

**PRESIDENT'S SECRETARIAT (PUBLIC)**  
**AIWAN-E-SADR, ISLAMABAD**

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**Rep. No.01/WM/2023**  
**Date of Decision: 01.02.2023**

**Accountant General Pakistan Revenues Vs Khan Muhammad Tunio**

**REPRESENTATION FILED BY ACCOUNTANT GENERAL PAKISTAN REVENUES**  
**AGAINST THE ORDER OF THE Wafaqi Mohtasib IN COMPLAINT NO.WMS-**  
**HQR/0007745/22**

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by the Accountant General Pakistan Revenues – AGPR (the Agency) assailing the order dated 27.10.2022 of the Wafaqi Mohtasib whereby it has been held as under:-

*“The complainant qualified the criteria for the grant of BS-18 as notified by the Establishment Division’s O.M dated 02.06.1983 i.e. the computing of total qualifying service from BS-1 to 15 @ ¼ and BS-16 @ ½ for the grant of BS-18. Consequently, the Administrative Ministry issued his notification for promotion and making him eligible for issuance of revised pay slip. The Agency being the Implementing Authority unjustifiably revised the pay slip from BS-19 to BS-17 and created a demand of Rs.927,531/-. Therefore, unilateral revision of pay slip of the complainant and creation of demand against him by the Agency amounts to mal-administration as defined in Article 2(2) of P.O. No.1 of 1983.*

*In view of the above, while accepting the complaint under Regulation 23(4) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013, the Agency is recommended to withdraw revised pay slip dated 23.09.2022 and issue fresh pay slip by mentioning designation of the complainant as Senior Private Secretary (BS-19) and withdraw the demand of Rs.927,531/-, at the earliest. Compliance be reported within 30 days after receipt of copy of the Findings.”*

3. Khan Muhammad Tunio (the complainant) had alleged that he stood retired as Senior Private Secretary (BS-19) from the Cabinet Division on 12.08.2022. The Cabinet Division had forwarded his case to the Agency for pension and allied post-retirement benefits. According to him, after his retirement, the Agency had issued Last Pay Certificate dated 23.09.2022, mentioning his designation as Private Secretary (BS-17) instead of Senior Private Secretary (BS-19) as well as an amount of Rs.927,531/-, was adjudged recoverable from his pension. Feeling aggrieved, he approached the learned Wafaqi Mohtasib who passed the impugned order, hence the instant representation.

4. Without expressing any views on the merits of the case, it may be noted at the very outset that under Article 32 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order 1983 read with Section 14 of the Federal Ombudsmen Institutional Reforms Act 2013, any person aggrieved by an order of the Mohtasib may file a representation within 30 days before the Hon’able President.

5. In the instant case, the impugned order had been passed on 27.10.2022 that was forwarded to the Agency on 01.11.2022. The remedy of representation could have been availed within 30-days. The instant representation has been filed on 15.12.2022 which is hit by the bar of limitation. Suffice it to observe that the extant law even does not empower the condonation of delay to entertain a representation which is time barred. It is thus liable to be rejected out rightly as incompetent and time barred.

6. Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013 provides as under:-

*“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”.*

The law thus empowers the decision of a representation without personal hearing of the parties, on the basis of available record. It is undoubtedly a case of that nature.

7. Accordingly, the Hon’able President has been pleased to reject the representation as incompetent and time barred.

-Sd-  
**(Asghar Ali)**  
**Director (Legal)**

The Accountant General Pakistan Revenues,  
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G-8/4, **Islamabad.**

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Sector G-6/4,  
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**Copy to:**

The Secretary, Wafaqi Mohtasib (Ombudsman)’s Secretariat, Constitution Avenue, Islamabad.