (Admn), WMS, Islamabad.

WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
(COORDINATION WING)
ISLAMABAD

F. No. 4(2)/COORD /WMS/2024

12th December 2024

CIRCULAR

Subject: TIMELY SUBMISSION OF DRAFT FINDINGS

It has been observed that Investigation Officers are submitting draft findings for appraisal with significant delays after the final hearing of cases. In some instances, this delay has exceeded one month. This practice is in clear violation of Regulation 24(4) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013, which stipulates:

“24. (4) The draft findings shall be submitted to the Mohtasib generally within seven days of completion of the investigation and shall be simple, impersonal, persuasive, and arranged in paragraphs duly numbered in chronological order.”

2. The competent authority has taken serious notice of this negligence. It has been directed that such delays will not be tolerated. Strict monitoring will be carried out in future, and responsibility will be fixed on the Investigation Officers and their supporting staff found negligent in adhering to the prescribed timeline.

3. All Investigation Officers are instructed to ensure compliance with Regulation 24(4) and submit draft findings promptly within the stipulated time frame.

BY ORDER OF THE HONOURABLE WAFaqI MOHTASIB.

Sd/-

(Muhammad Ashfaq Ahmad)
Director General (Coordination)

Distribution:

1. **All Investigation Officer at the WMS Head Office**
2. **All Regional Heads of the WMS and for circulation to all the Investigation and Appraisal Officers under their respective jurisdiction**
3. **All Appraisal Officers at the WMS Head Office, Islamabad**
4. **DCO/Consultant (IT), WMS, Islamabad**

Copy for information to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad
3. SPS to Secretary WMS, Islamabad
4. DG (Administration), WMS, Islamabad
5. Registrar, WMS, Islamabad



GAS AND ELECTRICITY CASES

WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD

No. F.6(29)/WMS/Coord/2018

Islamabad the, 09th October, 2018

CIRCULAR

The Honourable Wafaqi Mohtasib has been pleased to decide regarding processing of electricity complaints, as follows:

- a. Henceforth, the electricity complaints involving billing amount of upto Rs. 100,000/- pertaining to domestic, commercial and agriculture (not industrial) connections will be entertained by the Wafaqi Mohtasib Secretariat.
- b. The cases returned by NEPRA should be processed in normal course regardless of the billing amount.
- c. In all cases where FIRs have been lodged by the agency against the consumers in theft cases etc, the complaints should be rejected in limine.
- d. While preparing findings in the cases returned by NEPRA, the reference of the letter sent to NEPRA and the one under which the NEPRA returned the case should be specifically mentioned.

Sd/-
(Aijaz Hussain Line)
Director General (Co-ordination)

Distribution:

1. All IOs/Appraising officers in HO.
2. All Regional Heads
3. Registrar.
4. DCO

WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD

No. F.6(29)/WMS/Coord/2019

Islamabad the, 15th April, 2019

CIRCULAR

Subject: **INVESTIGATION OF COMPLAINTS INVOLVING BILLING AMOUNT OF RS.100,000/- OR MORE AND RECONSIDERATION PETITIONS AT REGIONAL OFFICE MULTAN**

In continuation of WMS Office Order No.6(29)(i)WMS/Coord/2018, dated 7th January, 2019 and Office Order No. 6(27)WMS/Coord/2019, dated 12th March 2019 authorizing Mr. Nadeem Ashraf and Mr. Khalid Hanif, Senior Advisors for regional Office, Lahore and Mr. Anwar Haider, Syed Arshad Ali and Mrs. Yasmin Saud, Senior Advisors for Regional Office, Karachi to hear the cases involving billing amount of Rs.100,000/- or more, it has been decided that for other Regional Offices complaints involving the billing amounts of Rs.100,000/- or more (including returned cases from NEPRA of these amounts) will be heard in the following manner:-

- i. Where there is more than one I.O in any regional Office, a committee of two I.Os will hear the cases involving amount of Rs.100,000/- or more.
- ii. Where there is only one I.O available at a particular Regional Office, the concerned Appraising Officer at Headquarters and I.O. concerned will jointly hear the complaints through video link.

2. As regards hearing of reconsideration petitions at Regional Office Multan, a committee comprising Mr. Muhammad Tanveer Mir, Advisor, WMS Islamabad and Mr. Muhammad Akram Chaudhry, Advisor, WMS, Multan will hear them through video link. However, if the original finding was prepared by Mr. Muhammad Akram Chaudhry, Advisor, WMS, Multan, the reconsideration petition will be heard by Mr. Muhammad Tanveer Mir, Advisor, WMS Islamabad and Mr. Muhammad Farhan Sikandar, Deputy Director (Incharge), WMS, Multan through video link.

Sd/-
(Aijaz Hussain Line)
Director General (Coord)

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all I.Os).
2. All concerned officers.

WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD

CIRCULAR

Subject: **DISPOSAL OF CASES INVOLVING THEFT OF GAS / ELECTRICITY**

It has been observed that the position is not clear to many Investigating Officers regarding disposal of complaints relating to theft of gas/electricity. The matter has, therefore, been considered and it has been decided with the approval of HWM that complaints involving the4ft of gas/electricity may be processed in the following manner: -

- i. Those cases should not be investigated by this office and may be referred to OGRA or Gas Theft Court in which tampering of gas is proved in the Metering Workshop within the mandatory time frame, given in para G of OGRA approved procedure.
- ii. This office may, however, process and pass orders in cases where the time frame given in para G of OGRA procedure is violated.
- iii. In cases relating to theft of electricity, this office may investigate maladministration in the process of billing procedure even in those cases where FIR has been lodged by the Police but the challan has not been submitted in the court.

Sd/-
(Aijaz Hussain Line)
Director General (Coord)

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all I.Os).
2. All concerned officers.

WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD

No. F.6(29)/WMS/Coord/2018

Islamabad the, 30th July, 2019

CIRCULAR

Subject: **COGNIZANCE OF COMPLAINTS PERTAINING TO INDUSTRIAL CONNECTIONS**

According to the policy instructions, issued vide circular No. 6(29)/WMS/Coord/2018 dated 09.10.2018 on the above subject, the complaints pertaining to industrial connections were not to be entertained. It has, however, been noticed that a large percentage of complaints are being received in this Secretariat involving small industrial consumers like those of “Atta Chakki”, Saw Machines, Plastic Moulding and other small single unit consumers. The disputed billing amount is usually less than Rs.200,000/-. On refusal to entertain such complaints, the complainants feel dejected as alternate remedy like going to Civil Courts or even NEPRA are not only time consuming but also entails substantial expenditure.

2. In view of the above, it is now been decided that complaints pertaining to industrial connections upto billing amount of Rs.200,000/- will be entertained for investigation by the Wafaqi Mohtasib Secretariat subject to hearing by two investigating officers for amount above Rs.100,000/-.

Sd/-
(Aijaz Hussain Line)
Director General (Coord)

Distribution:

1. All Investigation Officers/Appraising Officers at Head Office, WMS, Islamabad.
2. All Regional Heads (with the instructions to bring it to the notice of all I.Os).
3. Registrar
4. DCO (pl. circulate through email to all Regional Heads All I.Os at H.O and R.Os)

WAFaqI MOHTASIB SECRETARIAT
ISLAMABAD

No. F.6(29)/WMS/Coord/2020

Islamabad the, 24th January, 2020

CIRCULAR

Subject: **INVESTIGATION OF COMPLAINTS INVOLVING BILLING
AMOUNT OF RS. 100,000/- OR MORE.**

In continuation of this Secretariat Circular of even number dated 15.04.2019 on the above subject, the competent authority has been pleased to decide that at Head Office the Investigation Officers concerned will themselves hear the complaints involving the billing amounts of Rs.100000/- or more, with immediate effect.

Sd/-
(Aijaz Hussain Line)
Director General (Coord)

Distribution:

1. All concerned officers in WMS, Islamabad.

WAFaqI MOHTASIB SECRETARIAT
ISLAMABAD

No. F.4(2)/Coord/WMS/2020

Islamabad the, 20th October, 2020

CIRCULAR

Subject: **CIRCULATION OF PRESIDENT DECISION ON THE REPRESENTATION OF GAS COMPANIES ABOUT THE JURISDICTION OF THE WAFaqI MOHTASIB IN DEALING WITH THE CASES OF BILLING AND THEFT OF GAS.**

As per directive of competent authority, a orders of the Hon'able President of Pakistan on the representation of SNGPL regarding the jurisdiction of the Wafaqi Mohtasib in dealing with the cases of billing and theft of gas, received vide President's Secretariat letter No.239-248/WM/2020 dated 13th October, 2020, is hereby circulated for information and guidance, please.

2. The aforesaid orders of the Hon'able President may be quoted in all Findings in future where SNGPL/SSGCL challenges the jurisdiction of the Wafaqi Mohtasib in dealing with the complaints.

Sd/-
(Aijaz Hussain Line)
Director General (Coord)

Distribution:

1. All Investigating Officers/Appraisal Officer at Head Office, Islamabad.
2. All Regional Heads.
3. All Registrar Offices at Head Office and ROs
4. Director (IT). Please circulate amongst all concerned via e-mail.

PRESIDENT’S SECRETARIAT (PUBLIC)

AIWAN-E-SADR, ISLAMABAD

REPRESENTATIONS FILED BY SUI NORTHERN GAS PIPELINES LIMITED AGAINST THE FINDINGS OF THE Wafaqi NMOHTASIB DATED 06.04.2020, 18.05.2020, 05.06.2020 & 25.06.2020 IN COMPLAINT NOS. MS-PSH/000467/2020, WMS-PSH/000521/2020, WMS-PSH/0000536/2020, WMS-ONL/566/2020, WMS-PSH/567/2020, WMS-PSH/000574/2020, WMS-PSH/000584/2020, WMS-PSH/000687/2020, WMS-PSH/000689/2020 & WMS-PSH/000714/2020.

Kindly refer to your representations addressed to the President in the back ground mentioned below: -

2. M/s Sui Northern Gas Pipelines Ltd. – SNGPL (the petitioner company) has assailed ten orders of the learned Wafaqi Mohtasib passed in the complaint numbers detailed above by filing the instant representations.
3. In pursuance of Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013, these cases have been processed on the basis of the material available on record.
4. The learned Wafaqi Mohtasib in all the impugned orders had attributed maladministration on the part of the petitioner company observing that the gas meters were replaced by the petitioner company and sent to the laboratory for flow proving. Under the policy/procedure framed by the OGRA for theft of gas cases, a suspected gas meter is required to be sent to the testing laboratory within two days after disconnection but in these cases, the meters were sent to the laboratory after six months which is a departure from the established procedure and constitutes maladministration.
5. The contention of the petitioner company in these representations is that it had complied with all the prescribed rules and regulations, hence the Impugned orders may be set aside.
6. The objection by the petitioner company regarding the jurisdiction of the learned Wafaqi Mohtasib in these matters is misconceived as the issue pertains to alleged deviation/departure from the prescribed procedure that constitutes maladministration as envisaged by Article 2(2) of P.O. No. 1 of 1983. The petitioner company had failed to bring on record any plausible justification for departure from the procedure contained in Clause 5(ii) of the Consumer’s Gas Supply Contract and the OGRA’s Procedure for Dealing with Theft of Gas Cases 2005; which requires that the presence of the consumer or his authorized representative at the time of inspection / replacement of gas meter and obtaining of his signature is essential. It also failed to spell out any special circumstances or misbehavior by the respondents, necessitating the need to dispense with their or their authorized representative’s presence at the time of replacement/inspection of the gas meter and obtaining their signatures on the meter replacement advice. Such departure from the prescribed procedure stands established attributing maladministration on the part of the petitioner company warranting no interference in the impugned orders.
7. Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013 is as follows: -
“Shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency”
8. The Honorable President of Pakistan has been pleased to reject these representations by upholding the impugned orders. Compliance to be reported to the learned Wafaqi Mohtasib within 30-days.

Sd/-

(Muhammad Saleem)
Director General (Legal)

The General Manager,
Sui Northern Gas Pipeline Limited (SNGPL),
Regional Office, Plot No.33-B/2,
Phase-V, Hayatabad, **Peshawar**

R.Nos.239-248/WM/2020 dated 13th October 2020



**WAFaqi MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F.1(10)/HWM/WMS/2022

Dated: 29th June, 2022

Subject: **INCREASE IN THE FINANCIAL CEILING FOR DEALING WITH
COMPLAINTS RELATING TO ELECTRICITY AND GAS**

The Hon'ble Wafaqi Mohtasib has been pleased to increase the financial limit of Rs. 100,000/- to 200,000/- for dealing with the complaints relating to electricity and gas by the Investigating Officers of the Regional Office, Lahore.

2. All concerned may be advised, accordingly.

Sd/-
(Syed Qamar Mustafa Shah)
Associate Advisor / PS to HWM

Mr. Khalid Pervez,
Senior Advisor (In-charge),
Wafaqi Mohtasib Sectt.,
Regional Office,
Lahore



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT, ISLAMABAD

No. 1(1)/Registrar/WMS/2022

Islamabad 9th December, 2022.

Subject: **DISPOSAL OF COMPLAINTS RELATING TO GAS BILLING DISPUTES**

In a recent judgment of the Lahore High Court in Writ Petition No.77110 of 2019 dated 03.11.2022 (titled Sui Northern Gas Pipelines Limited, Lahore Vs Mr. Salman Pervaiz and others), the Court has held that the issue relating to the billing disputes cannot be determined by the Ombudsman and the Court has further added that under the Gas (Theft Control and Recovery) Act, 2016, special jurisdiction has been vested in Gas Utility Courts to decide such matters. The Court, by giving this judgment, has placed reliance on Sui Northern Gas Pipelines Ltd. Through Authorized Attorney Vs Wafaqi Mohtasib and 3 others (2015 KLD 1029). Similarly, in another case the Apex Court had set aside the impugned orders passed by the Hon'ble Wafaqi Mohtasib vide Findings No.LHR/7104/10 dated 12.04.2013. Revised Findings dated 22.07.2014 and the President's Order dated 08.06.2016 by declaring them illegal and without lawful authority.

2. In this regard kind attention is also invited to the judgment passed by the Hon'ble Lahore High Court in Intra Court Appeal No.146/2015, titled M/s Rana Textiles Limited Vs Sui Northern Gas Pipelines Limited etc. which was circulated vide No.F.3(163) A-II.2015 dated 29.06.2015, for action by all concerned. In pursuance of this judgment, additional guidelines for processing of complaints and preparation of Findings, in consultation with the then Secretary, Law & Justice Division were issued vide Circular No.6(10)/Coord/WMS/2015 dated 18.06.2015, wherein, it was, inter alia, categorically clarified that the I.O shall not get into calculation of tariff or determining the chargeable units etc. for which proper forums are NEPRA/OGRA and the relevant authorities and where maladministration is established, the Agency should be advised to take corrective steps within its powers but not to be directed to take specific action in terms of relief. In order to give effective to the Order of the Apex Court, a new Findings template was circulated vide No.F.6(10)/WMS/15 dated 07.07.2015 for preparation of findings in such cases.

3. In view of the above, all the Investigating Officers at Headquarters/Regional Offices are advised to comply with the judgment of the Apex Court and the instructions on this subject issued from time to time by this Office, be followed particularly for not making recommendations

regarding billion disputes but only investigate the maladministration in the prescribed procedure of billing which must be highlighted in the findings.

4. For the guidance of all the I.Os. It is requested that the following specimen findings may be consulted before disposal of gas related complaints:

- i. Revised Findings No. PSH/1128/19 dated 05.12.2019;
- ii. The Hon'ble President of Pakistan's Order on representations preferred by SNGPL against Findings Nos.PSH/1128/19 and 09 others, vide their U.O. Nos. 07, 08, 09, 10, 11, 12, 13, 14, 15 & 16/WMS/2020 dated 20.05.2020.
- iii. Findings No.BWP/1986/22 dated 28.05.2022.
- iv. Findings No.QTA/1745/20 dated 09.03.2021.

This issues with the approval of the HWM.

Sd/-
(Muhammad Saqib Khan)
Registrar

Distribution:

1. All Investigating / Appraising Officers in Head Office.
2. All Regional Heads/ Investigating Officers of Regional Offices.



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(21)/Coord/WMS/2022

Dated: 28th March 2023

CIRCULAR

Subject: **DISPOSAL OF COMPLAINTS RELATING TO GAS BILLING DISPUTES**

Reference this office circular of even no. dated 21-02-2023 on the subject noted above.

2. It is clarified for information of all I.Os and Appraising Officers that:-
- a) In all cases where the FIRs have been registered, pertaining to theft of gas, the same may be rejected in limine with the advice to the complainants to approach either OGRA or a court of competent jurisdiction, if he so desires.
 - b) In all cases where the Agency alleged theft of gas but during the investigation process it is established that Agency did not follow the prescribed OGRA procedure to deal with the case, the complaint may be accepted under Regulation 23(4) and the Agency be recommended to provide relief to the complainant in accordance with its policy, rules and procedure which were violated causing the complaint.
 - c) In the cases where the Agency substantiates its allegation of theft of gas but the complainant continues to controvert the charge, he may be advised to approach either OGRA or a court of competent jurisdiction for a decision as per Gas (Theft Control and Recovery) Act, 2016. Further investigation in such cases may be closed under Regulation 23(1)(z).

Sd/-

(Sohail Ahmad)
Advisor (Coordination)



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(02)/Coord/WMS/2022

Dated: 19th April 2023

CIRCULAR

Subject: **DISPOSAL OF COMPLAINTS RELATING TO GAS BILLING DISPUTES**

The HWM has observed that some of the Investigation Officers have started to quoting the reference of the Circular No. 4(21) Coord/WMS/2022 dated 21st February, 2023 and 28th March, 2023 in their findings while disposing of complaints relating to gas billing disputes which is not desirable. Therefore, he has directed that this practice may immediately be dispensed with. However, the case should continue to be processed in line with the instructions contained in the aforementioned circulars.

Sd/-
(Sohail Ahmad)
Advisor (Coordination)



ACADEMIC MATTERS



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Opposite Supreme Court of Pakistan Building,
Sector G-5/2, Islamabad.
Phone (Off) 051-9217220

Director General (Coord)

No. 6(28)/WMS/Coord-2016

Dated: 3rd June, 2016.

Subject: **FINDINGS REGARDING ACADEMIC MATTERS**

Instances have come to notice where some Investigation Officers have processed complaints and recommended relief in cases relating to policy matters and academic registration of professional such as doctors, engineers etc.

1. In this context, the following decision of the President and judgement of the Superior Courts are circulated for information and compliance.

- b. Decision of the President of Pakistan
"Neither the Mohtasib nor the President can interfere with the matters relating to academic standards"
- c. Judgments of the Superior Courts
"Policy matters of the Government could not be assailed or challenged in the constitutional jurisdiction (PLD 2006 Lahore 482. Writ petition No. 2029, 2235, 2192..... of 2005, decided on 10th Nov, 2005)". Secondly "the courts should not interfere with policy matters of educational institutions (2015 SCMR 445, Civil Appeal No. 663 of 2008, decided on 30th December 2014)". Thirdly, "High Court in exercise of its Constitutional Jurisdiction could not take over the role of policy". Fourthly, "that in academic matters, Universities, authorities were the best judges to interpret the Rules and Regulations framed by the Universities authorities. Court were required to avoid to interpret the same unless case of grave injustices was made out, otherwise it would become difficult for the Universities to run their affairs.... High Court decline to interfere in the decision taken by the authorities against petitioners.... Petition was dismissed {PLD 2011 Islamabad 10. Writ petition NO.5059 of 2010 heard by 30th March 2011)". **The crux of the Agency's representative's arguments was that Wafaqi Mohtasib should not interfere not interfere in policy or academic matters."**

Sd/-

(Aijaz Hussain Lone)

Director General (Co-ordination)

Distribution:

1. All Investigating and Appraising Officers in Head Offices
2. All Regional Heads

Copy for information to:

1. P.S. to HWM
2. P.S. to Secretary WMS
3. A.S. (Admn)
4. Master File- D.G (Coord)



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(2)/COORD/Circular/WMS/2019

Dated: 20th March 2020

Subject: FINDINGS REGARDING ACADEMIC MATTERS.

Reference WMS letter No.6 (28)/WMS/Coord/2016 dated 3rd June, 2016 whereby the decision of the Honourable President and judgments of the Superior Court were circulated for information and compliance in the context of complaints regarding academic matters.

2. It has been observed during the recent past that a number of complaints against various educational institutions and HEC are recommended to be turned down by categorizing those to be pertaining to academic standards and criteria. However, when seen in their true perspective, quite a few such complaints were found not to be actually falling in the said category. In this context, it is important to note that the academic standards and criteria generally relate to the following: -

- a. Policy of an educational institution for grant of admission to any student in any of the courses taught after fulfillment of the conditions, as reflected in the prospectus.
- b. Number of Semesters/course contents and duration thereof.
- c. Amount of fee to be charged for a course in any discipline.
- d. Award of marks to a student by his Tutor/Examiner.
- e. Timeline for submission of Thesis.
- f. Decision of the Board of Advanced Studies and Research (BASR) to either accept or reject the thesis/grant extension in date for resubmission of thesis after removal of shortcomings; and to declare the student pass or fail.
- g. Issuance of degrees to the students who studied at the illegal campuses of different universities at various places, other than the ones duly accredited with the HEC.
- h. Expulsion of a student from neither the educational institution nor being able to meet the prescribed minimum GPA/freezing of semesters.

3. However, complaints of the following nature cannot be categorized to be within the meanings of academic standards and criteria: -

- i. Undue delay in issuance of equivalence certificate despite meeting the HEC's criteria.
- ii. Undue delay in issuance of certificate, degree and transcript to a student who duly qualifies the examination.
- iii. Allegation of discrepancy in award of marks in assignment when compared with the result card.
- iv. Rechecking of paper(s) of the student who is not satisfied with the marks given to him in any paper.
- v. Inaction on request of a student for change of address, correction of spelling of his name and other particulars in the Examination Admission Card/ Result Card, Certificate, Degree, Transcript of the student.
- vi. Non-inclusion of marks of assignments in the subject course by the examination branch of the university concerned for which the candidate submits the proof of dispatch and the tutor concerned acknowledges the receipt of assignment; and confirms its onward submission to the relevant Branch.
- vii. The allegation leveled by an educational institution against a student for cheating/adopting unfair means during examination and consequently withholding his result indefinitely.

- viii. Belated confirmation of admission by the University and undue delay in dispatch of books to students of Distance Learning.
 - ix. Delay in refunding the fee to a student who withdraws his application of admission within the prescribed time limit; or due to rejection of his application.
 - x. Deviation by a public or private sector university from the guidelines issued by the HEC, for establishing and functioning of universities in Pakistan.
4. The above information may be treated as SOP for dealing with the complaints against educational institutions and HEC, in future.

Sd/-
(Aijaz Hussain Lone)
Director General (Coordination)



FEDERAL OMBUDSMAN

INSURANCE CLAIMS

Wafaqi Mohtasib (Ombudsman)'s Secretariat
Islamabad

No. SOPs/Ic/2020

Islamabad the 25th February, 2020

Subject: **STANDARD OPERATING PROCEDURE (SOP) FOR INVESTIGATION OF COMPLAINTS AND PREPARATION OF FINDINGS IN CASES OF NON-PAYMENT OF INSURANCE CLAIMS.**

The following Standard Operating Procedure (SOP) for investigation of cases / preparation of findings in respect of complaints pertaining to non-payment of insurance claims is circulated for the information and compliance of all I.Os and Appraising Officers at the Head Office as well as the Regional Offices:

- i. At the very outset, it should be seen whether the insurance policy of the deceased was a Medical or a Non-Medical one and whether all other relevant details such as the sum assured, date of commencement, table & term, premium, date of revival (if revived) whether auto surrendered or not and date of death of the deceased are incorporated in the Findings.
- ii. As in a Medical Policy the premium slab is much higher and it is the primary responsibility of the Agency to satisfy itself about the health condition of the person applying for purchase of an insurance policy by conducting his comprehensive medical tests, therefore, in all such cases, repudiation of the insurance claims by the Agency on the pretext of pre-insurance ailment of the deceased should not be allowed; and all such complaints against the Agency should be accepted.
- iii. In a case of Non-Medical policy in which the Agency repudiates the claim, the record should be duly scrutinized to see whether the report of the authorized Medical Officer is furnished on the prescribed format and all the relevant evidences of examination and treatment of the deceased such as the reports of pathological tests, X-rays, ECHO test reports, MRI etc. are annexed.
- iv. Death certificate of the deceased should be examined to see the cause of death as well as to identify the link between the reported ailments of the deceased with the immediate cause of death. If no link is established, the fact should be clearly mentioned in the findings.
- v. The record of pre-insurance ailments of the deceased has no relevance in cases where the deceased died road accident. Such objection of the Agency should be out rightly rejected and the complaint should be accepted.
- vi. In cases where the policy is of Non-Medical category and the Agency alleged pre-insurance ailment of the deceased that cause his death, it should be seen whether the policy continued for a considerable period and whether reported examination and treatment of the deceased preceded the report of the authorized Medical Officer of the Agency. It may also be seen whether the authorized Medical Officer had declared the deceased as healthy and had given the undertaking that in case any incorrect statement was found in his confidential report, he

- vii. would be liable to civil and criminal penalties. If such a report was given by him, the Agency is obviously stopped to repudiate the claim on the pre-insurance ailment of the deceased. The treatment record and findings of the lab test reports pertaining to the pre-insurance ailment of the deceased would then be construed to have been negated by the authorized Medical Officer of the Agency as he submitted his report much after the dates of the lab tests and treatment of the deceased.
- viii. The services of a Medical Officer are hired by the insurance companies to examine the policy holders solely to diagnose any pre-insurance ailment of the persons applying for the policy; and in case of any doubt, the Medical Officer can refer the matter to a specialist. Therefore, in case it is found that the Agency had all the means at its disposal of discovering the reported pre-insurance ailment of die deceased through its authorized Medical Officer but failed to do so, the findings should be clearly incorporate this fact; and the complainant's claim should be accepted. In this context, reference should be given in the Findings to Section 19 with Exception of the Contract Act, 1872 which enunciates that where the consent is caused by misrepresentation or fraudulent means, the contract is not voidable if the party whose consent was so caused had the means of discovering the truth with ordinary diligence.
- ix. The most common and manageable diseases such as Diabetes Mellitus, hypertension etc. cannot be termed as cause of death unless there are serious complications such as Nephropathy and consequential dialysis in quick succession or uncontrolled rise of blood urea causing cardiac arrest. Similarly, small variations in the ECHO report posing no significant threat to the patient's life should not he accepted to be the basis of rejection of insurance claims on the pretext of pre-insurance ailment of the deceased.
- x. In cases where the policy is revived at a certain point in time and the "Declaration of Good Health" is submitted by the insured then no medical examination is required to be carried out by the authorized Medical Officer of the Agency. Therefore, the onus of trustworthiness of the Declaration of Good Health remains on the insured. In case the Declaration of Good Health turns out to be incorrect or fake, the Agency will be justified to repudiate the claim. Therefore, complaints of such nature are liable to be rejected.

Sd/-
(Ejaz Ahmad Qureshi)
Senior advisor

Distribution:

1. All Regional Heads (with the instructions to bring it to the notice of all IOs)
2. All Appraising Officers at H.O and R.Os
3. All Investigating Officers at H.Qs, Islamabad
4. DCO

Copy with compliments to:

1. HWM
2. Secretary WMS
3. Additional Secretary (Admn.)

WAFAQI MOHTASIB SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. 1(1)/Senior-Adv/SOP's/2020

Islamabad the 26th October, 2020

Subject: **STANDARD OPERATING PROCEDURE (SOP) FOR INVESTIGATION OF COMPLAINTS AND PREPARATION OF FINDINGS IN CASES OF NON-PAYMENT OF INSURANCE CLAIMS**

In continuation of the Wafaqi Mohtasib Secretariat's letter No.SOPd/IC/2020, dated 25th February, 2020 on the subject noted above, the following additional guidelines are circulated herewith for dealing with the complaints of non-payment of insurance claims to the widow/family of the insured, who dies during the currency of an insurance policy:

- ❖ In cases where the Agency repudiates the insurance claim on the basis of pre-insurance ailment of the deceased, the treatment record submitted by the Agency should be carefully scrutinized to:
 - Identify the credentials of the treating doctor as to whether he was a registered medical practitioner and whether he was working in a registered health institution.
 - Find out whether the date of examination/lab reports/X-rays, ECG, ECHO test etc.; and treatment of the deceased precede the date of purchase of the policy or not. If not, the claim cannot be repudiated.
 - Even if the examination and treatment of the deceased precedes the date of purchase of the policy, the severity of the disease should be ascertained and the stage at which the deceased was diagnosed to be, should be mentioned. It should be seen whether the disease could become a cause of death within the currency of the policy. For example, the HCV positive patients can survive for decades with anti-viral drugs. So, what needs to be seen is whether during the pre-insurance period the deceased had developed fibrosis of the liver implying the End Stage Liver Disease (ESLD); and had concealed the fact prior to purchase of the policy. Accordingly, other ailments such as Diabetes Mellitus, Hypertension, Allergies, Ulcers, bronchial infections, kidney & gallbladder stones etc. posing no significant threat to the patient's life should not be accepted to be the basis for rejection of insurance claims unless they had already led to severe complications – duly reflected in the reports – putting the patient's life at stake.
 - The death certificate of the deceased should be carefully seen to establish whether the deceased died of the same disease that he was reportedly suffering from during the pre-insurance period. In case no link is established, the claim cannot be repudiated.

Sd/-

(Ejaz Ahmed Qureshi)

Senior Advisor(Appraisal)/NCC

DISTRIBUTION:

- i. All Regional Heads, WMS (with the instructions to bring it to the notice of all IOs).
- ii. All I.O's / Appraising Officers at H.Q & R.Os
- iii. DCO (may please be circulate through e-mail).



**WAFaqI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No.4(2)WMS/Coord/2021

Islamabad, the 4th May, 2021

Subject: PROCESSING OF COMPLAINTS PERTAINING TO UNJUST
REPUDIATION OF DEATH CLAIMS

Instances have come to notice that while processing the complaints of repudiation of death claims by the insurer on the grounds of pre-insurance ailment of the insured, even after two years of the date of revival of the policy lapsed for non-payment of premium, some of the investigation officers do not quote the legal position before recommending to accept the complaints under regulation 23(4) of Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.

2. It may be noted that the Lahore High Court, Lahore in its judgment, State Life Insurance Corporation vs Mst. Sadaqat Bani (PLD) 2008 Lah. 461) has held as follows:

“According to Section 80, Insurance Ordinance 2000, an insurance policy cannot be called in question on the grounds of misrepresentation, false statement or suppression of material facts after two years from the date when the policy was originally effected. The period of two years, even in case where the policy was revived and renewed, would be counted from original date of the policy in question”.

3. It is, therefore, informed to all concerned that the above decision of the LHC, Lahore should form the basis for acceptance of the complainant’s claim; and should be incorporated in such findings to make those legally tenable.

Sd/-
(Aijaz Hussain Lone)
Director General (Coord)



FEDERAL OMBUDSMAN

SERVICE MATTERS

WAFAQI MOHTASIB SECRETARIAT

Plot No. 36, Constitution Avenue,

Sector G-5/1, Islamabad

No.61291)/WMS/Coord/2019

Islamabad the 16th August, 2019

CIRCULAR

Subject: **PROCESSING OF COMPLAINTS RELATING TO SERVICE MATTER**

In a meeting held with the Investigating Officers at headquarters on 22.07.2019 on the above subject, the matter regarding complaints which strictly fall in the category of service matter came under discussion. In this regard it is clarified, with the approval of HWM, that:

- i. The complaint of a complainant, who is/has been working in the Agency complained against, will fall in the category of service matter.
- ii. However, the following types of complaints shall not be treated as service matter if the complainant has made complaint against the Agency other than the Agency in which he or she is / has been working in the following matters: -

Post-retirement benefits:

- a) Pension;
- b) Gratuity;
- c) G.P. Fund;
- d) C.P. Fund;
- e) Group Insurance;
- f) Benevolent Fund;
- g) Travel concession;
- h) Medical facilities (to the retired employees);
- i) Employees Old-age Benefits; and
- j) Denial of admissible perks and privileges;

In-service claims:

- a) Medical-reimbursement claims;
 - b) Allotment of accommodation and housing facilities;
 - c) Denial of admissible perks and privileges;
 - d) Delay and discrimination in the grant of various advances such as Motor Car Advance, Motorcycle Advance, House Building Advance and G.P. Fund Advance; and
 - e) Educational and other benefits for the children of employees.
- iii) Complaints of widows and family members of the deceased will not fall in the category of service matter in terms of Article 9(2) of P.O. No.1 of 1983 even if the complaint is made against the Agency in which the deceased employee had been working.

Sd/-

(Aijaz Hussain Lone)

Director General (Coord)

DISTRIBUTION:

- i. All Regional Heads, WMS (with the instructions to bring it to the notice of all IOs).
- ii. All I.O's / Appraising Officers at H.Q & R.Os
- iii. Registrar, WMS, HQ, Islamabad
- iv. DCO (pl. circulate through email to all Regional HBeads, All I.Os / Appraisers at HO and ROs.)



WAFaqI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No.4(2)Coord/WMS/2020

Islamabad, the 28th August, 2020

Subject: ALLOTMENT OF GOVERNMENT ACCOMMODATION NOT TO BE
TREATED AS SERVICE MATTER.

Honourable Peshawar High Court, Dera Ismail Khan Bench has held that allotment of quarter/house is not included in terms and conditions of service of civil servants which means that accommodation to a Government Servant does not fall in the category of service matter.

2. In view of the above, it has been decided that henceforth the complaints regarding accommodation, even against the Agency in which the complainant is / has been working, will be entertained and investigated in this office.

3. The Registrar Head Office/regional Offices and all Investigating Officers are advised to process the complaints regarding accommodation to government servants in the light of above decision.

Sd/-

(Aijaz Hussain Lone)
Director General (Coord)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT**
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

Islamabad, the 2nd September, 2020

Subject: **ENTERTAINING SERVICE MATTERS BY THE OFFICE OF WAFAQI
MOHTASIB.**

Reference Office of the Director General Pakistan Post letter No.Lit(1)13-0/2019(WMC) dated 21.08.2020 on the subject cited above.

2. It is clarified that the provisions of clause (2) of Article 9 of P.O. No.1 of 1983 exclusively debar a public servant to challenge any matter before the office of Wafaqi Mohtasib related to his service matter either during service or after retirement. But this clause does not debar legal heirs of a deceased public servant to get redressal of their grievance relating to service of the public servant. Accordingly para(iii) was added in the letter No.6(29)WMS/Coord/2019 dated 16th August, 2019 which is not in violation of provisions of clause(2) of Article 9 ibid.

Sd/-
(Aijaz Hussain Lone)
Director General (Coordination)



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No.1(1)WMS/Senior Ad(App)/20

Islamabad, the 3rd Dec., 2020

Subject: **PROCESSING OF CASES OF PERSONAL GRIEVANCE OF
COMPLAINANTS AGAINST THE AGENCY IN WHICH THE HAVE
BEEN WORKING IN TERMS OF SUB-CLAUSE (2) OF ARTICLE 9 OF
P.O. NO. 1 OF 1983.**

In a Write Petition, bearing No.4852/18 titled PESCO vs. President of Pakistan and Other, regarding jurisdiction of Wafaqi Mohtasib in service matters, the Islamabad High Court vide Judgment dated 21.10.2020 allowed the Writ Petition on the ground that sub-clause (2) of Article 9 of P.O. 1 of 1983 clearly provides that the employee who has been working with the Agency cannot make a complaint to the Wafaqi Mohtasib regarding personal grievance against the Agency in which he has been working.

2. The Judgment of Islamabad High Court has been considered and it has been decided that this Secretariat should not investigate and make recommendations in any complaint by or on behalf of a public servant concerning any matters relating to the Agency in which he has been working in respect of any personal grievance relating to his service therein. However, if the Agency does not contest the complaint and is willing to provide relief to the complainant, this Secretariat may ask the Agency to provide the offered relief to the complainant as per its policy/rules/regulations. All Appraising Officers and IOs are advised to process such complaints in light of the above.

Sd/-
(Ejaz Ahmad Qureshi)
Senior Advisor (Appraisal)

Distribution:

- i. All regional heads, WMS (With the instructions to bring it to the notice of all IOs)
- ii. All I.O's/Appraising Officers at H.Q & R.Os.
- iii. DCO (May please circulate through e-mail)



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Sector G-5/2, Opposite Supreme Court Building,
Islamabad, Pakistan

Phone:(051) 92177243 Fax No. 9217224

No.4(02)Coord/WMS/2022

Islamabad the 8th February, 2023

CIRCULAR

In a complaint No. WMS-HQR/4920/21 regarding non-payment of house rent for the period of contractual appointment after the termination of contract, investigation was closed under Regulation 23(1)(k) of WMS I&DC Regulations 2013 on the ground that it was a service matter and fell outside the jurisdiction of the WMS. The review petition filed by the complainant was also rejected. However, on a representation filed by the complainant the Hon'ble President has remanded the case back to the Wafaqi Mohtasib on the following grounds:

- a) Rule 15(2) of AAR, 2002 provides that "An allottee, on his retirement or expiry of contract period shall be entitled to retain the accommodation under his occupation for a period not exceeding 6 months, on payment of rent."
- b) The Agency vide its letter dated 22.09.2017 conveyed to the complainant that he could retain the house for 6 months. This was not a service matter rather involved payment of post-retirement dues.

2. The Hon'ble President has observed that the complainant had a prima facie case which required in depth consideration and disposal on merit.

3. Foregoing in view, it is circulated for information of all Investigation and Appraisal Officers that the cases of payment of rent to a retired officer/official in the context of his/her hired accommodation which could be retained by him/her for six months after the date of retirement should not be construed to be a service matter and, instead, should be processed on merit.

Sd/-
(Sohail Anmad)
Advisor (Coord)

1. All Investigation, and Appraisal Officers, at HO, Islamabad.
2. All Heads, Regional Offices WMS.
- 3 Registrar/Deputy Advisor WMS, Islamabad.
4. Assistance Advisor/DCO (IT) WMS, Islamabad.



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F. 4(02)/Coord/WMS/2022

Dated: 22nd March, 2023

C I R C U L A R

In complaint No. WMS-HQR/0004920/21 regarding non-payment of house rent for the period of contractual appointment after the termination of contract investigation was closed un Regulation 23(1)(K) of WMS I& DC Regulations 2013 on the ground that it was a service matter and fell outside the jurisdiction of the WMS. The review petition filed by the complainant was also rejected. However, on a representation filed by the complainant the Hon'ble President has remanded the case back to the Wafaqi Mohtasib on the following grounds.

- a) Rule 15(2) of AAR, 2002 provides that "An allottee, on his retirement or expiry of contract period shall be entitled to retain the accommodation under his occupation for a period not exceeding 6 months, on payment of rent..."
- b) The Agency vide its letter dated 22-09-2017 conveyed to the complainant that he could retain the house for 6 months. This was not a service matter rather involved payment of post-retirement dues.

2. The Hon'ble President has observed that the complainant has a prima facie case which required in-depth consideration and disposal on merit.

3. Foregoing in view, it is circulated for information of all Investigation and Appraisal Officers that the cases of payment of rent to a retired officer / official in the context of his/ her hired accommodation which could be retained by him/ her for six months after the date of retirement, should not be construed to be a service matter and, instead, should be process on merit.

Sd/-
(Sohail Ahmad)
Advisor (Coordination)

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
36-Constitution Avenue, Sector G-5/1, Islamabad
Phone: 051-9216753, Fax No:051-9217224

F.4(2)/Coord/WMS/2022

Dated: 10th November 2023

C I R C U L A R

Subject: PROCESSING OF COMPLAINTS RELATING TO SERVICE MATTER

In supersession of earlier Circular No. 6(29) WMS/Coord/2019, dated 16.08.2019 on the subject noted above, the following clarifications are issued with the approval of HWM:-

- (i) The complaint of a complainant, who is/has been working in the Agency complained against, will fall in the category of service matter.
- (ii) If the complainant has made a complaint regarding service matter against the Agency other than the Agency in which he or she is/has been working, the same will be entertained and disposed of by the office of Wafaqi Mohtasib.
- (iii) The complaints of widow and family members of the deceased will not fall in the category of service matter in terms of Article 9(2) of P.O. No. 1 of 1983 even if the complaints are made against the Agency in which the deceased employee had been working.
- (iv) The complaints of retired employees pertaining to their service matters against the Agency they have been working will be dealt with under Article 33 of P.O. 1 of 1983 related to informal resolution of disputes.

Sd-
(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

1. All Investigating and Appraising Officers at WMS Head Office, Islamabad
2. All Regional Heads of the WMS (with the instructions to bring it to the notice of all Investigating and Appraising Officers in the Regional Office).
3. Registrar, WMS Head Office, Islamabad
4. DCO/Consultant (IT) (Please circulate through email to all Regional Heads, All Investigating/Appraising at the WMS Head Office and Regional Offices



FEDERAL OMBUDSMAN

COMPLAINTS MANAGEMENT INFORMATION SYSTEM (CMIS)



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(2)COORD/Circular/WMS/2019

Dated: 24th March, 2020

Subject: STANDARD OPERATING PROCEDURES (SOPs) / GUIDELINES FOR ENTERING/UPDATING DATA IN CMIS AND FINDINGS

The Honourable Wafaqi Mohtasib has been pleased to direct that following SOPs/Guidelines may henceforth be followed by the Registrar Offices and Investigation Officers for entering/updating data in CMIS and findings: -

(i). **Matching of information in CMIS sheet and findings**

It has been observed that in many cases the information contained in computer generated list such as Complaint Number, Complainant's name, Agency's name and finding type, does not match with the information reflected in the docketed portion of the respective findings (Manually entered by the concerned IO). In order to avoid such discrepancies, the information in the docketed portion of the findings will also be entered through CMIS instead of manually.

(ii). **CNIC entry in the findings**

The CNIC number of the respective complainant shall be entered in the findings through CMIS in order to check the duplication of complaints lodged by the same complainants, on the same subject and against the same Agency.

(iii). **Uploading of documents**

Investigating Offices will also ensure uploading of (a) scanned complaint; (b) rejoinder if any; (c) Agency's report; (d) order sheet and draft finding in soft form while submitting the findings for approval. This will help the appraisal officer to check the contents of the documents instead of returning the finding to the Investigating Officer or contacting him on telephone to upload these documents.

(iv). **Registration of ICR complaints as a fresh complaint in WMS**

In case of the complainant, who has already filed a complaint under ICR but also files a complaint in the Wafaqi Mohtasib before 30 days. The Registration Section at Head Office or Regional Office will take following actions:

- a. Search the complaint in ICR using CMIS.
- b. Verify the complaint details.
- c. Transfer the complaint to WMS CMIS alongwith the ICR complaint number and other details.
- d. Scan and upload the complaint alongwith the documents in CMIS.
- e. Update information.
- f. Process it as normal complaint.

(v). **Implementation of the findings.**

The implementation officer should invariably upload Agency's Implementation report and /or any proceedings in the WMS along with Mohtasib's approval in CMIS.

Sd/-

(Aijaz Hussain Lone)
Director General (Coordination)



FEDERAL OMBUDSMAN

IMPLEMENTATION



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

F.2(2)DG(Imp)/2022

Islamabad 15th February, 2022

Circular

The Honorable Wafaqi Mohtasib has been pleased to approve the following SOPs for the smooth functioning of Implementation Wing at Head Office, Islamabad:

- i. All the implementation proceedings will be initiated on the original files of the complaints; no part file will be opened in any case.
- ii. Notices will be issued in all implementable findings on due date immediately.
- iii. New applications for implementation will be processed by Superintendent Implementation who will put up the case to the Incharge Implementation through Director General for orders. In such cases implementation process will not be initiated without approval of the competent authority.
- iv. The implementation process shall be closed with the approval of HWM. The implementation officer will initiate a self-contained note for Incharge implementation wing, who will put up the proposal to HWM for approval.
- v. After the approval of HWM the implementation report submitted by agency, intimation of the complainant (if any) and note for approval and approval of the HWM will be scanned and uploaded on CMIS for future reference. The file will then be consigned to record.
- vi. The cases closed with the approval of HWM will not be opened; the complainant will be informed accordingly (A standard format of such letter will be followed). In case of cogent reasons stated by the complainant, his application will be put up to the competent authority for orders and after the approval of HWM, the case will be reopened, if needed.
- vii. No implementable case will be considered as out of interface all such cases will be entered on CMIS for affective monitoring and record.
- viii. The implementation officer will initiate the note for closure after due satisfaction of fact and law (concealing the facts will not be compromised).
- ix. Implementation hearings will be held by the implementation officers on the designated days decided with mutual consent.
- x. The superintendent implementation and his section will responsible for maintaining the record of the implementation wing at one place.
All the correspondence related to implementation wing will be dealt through implementation section.
- xi. The personal staff of the implementation officer will assist the officers in hearings/meetings and for liaison with the regional offices to monitor the implementation of the regional offices.

- xii. Incharge, implantation wing and Director General (Imp), shall monitor on a frequent basis the performance of the implementation officers in different regions, through telephone or where required, through physical visits.
 - xiii. Any other issues not defined in regulations or above (SOP) procedure will be put up to the Incharge implementation through Director General Implementation for guidance/orders.
2. SOPs are issued for strict compliance by the officers/officials.

Sd/-
(Muhammad Ashfaq Ahmad)
Director General (Implementation)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

F.6(27)Coord/WMS/2022

Islamabad 2nd March 2022

Instructions for implementation of findings in letter and spirit.

The Honourable Wafaqi Mohtasib has been pleased to direct that:

“Director General Implementation at Headquarter and Implementation Officers at Regional Offices shall invariably get verification of Implementation report(s) from the concerned complainant(s). The verification report shall further be verified at random by Head of Implementation Wing at Headquarter and Heads of the Implementation proceedings.”

2. The implementation officers at (Head Office and Regional Offices) are requested to follow the instruction for implementation of findings in letter and spirit.

Sd/-
(Dr. Raania Ahsan)
Advisor/DG(Coord)

WAFAQI MOHTASIB SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. 6(27)/WMS/Coord/2023

Islamabad the 21st November, 2022

Subject: **STRENGTHENING OF IMPLEMENTATION PROCESS**

It has been noted that undue delay occurs in retrieval of files from the Record Room by the Implementation Officers because of not following the procedure given in Regulation 25(3) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints), Regulations, 2013 which, inter alia, clearly states that the custody of files containing approved implementable findings will be transferred to the implementation officer by the investigating officer concerned for following up implementation of the recommendations with the Agency concerned.

2. The HWM has therefore been pleased to direct that:

- All investigating officers at WMS Head Office and all Regional Offices may ensure that the contents of Regulation 25(3) are duly noted for compliance so that all files containing implementable findings are sent to the respective implementation officer by the IOs instead of sending the files to the Record Room. After the implementation process is completed and compliance reported by the Agency concerned, the implementation officer will consign the files to the Record Room.

Sd/-
(Sohail Ahmad)
Advisor(Coordination)

DISTRIBUTION:

- i. All investigation and implementation officers in the WMS Head Office, Islamabad.
- ii. All Heads of WMS Regional Offices for circulation to Investigation and Implementation Officers in their respective Regional Office.



WAFaqI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 4(2)/Coord/WMS/2023

Dated: 18th April 2023

CIRCULAR

Subject: NON-IMPLEMENTATION OF WAFaqI MOHTASIB FINDINGS ISSUED FOR PAYMENT OF INSURANCE CLAIMS TO THE COMPLAINANTS BY POSTAL LIFE INSURANCE CORPORATION (PLIC)

The subject matter has been examined in consultation with the relevant agencies and it has been decided that:

- a) Henceforth, all cases pertaining to the pension/insurance claims cases of PLI, Railways and WAPDA may be closed under Regulation 23(1) (z) with the recommendation to the Agency concerned to process and settle such claims, on merit, on availability of funds, on first-come-first-serve basis, with the exception of hardship cases for which a committee should decide on preferential treatment to the most deserving cases in a transparent manner. No timeline should be given to the Agency concerned for this purpose. However, the complainant may be given the option to lodge a fresh complaint in case the merit is not observed by the Agency concerned.
- b) Such Findings will not have to be placed on the interface of the Implementation Wing and, instead, would be treated as closed.
- c) All the current pending cases of the above nature on the interface of the Implementation Wing may also be treated as closed.

Sd/-

Sohail Ahmad
Advisor (Coord)



WAFaqI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 6(27)/WMS/Coord/2022

Dated: 05th July 2023

Subject: Revised procedure of disposal of implemented cases and their data entry on the CMIS

The HWM has been pleased to direct that in order to save time and expenditure on postage, following revised procedure for disposal of implemented cases and their data entry on the WMS CMIS will be followed by all concerned with immediate effect: -

- a. After receipt of implementation report from the Agency, the concerned Implementation Officer in the WMS Head Office as well as Regional Offices will seek confirmation of relief from the complainant through phone or any other mode of communication. The Implementation Officer will then submit the case for closure to the Monitoring Implementation Officer in the WMS Head Office, Islamabad along with the requisite documents. In each case, the implementation report received from the Agency concerned will be attached.
- b. The Monitoring Implementation Officer will put up the file to Advisor (Implementation) for submission to HWM seeking his approval for closure of the case(s).
- c. The cases of implemented findings after approval of the closure notes by HWM will be marked by the Monitoring Implementation Officer to the Computer Section (DCO Office) for scanning and updating the data on the interface.
- d. The Computer Section will then return the Head Office files to Advisor (Implementation), WMS, Islamabad, whereas the cases of Regional Offices will be sent to the concerned Regional Office in the envelop of fresh approved findings of investigation cases.

Sd/-

(Iqbal H. Siddiqui)
Director (Coordination)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad**

No. F. 4(2)/Coord/WMS/2023

Dated: 24th July 2023

CIRCULAR

Subject: **NON-IMPLEMENTATION OF FINDINGS / RECOMMENDATIONS**

It has been observed that sometimes the Agencies do not submit implementation reports despite providing repeated opportunities and on occasions their reports are found ambiguous which cause delay in implementations of the Findings / Recommendations. In such circumstances, final notice on the format given on overleaf may be issued to the Agencies for implementation of the Findings / Recommendations.

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)



**WAFAQI MOHTASIB(OMBUDSMAN)'S
SECRETARIAT**

36, Constitution Avenue, Sector G-5/1, Islamabad

Ph: Fax: (051) 9217224

Complaint No.....

Date.....

To: Designation of Head of the Agency with address.

FINAL NOTICE

**Subject: NON-IMPLEMENTATION OF FINDINGS/RECOMMENDATIONS IN
COMPLAINT NO.-----DECIDED ON -----.**

It has been noted with concern that the subject Findings/Recommendations has not been implemented by the Agency despite provided repeated opportunities vide Notices----- dated _____. In this context your attention is invited to Article 12 of President's Order No.1 of 1983 which is as follows:

Article 12 – Defiance of Recommendations – (1) In case of “Defiance of Recommendations” by the public servant in any Agency with regard to the implementation of recommendations given by the Mohtasib, the Mohtasib may refer the matter to the President who may, in his discretion, direct the Agency to implement the recommendations 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.

2. Prior to initiating Defiance proceedings under Article 12 ibid, you are called upon to indicate the name and designation of the officer (s) ‘primarily responsible’ for the said Defiance in terms of Article 12 (2) of the Order of 1983, so that action may be initiated against the responsible officer (s).

3. The case has now been fixed for implementation proceedings on ----- at -----, before the undersigned. It is, therefore, requested to depute an officer not below the rank of BS-19/20 to attend the hearing on the said date and time along with implementation report.

BY ORDER OF THE HONOURABLE WAFAQI MOHTASIB (OMBUDSMAN).

**Name and designation of
Implementation officer**

Copy to the complainant.



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Head Office, 36-Constitution Avenue, Opp. Supreme Court,
Sector G-5/2, Islamabad
Phone (Off) 051-9217247 Fax: 051-9217224

No. WMS/Impl/HO/Adv/2023

Islamabad the, 5th December 2023

To

All the Regional Heads
Regional Offices of
Wafaqi Mohtasib Secretariat

Subject: **MEASURES FOR IMPROVEMENTS IN THE PROCESS OF IMPLEMENTATION**

The issue regarding measures to be taken to improve the process of implementation came under discussion in a meeting of the Honorable Wafaqi Mohtasib with the officers of Implementation and Appraisal Wings. The following deficiencies were identified and recommendations are made to overcome these deficiencies: -

- i. It is noted that the Regional Offices submit the cases of different nature in one folder for closure. For example, cases of excess billing and other cases such as delay in grant of gas /electricity connections, replacement of transformer etc. are clubbed in one folder. In order to facilitate smooth implementation, it is advised that Regional Offices may forward cases of same nature in one folder duly verified by the Regional Head.
 - ii. It is also noted that there is incongruity between the nature of the complaints and the recommendations of the Regional Offices. For instance, the complaints relate to non-billing issues like replacement of meters, providing electricity from other transformer etc., but recommendations in such cases are made by the Regional Offices for closure of implementation proceedings on the assurance of the Agency that credit will be provided in next billing cycle. The Regional Offices are advised to send cases to Head Office after proper verification.
 - iii. This Secretariat is making earnest efforts to finalize the findings within 60 days so that quick and timely relief is provided to the complainants. On the other hand, it has been noted that in certain cases findings have not been implemented even after six months of the approval of HWM. This inordinate delay in implementing the findings is undermining the whole process of providing quick relief to the complainants. The Regional Offices are, therefore, advised to take effective measures for timely implementation of the findings.
 - iv. It was also noted that the Implementation Officers rely exclusively on the report of the Agency in gas/electricity complaints to the effect that the cases of the complainants have been approved, and due credit would be reflected in the next billing cycle. In such cases, documentary evidence, such as Computer Proforma (CP-52 or CP-121) of Revenue Office or Adjustment Note of the Sub Division or Division should be demanded from the Agency. The Agency may provide such evidence in the form of hard copy or through WhatsApp. A copy of the documentary evidence shall be submitted by the Regional Offices along-with closure note in the folder.
 - v. In cases of the nature mentioned in Sub-Para (iv) supra, the complainants should be informed telephonically about closure of his/her case with the advice to approach this office, if credit is not reflected within two billing cycles so that the case may be reopened for implementation of the Findings. Furthermore, no case shall be forwarded without telephonic confirmation from the complainant.
2. During the meeting it was also noted that implementation sections of the Regional Offices are overburdened with the work of verification of implementation of the findings. Keeping this in view, the Regional Offices, who lack the necessary staff, may furnish their demand for additional support staff to the Administration Wing.

Sd/-
(Fazal Karim Khattak)
Advisor (Imp)



**WAFAQI MOHTASIB (OMBUDSMAN)'S
SECRETARIAT**

**Head Office, 36-Constitution Avenue, Opp. Supreme Court,
Sector G-5/2, Islamabad
Phone (Off) 051-9217247 Fax: 051-9217224**

No. WMS-Dir/Imp/0012023

Islamabad the, 5th December, 2023

CIRCULAR

Subject: **IMPLEMENTATIONS OF DIRECTIONS OF THE HWM**

I am directed to inform that Honourable Wafaqi Mohtasib has been pleased to direct all the Implementation Officers to provide details of the implementation proceedings including number, dates of implementation proceedings, and dates of correspondence with the Agency. This information is needed by Head Office to ascertain the efforts being made by the Regional Offices. Documentation of such information for submission to HWM would also prompt the Regional Offices to put more efforts for quick implementation of Findings. All Implementation Officers may obtain confirmation from the complainants and ensure implementation of the findings of the HWM before submission of the cases. In case where the Agency assured that credit would be reflected in the next billing cycle/months, letters to the complainants shall be issued that they may approach the office of the Wafaqi Mohtasib for re-opening of the implementation proceedings in case the credit is not reflected as per assurance. A revised proforma prepared by Mr. Javed Akhtar Sheikh, Advisor (Appraisal) is enclosed for submission of closure cases for approval of the HWM.

2. All Regional Offices are advised to strictly comply with the above instruction in future.

Sd/-
(Fazal karim Khattak)
Advisor/Incharge (Imp)

All Regional Heads.



WAFAQI MOHTASIB SECRETARIAT ISLAMABAD

No. F. 6(27)/Coord/WMS/2023

Dated: 07thDecember 2023

CIRCULAR

Subject: **INTRODUCTION OF NEW MODULE OF IMPLEMENTATION BY CMIS**

Reference meeting held under Chairmanship of HWM on 17th October 2023 in his office with Advisor (Implementation), Director General (Administration), Registrar, Consultant (IT), and the Assistant Director (IT) on the subject.

2. After detailed discussions, the HWM approved following recommendations for immediate implementation by the Implementation and IT Wings of the WMS: -

- i. Online implementation process flow may be allowed for implementation of complaints
- ii. Online Implementation Module of CMIS may initially be started on trial basis for one month.
- iii. CMIS generated implementation note and list may be allowed to submit the case for approval of closure of implementation.
- iv. A three-day training (one hour a day) may be provided to all officers and officials both at the Headquarters and Regional Offices by CMIS Wing. This training may be provided both Online and hands-on.
- v. The Implementation Monitoring Officer and Implementation Officer shall submit CMIS generated list/note to Implementation Head for approval. This will eliminate the manual list of implementation cases.
- vi. All cases should not be submitted to HWM for approval and may be decided at the level of Advisor (Implementation). However, HWM may call for any case randomly from the CMIS generated list/note to satisfy him on the closure of the case.

Sd/-

(Muhammad Ashfaq Ahmad)
Director General (Coordination)

Distribution:

1. Advisor (Appraisal), Mr. Shahid Humayun, WMS, Islamabad
2. Advisor (Implementation), Mr. Fazal Karim Khattak, WMS, Islamabad
3. Director General (Administration), WMS, Islamabad
4. Registrar, WMS, Islamabad.
5. Consultant (IT)/DCO, WMS, Islamabad.
6. Assistant Director (IT). WMS Islamabad

Copy for information to:

1. Secretary to HWM, WMS, Islamabad
2. PSO to HWM, WMS, Islamabad.
3. S.O. (Coordination), WMS, Islamabad

**WAFAQI MOHTASIB (OMBUDSMAN)’S
SECRETARIAT, ISLAMABAD
IMPLEMENTATION WING**

No. 1(1) IM/AJAS/2024-1

Islamabad the 1st February, 2024

CIRCULAR

All the implementation process/activities would be processed under the supervision of Regional Heads/Incharge of Regions who would adopt modus operandi which he deems appropriate and communicate progress/problems for information of the HWM. The following strategies have been approved by the Honorable Wafaqi Mohtasib to be followed for timely implementation of Findings.

- i. Involvement of Investigation Officers in the implementation process.
- ii. Internal review meetings on Implementation and regular monitoring and evaluation.
- iii. Meetings with Officers of the Agencies and regular liaison with concerned Agencies.
- iv. Follow-up of cases with Agencies by weekly notices and raising the level authority in cases of delay.
- v. Special focus on old and other slow moving cases.
- vi. Active processing of new cases to avoid their becoming slow moving and delay.
- vii. Paying due attention to the remarks and returned cases by Head Office for taking rectification measures.
- viii. Focus on the Agencies by conveying them implementation plan with time frame and developing performance indicators to monitor it.
- ix. In cases of Replacement/installation of transformers Sanction/approval of competent authority regarding installation replacement/ installation of transformer, must be obtained and instead of closure, the cases be adjourned sine die till availability of transformer in the store. The complainant should be informed/advised to resort to this office, if his grievance is not redressed after provision of transformer to Agency’s store.

- x. The cases of provision of gas connections/ meters etc. when there is ban imposed by the Govt. may also be adjourned sine die till lifting of ban and the complainant should be informed to resort to this office, if his grievance is not redressed after lifting of ban.
 - xi. In cases where funds are reported by the Agency and not expected to be allocated in near future, then these cases may also be adjourned sine die till availability of funds on the analogy of Circular dated 18-04-2023 and the complainant should be informed to resort to this office, if his grievance is not redressed after allocation of funds. Copy of Circular is attached
 - xii. The cases pending implementation due to non-honoring of commitment or non-provision of documents by the complainant, the Agency may be advised in writing to provide relief as and when the complainant fulfil the formality on his part and the cases may be forwarded for seeking approval of closure.
 - xiii. Posting of Senior Officer as Implementation Officer having experience of investigation and well versed with rules/regulations of the Agencies.
2. The Regional Heads may devise broad strategies based on the above for timely implementation of Findings and meeting the targets set by Honourable Wafaqi Mohtasib in this regard.

THIS IS ISSUED WITH THE APPROVAL OF HONOURABLE WAFaqI MOHTASIB.

Sd/-
(Javaid Akhtar Sheikh)
Advisor (Imp)

All Regional Heads
Implementation Officers, H.O, Islamabad



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

Ph: (051) 9216754, Fax: (051) 9217224

No. F.7(23)/Coord/WMS/2024

Islamabad, the 12th December, 2024

Subject: **IMPLEMENTATION OF THE ORDERS OF THE PRESIDENT OF PAKISTAN IN REPRESENTATIONS AGAINST FINDINGS OF OMBUDSMEN.**

Enclosed a copy of the Office Memorandum received from the Ministry of Law and Justice, Dy. No.1668/2024-Sol.I dated 5th December, 2024 is circulated for information of all the Investigation/Implementation and Appraisal Officers of the Wafaqi Mohtasib Secretariat, Head Office and all Regional Offices.

Sd/-
(Muhammad Ashfaq Ahmad)
Director General (Coord)

Distribution:

- i. All Investigation, Implementation and Appraisal Officers of WMS, Head Office, Islamabad.
- ii. All Regional Heads of WMS, Regional Offices.

Copy to:

- i. Secretary to HWM.
- ii. PSO to HWM.
- iii. S PS to Secretary WMS.
- iv. The D.G (Admn), WMS, Islamabad
- v. The Registrar, WMS, Head Office, Islamabad.
- vi. Director (Coord), WMS, Islamabad.
- vii. Office copy.

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

Dy. No. 1668/2024-Sol.I

Islamabad the 5th December, 2024

Subject: **IMPLEMENTATION OF THE ORDERS OF THE PRESIDENT OF PAKISTAN IN REPRESENTATIONS AGAINST FINDINGS OF OMBUDSMEN.**

The undersigned is directed to refer to the President's Secretariat (Public) Aiwan-e-Sadr, Islamabad U.O. No. 1(20)/Secy(P)/2024 dated 09.09.2024 as well as Prime Minister's Office's U.O. No. 1(135)/DS(Estab)/2024, dated 16.09.2024 on the above cited subject and to state that the provisions contained in section 18 of Federal Ombudsman Institutional Reforms Act, 2013 should be strictly observed while dealing with cases/appeals that have already been decided by the Federal Ombudsman or the President as Appellate Authority and withdraw the appeals/representation if filed any against the orders of Federal Ombudsman or the President, being violative of section 18 of the Act *ibid*.

2. The above cited instructions of the Presidents Secretariat should be implemented in letter and spirit.

Encl: **As above.**

Sd/-
(SAIMA SHAFI)
Solicitor

Distribution:

1. All Secretaries
2. Additional Secretariats/In-charge of the Ministries/Divisions, Islamabad/Rawalpindi.

Copy to:

1. Secretary to the President's Secretariat (Public) Aiwan-e-Sadr, Islamabad with reference to their U.O. No. 1(20)/Secy(P)/2024 dated 09.09.2024.
2. Secretary to the Prime Ministers, Prime Ministers, Office Islamabad with reference to their U.O. No. 1(135)/DS(Estab)/2024, dated 19.09.2024.
3. Secretary to Wafaqi Mohtasib Secretariat, Islamabad.
4. Secretary to Federal Tax Ombudsman, Secretariat, Islamabad.
5. Secretary to Banking Mohtasib, Secretariat, Islamabad.
6. Secretary Federal Ombudsman's against Harassment of Women at work place Secretariat, Islamabad.
7. Secretary Federal Insurance Ombudsman Secretariat, Islamabad.

President's Secretariat (Public)
Aiwan-e-Sadr,
Islamabad

Subject: **IMPLEMENTATION OF THE ORDERS OF THE HON'BLE PRESIDENT OF PAKISTAN IN REPRESENTATIONS AGAINST FINDINGS OF OMBUDSMEN.**

Some cases have been brought in the notice of Hon'ble President of Pakistan that the Federal Government Agencies, as defined in Section 2(a) of the Federal Ombudsmen Institutional Reforms Act, 2013, do not comply with requirements of Section 18 of the Act. This Secretariat had issued instructions to that affect but still the practice in vogue of filing cases in higher Courts by the agencies instead of complying with the decisions of the Hon'ble President of Pakistan as Appellate Authority, is against the norms of jurisdiction and spirit of complaint redressal mechanism.

2. Section 18 of the Act states that "No Court or authority shall have jurisdiction to entertain a matter which falls within the jurisdiction of an Ombudsman nor any court or authority shall assume jurisdiction in respect of any matter pending with or decided by an Ombudsman".

3. It has been desired that Prime Minister may like to issue directive to all Federal Government Ministries / Divisions / Departments (agencies) that in case of non-compliance of these instructions, disciplinary proceedings may be initiated against the responsible persons. Prime Minister's office is also requested to direct such Ministries / Divisions / Departments to withdraw any pending cases and implement all the decisions of the Hon'ble President of Pakistan.

Sd/-

(Muhammad Shakeel Malik)
Secretary to the President

Mr. Asad Rehman Gilani, Secretary to the Prime Minister, Prime Minister's Office, Islamabad.

PS(Public)'s U.O. No. 1(20)/Secy(P)/2024 dated 9th September, 2024.

**GOVERNMENT OF PAKISTAN
PRIME MINISTER'S OFFICE**

Subject: **IMPLEMENTATION OF THE ORDERS OF THE HON'BLE PRESIDENT OF PAKISTAN IN REPRESENTATIONS AGAINST FINDINGS OF OMBUDSMEN.**

Kindly find enclosed herewith No. 1(20)/Secy(P)/2024 dated 9th September, 2024, received from President Secretariat addressed to SPM on the subject cited above.

2. It has been desired that Law & Justice Division may issue direction to all Ministries/Divisions to:

Strictly observe section 18 of Federal Ombudsman Institutional Reforms Act, 2013, while dealing cases / appeals that have already been decided in the Federal Ombudsman or the President as Appellate Authority.

Withdraw the appeals/representations, if filed any, against the orders of Federal Ombudsman or the President, being violative of section 18 of the Act.

Sd/-
Abid Saleem Qureshi
JS (IA-II)

Secretary Law & Justice, Ministry of Law and Justice (MOLJ), Islamabad.
Prime Minister's Office No. 1(135)/DS(Estab)/2024 Dated 16th September, 2024

**WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD**

No. F.4 (2)/WMS/COORD/2024

Dated 01st January, 2025

CIRCULAR

Subject: Handling of Complaints Against Private Banks and Telecom Companies

The State Bank of Pakistan (SBP) and Pakistan Telecommunication Authority (PTA) are Agencies as defined under Article 2(1) of the President's Order No. 1 of 1983. The complaints of mal-administration against these Agencies are being registered and investigated as per procedure. However, in some instances, while appraisal of draft findings, it has been observed that the complaints filed against private banks and telecom companies are being registered and investigated against SBP and PTA. Such complaints often pertain solely to private banks/telecom companies which do not fall under the jurisdiction of President's Order No. 1 of 1983. Consequently, such complaints do not demonstrate any mal-administration on the part of SBP or PTA.

2. HWM has, while taking serious notice of this practice, directed to deal with such complaints as follows:

- (i) A complaint against private banks or telecom companies shall be rejected in limine in terms of Regulation 23(1)(a) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013 where the complainant has, in the first instance, not approached the relevant regulator SBP or PTA for redressal of his grievance.
- (ii) Where a complainant approaches SBP or PTA, related to private banks or telecom companies and his grievance is not redressed within a reasonable time, a complaint of such complainant shall be registered and adjudicated on addressing delay in disposal of the matter by SBP or PTA, as the case may be.

Sd/-

(Muhammad Ashfaq Ahmad)
Director General (Coord)

Distribution:

- 1) **All Investigation/Appraisal Officers in the WMS Head Office, Islamabad**
- 2) **Head/Incharge of all WMS Regional Offices. The Circular may please be disputed to all the Investigation and Appraisal Officers within the territorial jurisdiction of the Regional Office**
- 3) **Registrar, WMS Head Office, Islamabad**
- 4) **DCO/Consultant (IT), WMS Head Office, Islamabad**

Copy for information to:

- i. Secretary to HWM, WMS, Islamabad
- ii. PSO to HWM, WMS, Islamabad
- iii. SPS to Secretary WMS, Islamabad



FEDERAL OMBUDSMAN

INTEGRATED COMPLAINT RESOLUTION (ICR)



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Sector G-5/2, Opposite Supreme Court Building,
Islamabad, Pakistan

Phone:(051) 92177243 Fax No. 9217224

Islamabad the 13th December, 2018

No.4(7)SAL/PCRM/WMS/2018

**Subject: - WAFAQI MOHTASIB INITIATIVE FOR ESTABLISHMENT OF
PUBLIC COMPLAINTS RESOLUTION MECHANISM.**

Reference to this Secretariat's earlier letters / correspondences on the subject.

2. It is requested to submit compliance report to this secretariat on the following points by 31.12.2018: -

- i. Updated list of Focal Persons along with contact numbers dealing with public complaints may be placed at prominent places of office of Agency & its attached departments and to upload on websites as well for public awareness. This information be also submitted to this Secretariat.
- ii. Every complaint is registered and maintained in proper register by Agency / attached departments level. The complaints along with Annexures, if any, are upload on the Agency's web system which is to be connected with Complaints Integration Management System (CMIS) of Wafaqi Mohtasib Secretariat.
- iii. All received complaints be disposed off within (30) days by Agency / attached department from the day of institution and the outcome be uploaded on Agency's web system.
- iv. Complainants be informed about the status and disposal of their complaints through written communication with prescribed time.
- v. Brochures regarding Agency / attached departments working and method to file complaints be published and to place on important places of Agency's office / attached departments and to upload on their respective websites for public awareness.
- vi. Monthly compliance report on prescribed proforma regarding registration, disposal and uploading on CIMS system of WMS be submitted to this Secretariat.

3. It is pertinent to mention here that if the received complaints are not resolved/disposed off within (30) days at Agency's level as per SOPs already conveyed, the complaints would be transferred / reflected to the interface of Complaints Integration Management System (CIMS), Wafaqi Mohtasib Secretariat. Later, the unresolved complaints would be processed at Wafaqi Mohtasib Secretariat under the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

Sd/-
Senior Advisor (Law)



FEDERAL OMBUDSMAN

WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT
Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F. 8(2)/COORD/WMS/2022

Dated: 14th June 2023

CIRCULAR

Subject: COMPLAINT RESOLUTION MECHANISM WITHIN FEDERAL GOVERNMENT DEPARTMENTS / ORGANIZATIONS / AGENCIES

Prompt and efficient disposal of complaints is of critical importance in dispensation of justice. It is also essential to maintain a credible, transparent, effective and efficient mechanism to sustain the trust of the general public. In order to address public grievances first at departmental level, Wafaqi Mohtasib Secretariat has adopted a mechanism consisting of following measures that exist:

- An Instant Complaint Resolution Mechanism was established on Honourable Wafaqi Mohtasib's initiative in all the federal agencies and focal persons were appointed by the agencies.
- Citizens can file complaint to the concerned agency through personal visit or any other mode of communication i.e. post, fax, email etc. Their complaints are to be registered in a proper register, and uploaded on the agency's web system and disposed of within 25-40 days.

A mechanism was designed to integrate the complaint system of Federal Ombudsman Secretariat and government departments. This system has been introduced in the federal government agencies which have been connected with the CMIS of WMS. The complaints are registered on the web system of the department under intimation to the complainant and if a complaint is not resolved/disposed of within 30 days at agency's level, the same is transferred to the interface of Wafaqi Mohtasib Secretariat (CIMS) on the 31st day. After receipt of complaint on the WMS interface, it is treated as a fresh complaint under P.O. 1 of 1983. Simultaneously, both the WMS and the agency have access to status of complaints from the day of their institution till disposal.

2. Implementation of the above mechanism by the federal agencies is crucial in the process. All the federal agencies are, therefore requested to improve their internal grievance redressal mechanism and ensure adherence to above mentioned measures. In this regard, each Agency should also designate a senior officer to attend to the public complaints at the agency level. This would not only reduce the workload of this Secretariat, but would also reduce the number of cases where writ petitions are filed.

3. This issues with the approval of Honorable Wafaqi Mohtasib.

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)



**INFORMAL RESOLUTION OF DISPUTES (IRD)
&
KHULI KUCHEHRY**

INFORMAL RESOLUTION OF DISPUTE

1. Introduction

The concept of Informal Resolution of Disputes (IRD) is akin to the centuries old Jirga / Panchayat systems where local elders resolves the Complaints of locals through the force of moral character, social influence and conventional wisdom. IRD offers inexpensive, rather free of any cost, expeditious and convenient forum for resolving disputes. Therefore, is likely to be 'preferred mode' especially for lower strata of society, compared to the formal judicial system which is expensive and involves lengthy legal processes. It is in a way out of court settlement of dispute.

Article 33 of PO 1 of 1983 provides for resolution of disputes of the citizens through mediation and conciliation without the necessity of docketing any complaint or issuing any official notices. This mechanism involves resolution rather than decision whereby parties are persuaded to come to an understanding/agreement.

In March 2022, it was decided by the Wafaqi Mohtasib to further broaden the scope of activities of his office by invoking Article 33 for the benefit of common citizen of Pakistan. The step / decision was in compliance with the advice of the Honorable President of Pakistan to the Wafaqi Mohtasib to expand the scope of activities of the latter.

Accordingly, on the directions of the Wafaqi Mohtasib, a committee of senior officers of WMS prepared modalities and procedure for implementation of IRD. These were approved, after thorough deliberations, by the Wafaqi Mohtasib. The scheme was to be implemented in 2 phases i.e. based on the success of the pilot (1st) phase; the scheme was to move in 2nd phase.

The Pilot Project has been launched at the Head Office Islamabad and the Regional Offices at Karachi, Lahore, Peshawar, Quetta, Multan, Bahawalpur, Abbottabad and D.I. Khan.

2. The Article 33

"Informal Resolution of Disputes. — (1) 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.

(2) The Mohtasib may appoint for purposes of liaison counselors, whether honorary or otherwise, at local levels on such terms and conditions as the Mohtasib may deem proper."

3. Scope of Work

First/Pilot Phase

- a. Small contractual claims up to the value of Rs. 50,000/-
- b. Disputes based on negotiable instruments valued up to Rs. 50,000/-
- c. Any dispute where the parties agree for the resolution of their dispute through Wafaqi Mohtasib Centre for Informal Resolution of Disputes (WMCIRD).
- d. Complaints relating to delay in processing the payment of pension and other retirement benefits to the retired employees and the families of deceased employees, of the Defence Forces.
- e. Delay in reimbursement of medical claims of employees of federal agencies.
- f. Delay or refusal in grant of house subsidy or hiring facility to the ministerial staff of federal agencies.

Second Phase

Based on the success proportion of the first phase, the second phase shall be implemented by:

- a. Expanding the scope of jurisdiction whereby the amount of claims and negotiable instruments up to the value of Rs. 50,000/- will be increased to Rs. 100,000/- and complaints regarding non-payment of rent of houses/vehicles requisitioned by the Defence Forces.
- b. Establishing offices at remote areas;

- c. Involving the members of the civil society/elders of the locality in the process of mediation and conciliation.
- d. Reporting important cases to the press without compromising on the privacy of the contending parties.
- e. General invitation to public for availing the services of WMCIRD;
- f. Members of the civil society especially retired experienced civil servants can be engaged for the purpose as Counselors under Article 33(2) of the Order.
- g. The High Courts can also be requested to enlist the Wafaqi Mohtasib Centre for Informal Resolution of Disputes (WMCIRD) as the institution of ADR for reference of matters from the Courts under the ADR Laws.

4. Procedure to be followed in IRD Cases

The procedure of handling the IRD cases will be as follows:

- a. The Registrars will apply their mind at the time of preliminary examination of the complaints as to whether the matter (which may be otherwise not fit for admission/investigation) can be taken up for informal resolution under 3rd proviso to Regulation No. 5(2) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013 read with the parameters laid down in the Concept Paper of IRD (*Annex-I*) for taking up types of cases for informal resolution.
- b. One or more officers may be designated at the Head Office Islamabad as well as at the Regional Offices for informal resolution of disputes. The Registrar concerned shall forward the case to the designated officer for resolution.
- c. As the work relating to IRD expands, dedicated officers for IRD work will be appointed, thereby relieving other IOs in order to avoid interruption of the routine investigation work.
- d. The IRD cases should be undertaken with the consent of all parties; should strictly be on the basis of persuasion, mediation and reconciliation; and without any legal obligation.
- e. More emphasis should be on the outcome rather than process and procedures.
- f. Separate hearings may be held with each party where necessary, before holding joint hearings.
- g. Cases related to land disputes may be avoided.
- h. Cases related to family disputes such as divorce, *khula* and controversial- wills etc., may also be avoided.
- i. The IOs while dealing with IRD cases should strive to remain polite but firm in their dealing with the parties.
- j. Efforts should be made to resolve the issues through telephonic conversations and persuasions.
- k. The cases that are within the jurisdiction of Wafaqi Mohtasib can also be taken under IRD, if the subject matter brooks no delay; and needs to be resolved instantly.
- l. The designated officer shall examine the file and approach the private respondent, preferably on phone, to know whether he is willing for the informal resolution of the dispute. If he/she concedes, the IO may fix a date, time and venue as per convenience of the parties for conciliation or mediation.
- m. If the private respondent does not agree to informal resolution, the designated IO may require the complainant to get the consent from the respondent. If the complainant fails to get the consent, the IO may stop further action on the complaint and consign the case file to the record.
- n. If the respondent is an Agency, the investigating officer may write a polite letter to the focal person or the officer in charge of the branch to which the complaint relates, for favorable action or comments.

- o. If the Agency contests the claim, the IO may fix a date for hearing of the case and may try to persuade the representative of the Agency and the complainant for settlement or resolution of the dispute.
- p. If the matter is resolved, the terms of settlement may be reduced into writing with signature of the parties.
- q. The IO concerned should write a letter of thanks to the Agency concerned for resolving the case expeditiously.
- r. If the issue cannot be resolved, proceedings may be stopped and file may be consigned to record under intimation to the parties concerned.
- s. A report, on completion of the case, will be submitted to the Coordination Wing WMS as per *proforma* already circulated (***Annex-II***).
- t. On an average 10-15 cases may be taken up under IRD scheme by an IO, and his normal work may not be allowed to suffer.
- u. It is important that both parties enjoy complete trust in the ability of the WMS IO to negotiate the settlement as well as ensure complete secrecy and confidentiality of the information made available by the parties.
- v. Although no precise timelines can be fixed for various stages of the IRD process, the IO may determine notional timelines in the beginning of every case in order to ensure optimum time management.
- w. Regional Heads will ensure that the IRD mechanism in no way is exploited by influential individuals/parties or used as a coercive enforcement tool that could impede the access to justice.**

**CONCEPT PAPER ON INFORMAL DISPUTE RESOLUTION UNDER ARTICLE
33 OF ESTABLISHMENT OF THE OFFICE OF WAFAQI MOHTASIB
(OMBUDSMAN) ORDER 1983**

Introduction:

Before bringing Informal Resolution of Dispute system into light, it is necessary to take on alternative dispute resolution. The term “alternative dispute resolution” or “ADR” is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes. The term can refer to everything from facilitated settlement negotiations in which disputants are encouraged to negotiate directly with each other prior to some other legal process, to arbitration systems or mini-trials that look and feel very much like a courtroom process. Processes designed to manage community tension or facilitate community development issues can also be included within the rubric of ADR. ADR systems may be generally categorized as negotiation, conciliation/mediation, or arbitration systems.

Negotiation systems create a structure to encourage and facilitate direct negotiation between parties to a dispute, without the intervention of a third party, Mediation and conciliation systems are very similar in that they interject a third party between the disputants, either to mediate a specific dispute or to reconcile their relationship. Mediators and conciliators may simply facilitate communication, or may help direct and structure a settlement, but they do not have the authority to decide or rule on a settlement. Arbitration systems authorize a third party to decide how a dispute should be resolved.

It is important to distinguish between binding and non-binding forms of ADR. Negotiation, mediation, and conciliation programs are non-binding, and depend on the willingness of the parties to reach a voluntary agreement. Arbitration programs may be either binding or non-binding. Binding arbitration produces a third party decision that the disputants must follow even if they disagree with the result, much like a judicial decision. Non-binding arbitration produces a third party decision that the parties may reject.

It is also important to distinguish between mandatory processes and voluntary processes.

Some judicial systems require litigants to negotiate, conciliate, mediate, or arbitrate prior to court action. ADR processes may also be required as part of a prior contractual agreement between parties. In voluntary processes, submission of a dispute to an ADR process depends entirely on the will of the parties.

Alternate Dispute Resolution System in Pakistan

Pakistan is a federal state, wherein provinces have their own laws/rules on all the issues after observing constitutional provisions except currency, foreign policy and defense. All the provinces have their own judicial system as well as Alternate Dispute Resolution Mechanism. The details of some laws on the impugned topic are as under:

- i. Alternative Dispute Resolution Act, 2017 (Federal).
- ii. The Punjab Alternative Dispute Resolution Act, 2019.
- iii. The Code of Civil Procedure (Sindh Amendment) Act, 2018.
- iv. The KPK Alternative Dispute Resolution Act, 2020.
- v. Arbitration Act, 1940.
- vi. Conciliation Courts Ordinance, 1961.
- vii. The Small Claims and Minor Offences Courts Ordinance, 2002.

As Pakistan is not a unitary state and in the presence of above laws and provincial as well as judicial jurisdiction i.e. territorial jurisdiction, pecuniary jurisdiction and administrative jurisdiction, the invoking of *Article 33 of Order ibid* for informal resolution of disputes should

be cautious and prudent. However, the invoking of above provision in IDR is possible in two ways:

1. All the complaints against the Federal Government Agencies, the subject-matters which are not in the purview/jurisdiction of WMS i.e. sub-judice matters, service matters etc., may be mediated, conciliated or arbitrated by the WMS (Head Office & Regional Offices) with the consent of both the parties after observing due procedure.

2. All the Small Contractual Disputes to the limitation of Rs. 100,000/-, Dispute regarding Negotiable instruments valued up to Rs. 100,000/-, Disputes to restrain waste and remove nuisance and any other Dispute agreed by the parties to be settled with the help of WMS-CIDR may be settled after signing mutual agreement by parties through mediation, conciliation and arbitration of CIDR.

Forms of IDR (Informal Dispute Resolution) offered to the Parties through WMCIDR (Wafaqi Mohtasib Centre for Informal Dispute Resolution)

WMCIDR will conduct IDR by accepting the complaint and forwarding it to opposing party. The same would be resolved through conciliation, mediation and Arbitration.

1. CONCILIATION:

After receiving complaint, the representative of WMCIDR will play a role as conciliator among the parties and meet with the parties, often separately, to discuss and negotiate a complaint informally. The conciliator may make suggestions as the parties consider how to resolve a dispute. The parties will find their own resolution to a dispute, with the assistance of the conciliator. After reaching at a point of resolution to dispute, both the parties will sign an agreement for conciliation. The agreement is not in conflict with law or the governing documents of the common interest development or association.

2. MEDIATION:

“Mediation is the most common method presently used for resolving disputes. Mediation offers the parties a safe forum for reviewing options and enables the parties to develop their own settlement terms by a mutual agreement. After receiving complaint, the representative of WMCIDR will play a role as mediator among the parties and aid the parties in reaching agreement on how to resolve a dispute. To request mediation through the WMCIDR, relevant party/parties has/have to submit Contract/Complaint Form and the Agreement to Mediate. Mediation conferences are informal proceedings. That means that the strict legal rules of evidence do not apply in mediation. This allows for an unrestricted discussion of issues and misunderstandings. If the parties reach a settlement, the mediator puts the settlement agreement in writing and all the parties and the mediator sign it. The agreement describes both the settlement of issues and the future responsibilities of each party. Once signed the agreement is a binding contract, which is enforceable by courts.

3. ARBITRATION:

“Arbitration” is a voluntary, confidential process in which a neutral “arbitrator” hears both sides of a controversy and decides all aspects of the case based on the facts and the law just like a judge without judicial trial. The parties may agree in writing that the decision will be binding, and enforceable. Arbitration through WMCIDR will be voluntary. The parties must be agreed for arbitration, and if they do, they must be present for the arbitration hearing. However, sometimes an agreement, made before there is a dispute, requires the parties to arbitrate instead of filling a lawsuit.

The process of Conciliation, Mediation and Arbitration involves the following:

- i. The complaining party fills out a Contract/Complaint form requesting for Conciliation, Mediation and Arbitration and files it with the WMCIDR, and delivers copy to the responding party with a copy of an Agreement to Conciliate/Mediate/Arbitrate.
- ii. The Services of WMCIDR for the whole process will be free of cost.
- iii. The parties must agree for conciliation/mediation/arbitration.

- iv. The parties may agree whether the arbitration will be binding or non-binding.
 - v. On the request of both the parties, another person may also be involved (with his consent) as arbitrator.
 - vi. WMCIDR will specify a date and time for the arbitration that is convenient for both parties.
 - vii. 15 days before the Mediation/Arbitration date the complaining party will submit all pertinent records needed for decision of the case to WMCIDR and the responding party.
 - viii. On the day and time of the Conciliation/Mediation/Arbitration the parties will attend hearing at WMCIDR.
 - ix. Both the parties would be provided opportunity of hearing and they may be advised by WMCIDR to submit their evidences/proofs etc.
 - x. After completion of due procedure, the complaint / application / agreements of conciliation / mediation / arbitration will be disposed of in the following manners:
 - a. At the end of successful conciliation process, all the parties must put any agreement resolving the dispute in writing and sign it.
 - b. During mediation when the parties reach an agreement, WMCIDR will assist by reducing the agreement to writing. WMCIDR may follow up with each party to see that each side is honoring the agreement, if that is necessary.
 - c. WMCIDR as an arbitrator may make a decision on the spot or may make a decision within seven days and deliver a written decision to the parties within that time.
-

Annex-II

**WAFaqI MOHTASIB SECRETARIAT INFORMAL RESOLUTION OF
DISPUTE (IRD) UNDER ARTICLE 33 OF P.O. NO. 1 OF 1983**

Complaint No.	
Date of Registration	
Name, CNIC No. & address of the complainant	
Name, CNIC No. & address of the other Party	
_____ Signatures of the Filing Party	_____ Signatures of the Responding Party
Number & Dates of Hearing	

SETTLEMENT

Brief nature of the dispute and position of the contending parties:

Terms of settlement as negotiated by the Investigating Officer

NAME AND SIGNATURE OF THE INVESTIGATING OFFICER OF WMS

Updated User Guidelines for Informal Resolution of Disputes (IRD) Complaints using CMIS

All IRD complaints can be registered on the CMIS with a new complaint number as 'WMS-IRD/0001234/22' or change complaint profile to IRD complaint having other ordinary normal complaint numbers i.e. online/ local/ ICR/ App (WMS-ONL/123/22, WMS-HQR/123/22, WMS-APP/123/22, ICR-FES/123/22). The complaint number will remain the same even in case of change in its IRD profile.

Registrar may change a normal complaint to IRD complaint at the time of marking of its admissibility reason as "**Case Admitted for Informal Resolution of Dispute (IRD)**". This admissibility reason will also be printed on Form B and complaint will appear on a separate interface created for Informal Resolution of Disputes.

Registrar as well as IO can also change the IRD profile of under process complaints using the interface link "update IRD Profile". If needed, they can also subsequently change the complaint profile from IRD to normal complaint for disposal.

Disposal of IRD Complaint at IO Level (Get IRD Decision Template from CMIS)

IO will have to define the type as Informal Resolution using "**Complaint Findings**" interface and submit. It will appear on the interface "**IRD complaints Ready for Disposal**".

Open the interface "**IRD Complaints Ready for disposal**" and select the complaint from interface for disposal.

"**IRD Complaint disposal**" interface has been improved by making a provision for selection of the type of decision i.e., "Relief/Reject/Closed". IO can accordingly mark/select the type of the decision from the **disposal code** (Selection is mandatory).

Attach/brows the scanned copy of the **IRD Decision**/ upload the IRD decision signed by IO with Date and Stamp (Decision Attachment is mandatory as per the template in CMIS).

Press "**Save**" button. It will dispose of the complaint and auto generated SMS to the complainant.

The attached decision will also be available in Mobile App of WMS which can be seen by the complainant

Statistics of IRD complaints will be available separately in CMIS.

It is also clarified that henceforth every complaint will be required to be processed and disposed of in the following manners:

- a) Rejection in limine
- b) Through formal findings; or
- c) Informal Resolution.



**WAFAQI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT**

**36, Constitution Avenue,
Sector G-5/2, Islamabad
051-9217329**

ADVISOR/DG(COORD)

Islamabad, the 30th March, 2022

Subject: **S.O.P. FOR UNDERTAKING INSPECTION VISITS UNDER ARTICLE-17 OF THE ESTABLISHMENT OF THE OFFICE OF WAFAQI MOHTASIB (OMBUDSMAN) ORDER, 1983 (PRESIDENT'S ORDER NO. 1 OF 1983)**

The Honourable Wafaqi Mohtasib (HWM) has stressed upon importance of periodical inspections of organizations/agencies, particularly those against which frequent complaints are received and where compliance is not satisfactory to ensure their enhanced efficiency for public service. The HWM has been vested with the authority to undertake such inspections under Article 17 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No.1 of 1983).

2. S.O.P., having approval of the HWM, for the purpose of carrying out inspection visits by the Wafaqi Mohtasib Secretariat's teams, under Article 17, are enclosed for information and compliance in letter and spirit.

Encls: **As stated**

Sd/-

(Dr. Raania Ahsan)

Advisor/Director General (Coordination)

Distribution:

1. **Senior Advisors/ Advisors/ Associate Advisors/Consultants/Officers and I.O.s in the Wafaqi Mohtasib Secretariat's Head Office, Islamabad**
2. **Head of all Regional Offices of the Wafaqi Mohtasib Secretariat.**

Copy to:

1. PSO to the HWM, WMS, Islamabad
2. Secretary to the HWM, WMS, Islamabad
3. SPS to the Secretary, WMS, Islamabad.
4. Senior Advisor/In-charge (Coordination), WMS, Islamabad
5. Advisor/DG (Coordination), WMS, Islamabad
6. Registrar (Registration Wing), WMS, Islamabad
7. Master File

SOP FOR UNDERTAKING INSPECTIONS UNDER ARTICLE-17 OF THE P.O. NO. 1 OF 1983

Requirements

- There has to be a basis for each inspection. It could be a written complaint from the public against the Agency concerned or a news item in print / electronic media duly transcribed for taking a suo-moto action by the HWM.
- The Agency must be within the domain of the WMS.
- Advance intimation through a telephone call / letter should be given to the Focal point of the Agency concerned in order to make the inspection meaningful and result oriented.
- The intimation to the Agency concerned should contain the specific purpose of the inspection that the WMS would like to accord assistance in removing the difficulties faced by the Agency causing public complaints; and to carry out feasible improvements.

Procedure

- On getting knowledge of persistent complaints against a Govt. Agency involving a large number of people, the Investigation Officer concerned will submit a note to the HWM proposing suo moto action against the Agency concerned under Article 9 of the P.O. No.1 of 1983; and to carry out inspection of the office of the Agency in terms of Article 17 of the Order *ibid*. The specific purpose of the inspection and the particular place to be inspected will be clearly mentioned in the note.
HWM will constitute an Inspection team consisting of a Senior Advisor/ Officer of the WMS to be assisted by an I.O. and an official of the Media Wing; and will formally authorize the team to carry out the inspection, as proposed in the I.O's note.
- The Head of the Inspection Team will keep with him a copy of the note containing the approval of the HWM to carry out the inspection. He will inform the focal person of the Agency about the time and date of the inspection.
- The Head of the Inspection Team will ensure that the inspection is carried out on a date and time at which the Head of the Agency concerned is available for a meeting with the Inspection team after the inspection is over. The photographer of the WMS shall accompany the Inspection Team on every inspection.
- The I.O. accompanying the Inspection Team will note the main issues that come to the fore during the inspection; and the team leader will discuss the same with the Head of the Agency concerned with a view to identifying the measures to resolve the issues. Such issues should cover the administrative, procedural, financial, legal, technical and human resource constraints.
- After the inspection and meeting with the Head of the Agency concerned, the Head of the Inspection Team will submit a brief report to the HWM on the basis of the inspection, discussion with the Head of the Agency and the consensus

reached on the measures to be taken to resolve the issues/ constraints giving clear recommendations regarding the future course of action to be followed by the Agency and the Office of the Wafaqi Mohtasib. The report shall be submitted within two working days.

- The number of Inspections should be confined to a maximum of two during a month both for the Head Office and each Regional Office.
- Initially, the Inspection visits will be restricted to the Offices of the Federal Agencies in Islamabad and the provincial capitals only.
- In the Regional Offices, the respective Regional Head will decide on the composition of the Inspection Team and the number of I.Os to be associated. He will, however, seek the approval of HWM for each visit of the Inspection Team to any Agency and for the purpose the inspection is recommended to be carried out.
- The Coordination Wing at the Head Office will keep a copy of each report prepared by the Inspection Team at the Head Office and take follow up action on the recommendations of the report, duly approved by HWM.
- In the Regional Offices, the respective Head will seek HWM's approval of the recommendations of the reports prepared by the Inspection Teams of the Regional Office concerned. After the HWM's approval, he will follow up the recommendations with the Agency concerned for implementation thereof; and will share the report as well as progress on implementation with the Coordination Wing at the Head Office.
- After submission of Inspection Report, HWM will decide on the need to subsequently constitute a committee to carry out study into the root causes of the persistent complaints against any Agency on the basis of the recommendation of the Inspection Reports. Such studies shall be carried out within a period of 4-6 weeks from the date of constitution of the Committee.
- Once report of the Committee is prepared and submitted to HWM by the Chairman of the committee for approval of the recommendations contained therein, further course of action on implementation of the recommendations by the Agency concerned will be taken by the Coordination Wing in line with the directions of HWM.



FEDERAL OMBUDSMAN

WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT, ISLAMABAD

No. 1(10)/Coord/WMS/2022

Dated: 6th June, 2022

CIRCULAR

Subject: **REVISED TEMPLATES FOR IRD CASES**

Reference this Office Circular No. 6 (27)/WMS/Coord/2022 dated 06.05.2022 followed by the guidelines issued vide Office Order No. 1(18)/WMS/Coord/2022 regarding processing of complaints under Informal Resolution of Disputes (IRD) system.

2. A revised template (A) as well as a template of the Agreement (B) to conciliate/mediate under IRD duly approved by HWM, for the purpose of reporting the disposal of complaints under IRD are enclosed.
3. The I.Os dealing with IRD are advised to:
 - a) Process all IRD cases as per the above templates;
 - b) Also record the terms of settlement on the order sheet of the case file to be signed by the parties to the agreement. The order sheet will be retained by the I.O. for record purpose.
 - c) Forward a copy of the duly filled in proforma, as per enclosed template (A), to the Coordination Section for the purpose of consolidation and monitoring.

Encl: As stated

Sd/-
(**Khalid Zaman**)
Director General (Coordination)

Distribution:

1. All Senior Advisors / Advisors / Associate Advisors / Consultants / Investigating Officers in the Head Office, Wafaqi Mohtasib Secretariat, Islamabad.
2. Head of all Regional Offices, Wafaqi Mohtasib Secretariat.
3. Registrar, WMS, Head Office, Islamabad.

WAFaqI MOHTASIB SECRETARIAT
INFORMAL RESOLUTION OF DISPUTE (IRD)
UNDER ARTICLE 33 OF P.O. NO. 1 OF 1983

Complaint No.	
Date of Registration	
Name, CNIC No. & address of the complainant	
Name, CNIC No. & address of the other Party	
Number & Dates of Hearing	

SETTLEMENT

Brief nature of the dispute and position of the contending parties:

Terms of settlement as negotiated by the Investigating Officer

NAME AND SIGNATURE OF THE INVESTIGATING OFFICER OF WMS

WAFaqI MOHTASIB SECRETARIAT
AGREEMENT
TO CONCILIATE/MEDIATE FOR INFORMAL RESOLUTION OF DISPUTE

Filing Party (Print or type name) _____

Responding Party (Print or type name) _____

Complaint No. _____

This is an agreement between the parties to participate in this Conciliation/Mediation process.

The parties understand that conciliation is voluntary on the issue of _____

By signing this agreement, we indicate that:

- a) We will share our point of view on the issue(s) in question with the Investigating Officer of WMS in the conciliation or mediation sessions for resolution of the same.
- b) The I.O. of WMS may, for reaching at conciliation or mediation, hold separate sessions with each party.
- c) The I.O. of WMS may, examine any document produced by a party which could help in resolving the dispute.
- d) The I.O. of WMS may, with consent of both parties, invite any person in the conciliation or mediation sessions who would assist in pursuing resolution of the dispute.
- e) The I.O. of WMS will, through discussion, suggestions etc. persuade the parties to reach an agreement which will be acceptable to the contending parties.
- f) The I.O. of WMS will not impose an agreement. Only the parties can reach a resolution. If we resolve the dispute, we with the assistance of the I.O. of WMS, will put the agreement in writing and when signed, it shall reflect the wishes of each party in resolving the dispute. We intend it to be a contract between the parties to be honored by them. If a party violates the agreement, either party may seek a remedy through the courts.
- g) We will not force the I.O. of WMS to produce documents or to give evidence relating to any conciliation session in any court or administrative proceeding.
- h) We understand that the I.O. of WMS will not disclose confidential information provided during the course of the conciliation or testify voluntarily on behalf of any party.
- i) Any party including the I.O. of WMS may withdraw from or terminate the conciliation at any time.
- j) The I.O. of WMS will not serve as the representative or lawyer for any party.

Signature of the Filing Party

Signature of the Responding Party



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Sector G-5/2, Opposite Supreme Court Building,
Islamabad, Pakistan
Phone:(051) 9217329 Fax No. 9217224

No.3(162)A-II/2022

Dated:- 29th June, 2022

The OCR visits, Khuli Kutchery, Informal Resolution of Disputes (IRD) and Inspection visits are being carried out by the officers of this Secretariat for redressal of the grievance of the general public against maladministration of the Federal Government Agencies.

2. In order to streamline the working for quick and prompt disposal of work, the following arrangements are ordered with immediate effect for strict compliance.

<u>S.No.</u>	<u>ACTIVITY</u>	<u>REPORTING TO</u>
01.	<ul style="list-style-type: none">• OCR visits• Feedback of OCR visits	Director General (Admn)
02.	<ul style="list-style-type: none">• Khuli Kutchery• Informal Resolution of Disputes (IRD), under Article 33 of P.O. No. 1 of 1983.• Inspection visits, under Article 17 of P.O. No. 1 of 1983.	Director General (Coordination)
03.	Media Coverage and Reports <ul style="list-style-type: none">• OCR• Khuli Kutchery• Informal Resolution of Disputes (IRD)• Inspection visits	Media Wing

3. The Incharge, Regional Offices are requested to combine OCR visit, Khuli Kutchery, Informal Resolution of Disputes (IRD) and Inspection visits in such a way that 02 visits are carried out in a month. It is further clarified that two visits are not per officer. The third visit is permissible in exceptional circumstances may be forwarded to the Head Office for approval with full justification.

4. This issues with the approval of HWM.

Sd/-
(Muhammad Safdar)
Director General (Admn)

IMMEDIATE

WAFaqI MOHTASIB SECRETARIAT
ISLAMABAD

No. F. 4(11)/WMS/Coord/2022

Dated: 7th September 2022

CIRCULAR

Subject: **Inspection/OCR/Khuli Kucheri visits**

It has been observed that some IOs in Regional Offices send their proposals for inspection visits, OCR visits and Khuli Kucheries to the Head Office for approval by HWM directly without knowledge/recommendation of the Advisor Incharge/Regional Head. In some cases, such visits and their program were scheduled already and requests for their approval by the Head Office was sent on a short notice.

2. The HWM has, therefore, directed that program of inspection/OCR/Khuli Kucheri visits may be routed through Heads of the Regional Office, to be forwarded to the Head Office, giving at least 15 working days processing time to the Head Office unless urgent cases/visits directed by the HWM, i.e. visits to flood affected areas, price check of Utility Stores etc.

3. All Regional Offices may please ensure implementation.

Sd/-
(Sohail Ahmad)
Advisor/DG (Coordination)

Distribution:

➤ **Heads of all WMS Regional Offices**

Copy forwarded to:

1. PSO to HWM/Associate Advisor WMS, Islamabad.
2. Secretary to HWM WMS, Islamabad.
3. SPS to Secretary WMS, Islamabad.
4. DG (Administration), WMS, Islamabad

IMMEDIATE

**WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD**

No. F. 4(11)/WMS/Coord/2022

Dated: 10th November 2022

CIRCULAR

Subject: **KHULI KUCHERY SESSIONS HELD BY WMS REGIONAL OFFICES**

It has been observed that the reports of Khuli Kuchery sessions received from WMS Regional Offices, with the exception of a few, contain only press clippings/photos of the Khuli Kuchery sessions, without any other details or actions taken by the Regional Office on the complaints received in the Khuli Kuchery.

2. A proforma has therefore been devised for submission of Khuli Kuchery reports (copy enclosed). All Regional Heads are requested to ensure that future reports of Khuli Kuchery sessions are forwarded to the WMS Coordination Wing as per proforma within 15 days, accordingly.

Encls: Proforma as stated

**Sd/-
(Sohail Ahmad)
Advisor/DG (Coordination)**

1. All Heads of WMS Regional Offices

Copy forwarded to:

1. PSO to HWM/Associate Advisor WMS, Islamabad.
2. Secretary to HWM WMS, Islamabad.

**Proforma for Submission of Khuli Kuchery Reports by WMS
Regional Offices to Coordination Wing, WMS, Head Office**

Sr. No.	Items	To be filled by Regional Office concerned
1.	WMS Regional Office:	
2.	Name(s) & Designation(s) of Officer(s)/Official(s) who held Khuli Kutchery:	
3.	Place, Tehsil and District of Khuli Kutchery:	
4.	Date of Khuli Kutchery	
5.	Number of People who attended the Khuli Kutchery:	
6.	Federal & Provincial Agencies who attended the Khuli Kutchery:	
7.	List of issues raised by public in Khuli Kutchery:	
8.	Response of representatives of Agencies on the issues raised:	
9.	Action taken by the Regional Office for redressal of the grievances:	
10.	Press Coverage, if any	

Signatures of Regional Head: _____

Date: _____



WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Constitution Avenue,
Sector G-5/1, Islamabad

No. F.1(10)/COORD/WMS/2022

Islamabad, the 28th April, 2023

CIRCULAR

Subject: MEASURES TO IMPROVE THE IMPLEMENTATION AND MONITORING OF THE IRD PROJECT

In order to improve the implementation and monitoring of the IRD project, it has been decided that:

Sl. No.	Decisions	Action by	Timeline
i.	An option to lodge IRD complaints may be provided for in the WMS website to facilitate the general public.	IT Wing	7 days
ii.	All the staff attached to the I.Os dealing with IRD cases may be sensitized about the importance of IRD; and trained for the job	Admn Wing; Regional Heads	One month
iii.	The Media wing may undertake an exercise to project the IRD mechanism of WMS in the media to create awareness in the public	Media Wing	One month
iv.	Subject to availability of resources, additional manpower, commensurate with the increased load of work, may be procured in due course of time	Admn Wing	Two months
v.	A special cell to exclusively deal with IRD cases may be created at the Head Office. The cell will also be responsible for compilation and consolidation of IRD reports received, as per prescribed proforma, from the Regional Offices; and submission of a monthly progress report to HWM through the Advisor (Coordination).	Admn Wing, Coord Wing	One month

2. A revised proforma duly approved by HWM for submission of the details of the IRD cases to the IRD Cell at the Head Office by all concerned I.Os in the Head Office as well as in the Regional Offices is attached.

3. All concerned are directed to take steps for implementation of the above decisions within the specified time period.

Sd/-

(Iqbal H. Siddiqui)
Director (Coord)

PROFORMA FOR REPORTING INFORMAL RESOLUTION OF DISPUTES

Sr. No	Names, CNICs & contact no. of the parties to the dispute	Brief nature of the dispute	Date of reconciliation/ Mediation proceedings/ Agreement	Brief description of the consensus reached

Sr. No.	Details of IRD cases	No.
	Number of IRD cases processed during the month	
	Number of IRD cases processed during the year	
	Success rate (No. of cases taken up Vs No. of cases resolved)	



WAFAQI MOHTASIB SECRETARIAT
36, CONSTITUTION AVENUE, G-5/2, ISLAMABAD.
Tel: 051-9217241 Fax 051-9217244

No. F. 4(2)/Coord/WMS/2023

Islamabad the 11th December 2023

CIRCULAR

Subject: **MECHANISM OF OCR, KHULI KHCHERY, INFORMAL RESOLUTION OF DISPUTE (IRD), AND INSPECTION VISIT**

Reference this Secretariat's letter No. 3(162) A-II / 2022 dated 29th June 2022 on the subject cited above. It is evident from the above letter that only two visits are allowed in a month and the third visit is only in exceptional circumstances. Moreover, it was also conveyed earlier that the In-charges, Regional offices should approach this office at least Fifteen (15) days before the commencement of visit for the approval of HWM.

2. It has been observed with great concern that some Regional offices approach this office for the approval of more than two visits in a month and with very close margin for approval of HWM, which is against the instructions issued vide above mentioned letter.
3. It is once again reiterated to follow the above mentioned instructions in letter and spirit.

Sd/-
(Muhammad Ashfaq Ahmad)
Director General (Coordination)

Distribution:

1. **All Heads / In-charges of Regional offices.**
2. **All Investigation officers of WMS, Head office, Islamabad**

Copy forwarded to:

1. Secretary to HWM, WMS, Islamabad.
2. PSO to the HWM, WMS, Islamabad.
3. PS to Secretary, WMS, Islamabad.
4. Director (Coordination) WMS, Islamabad.
5. Section Officer (Coordination), WMS, Islamabad
6. Master File

IMMEDIATE

WAFAQI MOHTASIB SECRETARIAT

(Coordination Wing)

ISLAMABAD

No. F. 1(10)/COORD/WMS/2024

Dated: 16th August 2024

CIRCULAR

Subject: **DISPOSAL OF INFORMAL RESOLUTION OF DISPUTES (IRD) CASES**

Reference Wafaqi Mohtasib Secretariat's letter No. F. 8(2)/COORD/WMS/2022, dated: 17th January 2024; forwarded therewith were the minutes of the meeting held under chairmanship of the HWM on 15/01/2024 to review the performance of Investigation, Appraisal and Implementation Officers of the WMS in which it was directed to dispose of the IRD cases within 60 days. Perusal of the IRD cases data revealed that this timeline is not being adhered to by some Investigation Officers. **The data of complaints registered under IRD of pending cases beyond 60 days with different Investigation Officers is enclosed.**

2. The HWM has been pleased to reiterate his directions contained in the minutes of the said meeting that Informal Resolution of Disputes (IRD) cases should be disposed of within 60 days of receipt. All the concerned Investigation Officers at the WMS Head Office and the Regional Offices are requested to adhere to the directions of the HWM regarding timely disposal of all the IRD cases.

Encls: As stated

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)

DISTRIBUTION:

WMS Head Office:

1. Mr. Arshad Mahmood Cheema, Advisor, WMS Head Office, Islamabad
2. Ms. Zariyab Musarrat, Deputy Director, WMS, Islamabad.
3. All Regional Incharges

MOST IMMEDIATE

**WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD**

No. F. 4(11)/COORD/WMS/2024

Dated: 11th September 2024

**Subject: REVISED S.O.P. FOR UNDERTAKING INSPECTION VISITS
UNDER ARTICLE-17 OF THE PRESIDENT'S ORDER NO. 1
OF 1983**

The Honorable Wafaqi Mohtasib has been pleased to approve the Revised Standard Operating Procedures (SOP) for undertaking inspection visits of Federal Government Agencies by the WMS teams, under Article-17 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President's Order No. 1 of 1983).

2. The Revised SOP, along with the prescribed *proforma* for submission of the inspection reports, is circulated for compliance by all concerned.

Encls: As stated

**Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)**

Distribution:

- i. All Senior Advisors/Advisors/Consultants and Sr. Investigation Officers/Investigation Officers in the WMS Head Office, Islamabad.**
- ii. All Heads of WMS Regional Offices. The enclosed SOP and the proforma may please be circulated for compliance to all the concerned Investigation Officers in their respective jurisdiction.**
- iii. D.G. (Administration), WMS, Islamabad**
- iv. Director General (Coordination), WMS, Islamabad**
- v. Registrar, WMS, Islamabad**

Copy forwarded to:

1. Secretary to HWM WMS, Islamabad.
2. PSO to HWM, WMS, Islamabad.
3. PS to Secretary WMS, Islamabad.

**REVISED S.O.P. FOR UNDERTAKING INSPECTION VISITS UNDER
ARTICLE-17 OF THE PRESIDENT'S ORDER NO. 1 OF 1983**

The office of Wafaqi Mohtasib (Ombudsman) is established to diagnose, investigate, redress and rectify any injustice done to a person through maladministration of any the Federal Government Agency. Well defined functions and powers of the Mohtasib are given in the P.O. 1 of 1983. Likewise, the procedure is also given in the Order. Moreover, the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013 are guiding instruments to undertake any investigation to ascertain the maladministration of any Agency. To streamline the procedure for taking any action on his own motion (Inspection of any Agency), the Hon'ble Wafaqi Mohtasib has been pleased to approved the following revised SOPs for strict compliance: -

Criteria, and Requirements

- 1) Inspection visits by Wafaqi Mohtasib teams are conducted after a *Suo Moto Notice* is taken by the HWM under Articles 9 of the President's Order No. 1 of 1983 and constitution of inspection teams under Article 17 of the ibid Order to resolve major issues of maladministration noticed in any federal Agency, affecting a large section of the population.
- 2) This action is taken with the permission of the HWM only in cases where gross maladministration is observed in an Agency with the aim to ascertain causes of **maladministration within that Agency** and make feasible recommendations to the Agency under its policy, rules and regulations, and available human and financial resources to remove the identified causes of maladministration.
- 3) Inspection visits to the Agencies should, therefore, not be considered as a regular function of the Wafaqi Mohtasib.
- 4) **There should be plausible reasons necessitating such inspection visits.** It could be a large number of written complaint from the general public against the Agency concerned or news items persistently appearing in print / electronic media, duly transcribed for taking a *Suo Moto* action by the HWM.
- 5) **Proposals by the Investigation Officers for conducting inspection visit of any Agency must be supported by above mentioned required details and the CMIS data of complaints against the Agency during preceding 06 months.**
- 6) The Agency must be within the domain of the WMS.
- 7) After issuance of the Office Order by the WMS Coordination Wing, conveying HWM's approval to the proposed inspection and constitution of an inspection team, advance intimation through a telephone call / letter should be given by the head of the inspection team to the head of the Agency to be inspected and the nominated

focal person of the Agency dealing with WMS in order to make the inspection meaningful and result-oriented.

8) The intimation to the Agency concerned should contain the specific purpose of the inspection that the WMS would like to accord assistance in removing the difficulties faced by the Agency causing public complaints, and to carry out feasible improvements in its public service delivery.

Pre-inspection Procedure to be Adopted

9) Whenever necessity of inspecting an Agency is felt, the Investigation Officer concerned, both at the Head Office and the Regional Offices, will submit the proposal to the HWM through Director General (Coordination), WMS Head Office, and in case of the Regional Offices the proposal sent to the WMS Head Office must be approved by the Regional Incharge. The proposed date and tentative time of the inspection, details of the inspection team, specific purpose of the inspection and the particular place to be inspected will be clearly mentioned in the proposal.

10) The requests from the Advisors/Investigation Officers at the WMS Head Office and from the WMS Regional Offices must be received by the WMS Coordination Wing **at least 10 working days before the proposed date of inspection**, enabling the Coordination Wing to process the requests and obtain decision of the Secretary WMS/HWM.

11) The Coordination Wing will process the proposal for inspection applying the criteria laid down above and submit its views through Secretary WMS to HWM. If the proposal for inspection is approved, the Coordination Wing will issue requisite Office Orders. **No inspection will be conducted by any Investigation Officer until receipt of the Coordination Wing's Office Order allowing the inspection. Any change in date of the inspection for some unavoidable reason will also require prior approval of Secretary WMS/HWM and no ex-post-facto approvals for re-scheduling the visit will normally be granted.**

12) During the inspection visit, the Head of the Inspection team will keep with him a copy of the Office Order issued by the WMS Coordination Wing in connection with the inspection.

13) The photographer of the WMS shall accompany the inspection team whenever and wherever possible.

14) The Head of the Inspection Team will ensure that the inspection is carried out on a date and time at which the Head of the Agency concerned is available for a meeting with the inspection team after the inspection is over.

15) The Investigation Officer accompanying the inspection team will note the main issues that come to the fore during the inspection; and the team leader will discuss

the same with the Head of the Agency concerned with a view to identifying the measures to resolve the issues.

Post-inspection Procedure to be adopted

16) After the inspection and meeting with the Head of the Agency concerned, the Head of the inspection team will submit on the attached prescribed *proforma*, a concise report to HWM on the basis of the inspection, discussion with the head of the Agency and the consensus reached on the measures to be taken to resolve the issues / constraints giving clear recommendations regarding the future course of action to be followed by the Agency and the Coordination Wing of the WMS Head Office. **The inspection report shall be submitted within 07 working days after the inspection.**

17) The number of Inspections should be confined to a maximum of two during a month both for the Head Office and each Regional Office.

18) In case of inspections by the WMS Head Office teams, the Coordination Wing will keep a copy of each report submitted by the Inspection Team and approved by the HWM and take follow up action on the recommendation of the report approved by HWM.

19) In case of inspections by the Regional Offices, the respective Regional Head will seek, through Coordination Wing, HWM's approval of the recommendations of the reports prepared by the inspection teams of the Regional Office concerned. After the HWM's approval, the WMS Coordination Wing will forward the approved recommendations to the Agency's head and other stakeholders, if any, for implementation, with a copy to the concerned Regional Incharge of the WMS. The Regional Office will follow up the approved recommendations forwarded to the Agency with the **Agency's regional office** for implementation thereof; and will share the progress with the WMS Coordination Wing at the WMS Head Office.

20) On the basis of feedback received from the stakeholder Agency on implementation of the recommendations, HWM will decide on the need to subsequently constitute a Committee to carry out Study into the root causes of the persistent complaints against that Agency. Such studies shall be carried out within a period of 4-6 weeks from the date of constitution of the Committee.

21) Once report of the Committee is prepared and submitted to HWM by the Chairman of the Committee for approval of the recommendations contained therein, further course of action on implementation of the recommendations by the Agency concerned on the Committee's reports will be taken by the Coordination Wing in line with the directions of HWM.

Proforma to be used for submission of Inspection Visit Report



FEDERAL OMBUDSMAN

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT,

INSPECTION REPORT OF _____		
1.	Name of Advisor / Investigation Officers undertaking the visit	
	Name & designation of the officers of the Agency present at the time of inspection:	
2.	Agency/Office visited	
3.	Date & Time of Visit:	
4.	Purpose of Investigation:	
5.	Date of approval accorded by HWM to conduct the inspection visit:	
6.	Number of Public interviews conducted:	
7.	Names and designations of the officers of the Agency visited by the team	
8.	Problems/Constraints identified during the visit:	
9.	Proposed short and long term measures for improvement:	
10.	Points on which follow-up action is required by Coordination Wing of the WMS:	



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

36, Constitution Avenue,

G-5/2, Islamabad.

Ph: 051-9217329

No. F. 3(8)/Coord/WMS/2024

Islamabad, the 20th November, 2024

CIRCULAR

In supersession of previous circulars/orders, the following guidelines are issued to streamline the official visits to be conducted by officers of WMS under OCR, Khuli Kutchery and Inspection initiatives for redressal of complaints of general public against maladministration of Federal Government Agencies: -

S. No	Nature of Visit	Number of visits allowed per office in a month	Officer authorized to conduct visit	To be initiated by	To be approved by
1.	OCR	Two	Concerned Investigation Officers (BS-17 to 22)	Coord. Wing	Secretary, WMS
2.	Khuli Kutchery	Two	Officers (BS-17 to 22) to be deputed on case to case basis upon justification	-do-	Secretary, WMS
3.	Inspection	One	-do-	-do-	HWM

2. In this context, the instructions already issued are reiterated: -
 - i. A minimum of ten (10) cases are required to be heard during the OCR visit/ Khuli Kucheries.
 - ii. Request for approval of tours / visits shall reach Coordination Wing of Head Office, Islamabad at least fifteen days in advance before the visit date.
 - iii. Relaxation for conducting visits beyond the prescribed limit will only be allowed in special circumstances with the approval of Hon'ble Wafaqi Mohtasib. Requests for such visits shall be submitted to Head Office, Islamabad with justification and details/data.
 - iv. Visits under OCR, Khuli Kutchery and Inspection are encouraged to be combined in order to save time and resources.
 - v. The post visit reports of OCR, Khuli Kutchery and Inspection are to be submitted to Coordination Wing, Head Office, Islamabad through Regional Head within seven (7) days. The inspection visit reports shall be submitted on the prescribed proforma already circulated.
1. All concerned are advised to strictly adhere to the above instructions in letter and spirit.

Sd/-

(Muhammad Safdar)
Director General (Admn)

Distribution:

- All concerned at Head Office, Islamabad
- Regional Heads for circulation among all concerned

Copy for information to:

1. Secretary to Wafaqi Mohtasib
2. PSO to HWM
3. SPS to Secretary
4. PS to DG (Coord)
5. PS to Registrar
6. Circular file

MOST IMMEDIATE

**WAFAQI MOHTASIB SECRETARIAT
(COORDINATION WING)
ISLAMABAD**

No. F. 4(11)/COORD/WMS/2024

20th December 2024

Subject: S.O.P. FOR UNDERTAKING KHULI KUTCHERY VISITS BY THE ADVISORS / INVESTIGATION OFFICERS OF THE W.M.S. HEAD OFFICE AND ITS REGIONAL OFFICES

The Honorable Wafaqi Mohtasib has been pleased to approve the Standard Operating Procedures (SOP) for undertaking Khuli Kutchery visits by the WMS teams.

2. The SOP, along with the prescribed *proforma* for submission of the Khuli Kutchery reports, is circulated for compliance by all concerned.

Encls: As stated

Sd/-
(Iqbal H. Siddiqui)
Director (Coordination)

Distribution:

- i. **All Senior Advisors/Advisors/Consultants and Sr. Investigation Officers/Investigation Officers in the WMS Head Office, Islamabad.**
- ii. **All Heads of WMS Regional Offices. The enclosed SOP and the proforma may please be circulated for compliance to all the concerned Investigation Officers in their respective jurisdiction.**
- iii. **Registrar, WMS, Islamabad**

Copy forwarded to:

1. Secretary to HWM WMS, Islamabad.
2. PSO to HWM, WMS, Islamabad.
3. PS to Secretary WMS, Islamabad.
4. D.G. (Administration), WMS, Islamabad
5. Director General (Coordination), WMS, Islamabad

SOP for Conducting Khuli Kutchery

The office of Wafaqi Mohtasib (Ombudsman) was established to diagnose, investigate, redress and rectify any injustice done to a person through maladministration of any Federal Government Agency. Well defined functions and powers of the Mohtasib are given in the P.O. 1 of 1983 and Federal Ombudsmen Institutional Reforms Act, 2013. Moreover, the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013 are guidelines to undertake any proceeding to ascertain maladministration of any Agency. The main purpose of holding Khuli Kutchery sessions is to create greater awareness about the functions and procedures of the Wafaqi Mohtasib in the general public and to build their confidence/trust in the institution of Wafaqi Mohtasib. Moreover, the informal resolution of disputes under Article 33 of P.O.No.1 of 1983 can also be resorted to in order to informally conciliate, amicably resolve, stipulate, settle with or without the necessity of docketing of any complaint during these Khuli Kucheries.

2. In line with the above objectives, the Hon'ble Wafaqi Mohtasib has been pleased to approve the following SOPs for strict compliance while conducting Khuli Kutchery:

3. **Procedure to be Adopted before Khuli Kutchery**

- a) Whenever necessity of a Khuli Kutchery is identified, the Investigation Officer concerned at Head Office will submit the proposal through Director General (Coordination) for the approval of competent authority.
- b) In case of Regional Offices, the proposal will be submitted to the Coordination Wing by the Regional Head for the approval of the competent authority.
- c) The proposed date and tentative time of the Khuli Kutchery, details of the visiting team and the place at which the Kutchery is planned will be clearly mentioned.
- d) The requests from the Advisors/Investigation Officers at the WMS Head Office and from the WMS Regional Offices must reach the Coordination Wing **at least 15 working days before the proposed date of Khuli Kutchery**, enabling the Coordination Wing to process the request and obtain approval of the Secretary WMS/HWM, well before the time.
- e) The Coordination Wing will process the proposal for Khuli Kutchery and submit its views to the Secretary WMS. If the proposal for Khuli Kutchery is

approved, the Coordination Wing will issue requisite Office Order. **No Khuli Kutchery will be conducted by any WMS team until the receipt of the approval from the head office. Any change in date, visiting team or place of the Khuli Kutchery, necessary for any unavoidable reason, will also require prior approval of the Secretary WMS/HWM and no ex-post-facto approval for re-scheduling of the visit will normally be granted.**

f) The Head of the team will ensure that the Khuli Kutchery is conducted on the date and time on which the representatives of the Agencies concerned are available for addressing the queries raised by the general public. The Representative of the respective Agency must be informed well in time so that they could be able to attend the Khuli Kutchery.

g) In the Regional Offices, the Regional Incharge or, in unavoidable circumstances a senior Officer/Advisor well conversant with the procedures and laws of the Wafaqi Mohtasib, who can aptly face the press and public, should conduct the Khuli Kutchery.

4. Procedure to be adopted during Khuli Kutchery

a) During the Khuli Kutchery visit, the Head of the team will keep with him a copy of the Office Order issued by the WMS Coordination Wing.

b) The cases of Informal Resolution of Dispute can be resolved on the spot, provided both the parties are agreed to do so in accordance with Article 33 of P.O No.1 of 1983.

c) The representative of Registration Wing and the photographer of the WMS will accompany the team when and where possible.

d) The team conducting the Khuli Kutchery will receive complaints from the general public on the spot, redress the issues where possible, and bring those complaints to the office for further processing under relevant rules and regulations. The team will ensure the provision of form "A" to the complainant on the spot, for filling up the necessary details.

e) The team conducting the Khuli Kutchery will note the main issues that come to the fore and will discuss them with the representative of the Agency concerned with a view to identify the measures for inclusion in the Khuli Kutchery report to be submitted to the WMS, Head Office. The issues raised by the representatives of Agencies during Khuli Kutchery will also be taken

up for further action as the case may be. Such issues can be resolved through the respective head of Agency, under the relevant policy in vogue.

f) The matters relating to the Agency whose representative is available in the Khuli Kutchery may be referred to him for on-spot action and to bring the complaint and the response of Agency for registration and further processing.

5. Procedure to be adopted after the Khuli Kutchery

a) The normal/individual complaints received in the Khuli Kutchery, along with list of complaints, *will be forwarded to Registration Wing* for further action as per procedures laid down in Chapter II of the (Investigation and Disposal of Complaints) Regulations, 2013.

b) For the collective complaints having common grievances against Federal Agencies, the Regional Incharge or Director General (Coordination) in case of Head Office may address a demi official letter (d.o).

c) Letters to the head of the concerned Agency be issued with a copy to the concerned officer at operational level inviting their attention to the directions given during the Khuli Kutchery along with the list of complaints with advice to look into the matter personally, address the grievances and report compliance to the WMS.

d) For the complaints falling within the domain of the provincial authorities, the Registrar in case of Head Office or the Regional Incharge may address a d.o. letter to the Registrar of the concerned Provincial Mohtasib requesting him to intervene and process the individual and collective complaints against the concerned provincial authorities with a view to redressing the same as per policy, law and rules.

e) For the complaints falling within the domain of the other Federal Ombudsmen, the Registrar in case of Head Office or the Regional Incharge may address a d.o. letter to the Registrar of the respective Mohtasib Office, requesting him to intervene and process the individual or collective complaints against the concerned authorities with a view to redress the same as per policy, law and rules.

f) As far as the complaints involving policy decisions by the Federal or Provincial Governments are concerned, the same may be forwarded to the Coordination Wing, WMS Head Office for onward transmission to the concerned Federal Ministry/ Division/ Department/ Organization and provincial Agency, with the approval of HWM, for consideration and remedial action keeping in view the administrative, legal, financial and other implications etc.

- g) **The Head of the team will submit on the attached prescribed *proforma*, a concise report to HWM** regarding the proceedings of the Khuli Kutchery and the copies of the press clippings pertaining to awareness campaign. **The report shall be submitted within 10 working days after conducting the Khuli Kutchery.**
- h) The number of Khuli Kucheries should be confined to a maximum of two during a month both for the Head Office and each Regional Office.
- i) In case of Khuli Kutchery conducted by the WMS, Head Office teams, the Coordination Wing will keep a copy of each report submitted by the team and take follow up action on the important issues of the report, if any, after the approval of HWM.
- j) Once report of the Khuli Kutchery is prepared and submitted to HWM by the Head of the team for approval, further course of action on the report will be taken by the Coordination Wing in line with the directions of HWM.
6. The *proforma* for submission of report of Khuli Kutchery circulated vide letter No. F. .4(11)/WMS/Coord/2022 dated 10.11.2022 is annexed herewith.
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**Proforma for Submission of Khuli Kutchery Reports to the
Coordination Wing, WMS, Head Office, Islamabad**

Sr. No.	Items	To be filled by concerned Advisor/Officer of the Head Office/Regional Office
1.	WMS Regional Office:	
2.	Name(s) & Designation(s) of Officer(s)/Official(s) who held Khuli Kutchery:	
3.	Place, Tehsil and District of Khuli Kutchery:	
4.	Date of Khuli Kutchery	
5.	Number of People who attended the Khuli Kutchery:	
6.	Federal & Provincial Agencies who attended the Khuli Kutchery:	
7.	List of issues raised by public in Khuli Kutchery:	
8.	Response of representatives of Agencies on the issues raised:	
9.	Action taken by the Regional Office for redressal of the grievances:	
10.	Press Coverage, if any	

Signatures of Regional Head: _____

Date: _____



ONE WINDOW FACILITATION DESKS (OWFDs)



WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Plot No. 36, Sector G-5/2, Opposite Supreme Court Building,
Islamabad, Pakistan

Phone:(051) 9217259 Fax No. 9217224

No.WMS/GCOP/General/2020

Dated: 18th December, 2020

**Subject: - NEW STANDARD OPERATING PROCEDURES (SOPS)
REGARDING ONE WINDOW FACILITATION DESKS (OWFDS) AT
ALL INTERNATIONAL AIRPORTS**

In the light of the minutes of the meeting on the subject, issued on 20.10.2020, revised SOPs, duly approved by the Honourable Wafaqi Mohtasib, are circulated herewith for information & necessary action.

Sd/-

(Dr. Inam ul Haq Javeid)
Advisor/Grievance Commissioner
For Overseas Pakistanis

STANDARD OPERATING PROCEDURES (SOPs) FOR ONE WINDOW FACILITATION DESKS (OWFDs) AT ALL INTERNATIONAL AIRPORTS OF PAKISTAN

S. NO	DIRECTIVES	AGENCY INVOLVED
1	<p>One Window Facilitation OWFDs Desks will be operational round the clock (24/7) and all concerned Agencies will ensure the presence of their concerned officials so that no desk would be left unattended.</p> <p>Electronic/bio-metric system may be installed to ensure the attendance of officials working on all OWFDs. The attendance report in this regard will be submitted by Civil Aviation Authority (CAA) & ASF to the Grievance Commissioner of Overseas Pakistanis on monthly basis.</p>	All Agencies including CAA
2	<p>Surprise/monitoring visits will be made off & on for evaluation of staff deputed at all OWFDs and the mechanism for implementing the SOPs for functioning of these OWFDs</p>	OPF & WMS
3	<p>Each Complaint Handling Agency at all Airports will submit monthly progress report on regular basis to the Head of Agency and OPF will submit a consolidated report to the Grievance Commissioner for Overseas Pakistanis by the 5th of each month.</p> <p>Duty officer of each stakeholder/Agency working at airport will properly maintain the record of resolved queries independently and will follow-up the unsettled queries till their resolution under intimation to the complainants.</p>	All Agencies & OPF
4	<p>Ministry of Religious Affairs will look after and take care of the passengers particularly during Hajj & Ummrah season</p>	M/O Religious Affairs
5	<p>PIA will attend and facilitate their passengers at all airports in case of delay in flights and in emergency situation.</p>	PIA
6	<p>Computer, email & WhatsApp facilities at OWFDs counters will remain operative round the clock enabling the complainants to directly communicate with the relevant representative of the Agency if he/she so desires.</p>	All Stakeholders
7	<p>All Heads of Agencies will display on their websites complaints received action taken on it and suggestions received from Overseas Pakistanis at their respective Airports.</p>	All Agencies
8	<p>Suggestions/Complaints box will be placed at One Window Facilitation Desks (OWFDs) and on different places of airports.</p>	All Agencies
9	<p>Quarterly meetings of all Agencies/stakeholders will be arranged for evaluation, working and suggestions for improvement of OWFDs and other facilities at airports for Overseas Pakistanis. Minutes in this regard would be</p>	WMS/OPF

S. NO	DIRECTIVES	AGENCY INVOLVED
	circulated for information and necessary action to the Heads of Agencies.	
10	Surveillance cameras for security purposes will be controlled by Airport Security Force.	CAA/ASF
11	Universal Toll Free Number & Fax Machine and other relevant facilities will remain operative round the clock (24/7).	All Agencies
12	Free of cost Electricity and landline telephone facilities will be provided to these OWFDs.	CAA
13	Other public facilities including water dispensers inside airport lounges will be improved to facilitate the Overseas Pakistanis.	CAA
14	Each Agency will be bound to display its contact number/e-mail/web address on boards for the information of Overseas Pakistanis.	All Agencies
15	For awareness of overseas Pakistanis, Names/insignia/flashy display boards of all the Agencies/stakeholders and Federal Ombudsman Secretariat will be displayed at prominent place of OWFDs and other areas of Airports with coordination of CAA.	All Agencies/CAA
16	Standees of one window facilitation desk will be displayed at prominent places for the awareness of overseas Pakistanis.	OPF/CAA
17	Uniform Resource Locator (URL) for online complaint website (Urdu & English) will be displayed at these OWFDs for the purpose of awareness.	All Agencies
18	Immigration/Clearance facilities at OWFD at Lahore Airport need to be increased for Overseas Pakistanis.	FIA/ Customs Department/ CAA
19.	All the staff posted at OWFDs must be given training regarding their polite behavior with the incoming and outgoing overseas Pakistanis.	CAA
20.	A comprehensive broacher published in English & Urdu will be provided by WMS for distribution at all airports.	WMS/All Agencies



FEDERAL OMBUDSMAN

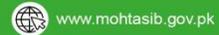
Wafaqi Mohtasib (Ombudsman)'s Secretariat

Helpline: 1055

For Children: 1056

36, Constitution Avenue, G-5,
Islamabad
Phone No.: 92-51-9213886-7
Fax No.: 92-51-9217224

For more information/complaint
visit our site www.mohtasib.gov.pk



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