

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

Rep. Nos.313, 318 & 319/WM/2021

Date of Decision: 27.01.2023

Mst. Sameela Jan, Jehanzeb Khan & Muhammad Zaman

Vs

Water and Power Development Authority

REPRESENTATION FILED BY MST. SAMEELA JAN, JEHANZEB KHAN & MUHAMMAD ZAMAN AGAINST THE ORDER OF THE Wafaqi MOHTASIB IN COMPLAINT NOS. WMS-ATE/655/21, WMS-ATE/656/21 & WMS-ATE/657/21

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

2. This order disposes of three representations filed by Mst. Sameela Jan, Jehanzeb Khan & Muhammad Zaman (the complainants) assailing the order dated 15.07.2021 of the Wafaqi Mohtasib passed in the subject complaints, wherein it has been held as under:-

“On the date of final hearing on 07.07.2021, Mr. Ashraf Zafar, Assistant Manager, GLI WAPDA Lahore attended and explained that pursuant to a misleading news item of certain unauthorized newspaper, these complainants have moved the Wafaqi Mohtasib Secretariat seeking its intervention in payment of Group Insurance. He added that till today no such amount has been paid to any single retired or under-service employee of WAPDA and the complainant's allegations are baseless. The complainant (Mr. Muhammad Zaman), present during the hearing, in response to Agency's representative statement, explained that Hon'ble Supreme Court of Pakistan had upheld the order of the Hon'ble Peshawar High Court regarding payment of Group Insurance amount to all the petitioners. The Agency's Representative, in response, stated that orders of Hon'ble Peshawar High Court are only applicable to Provincial Government Departments and not for WAPDA, being the Federal Government Agency. The complainant could not provide a single case of the Federal Government employee to whom Group Insurance premium was paid.

It is observed that complainant could not give any plausible explanation in support of their allegation. Therefore, these complaints are rejected under Article 23(3) of the Wafaqi Mohtasib (Investigation & Disposal of Complaints) Regulations, 2013, being devoid of any merit.”

3. The complainants had alleged that they had applied to the Tarbela Dam Project, WAPDA, Ghazi Haripur of the Water and Power Development Authority (the Agency) for payment of Group Insurance amount pursuant to the orders of the Federal Government but to no avail. Feeling aggrieved, they approached the learned Wafaqi Mohtasib who passed the impugned orders, hence the instant representation.

4. The case was fixed for hearing on 05.01.2023. Muhammad Naseer on behalf of Mst. Sameela Jan, Jehanzeb Khan & Muhammad Zaman whereas Muhammad Ashraf Zafar, Assistant Manager (Accounts & Finance) on behalf of the Agency have appeared.

5. The complainants have contended that the Agency had deducted Group Insurance from the salary during their service and after retirement they are entitled for payment of the same like Balochistan and Khyber Pakhtunkhwa employees who are getting Group Insurance at the time of their retirement; that the impugned order is not based on law facts which deserves to be set aside.

6. The representative of the Agency has contended that an Act was approved by Federal Government in 1969 namely Federal Employees Benevolent Fund and Group Insurance Act 1969 and as per this Act, a Board was constituted to manage the insurance matters of the employees; that all civil servants were required to contribute on monthly basis to Insurance Fund maintained by the Board and the Board was bound to insure the lives of all employees with any insurance company against death during service only; that as per Section 19 of the Act, the payment of GLI is paid only in case of death during service and

nothing is paid at the time of retirement; that 21-appeals were filed in Federal Service Tribunal Islamabad by retired employees for grant of GLI on retirement which has been disposed of/ rejected in a consolidated judgment dated 17.2.2011 and thereafter again 115-appeals have also been disposed of/ rejected by the FST in consolidated judgment dated 13.01.2022; that the complainant have given the reference of Orders of the Hon'able Peshawar High Court, Peshawar (upheld by the Hon'able Supreme Court) to pay the sum assured at the time of retirement which is clarified that Group Life Insurance Scheme in KPK is governed under "Civil Servant Death Compensation & Retirement Benefit Act 2014" approved by the KPK Government; that the decision of the Hon'able Peshawar High Court, Peshawar does not apply in case of GLI Scheme of WAPDA being Federal Government entity and that the learned Wafaqi Mohtasib has rightly passed the impugned order which may be upheld.

7. After perusal of record and hearing the parties, it has been observed that the decision of the Hon'able Peshawar High Court, Peshawar was applicable to Government of KPK who has passed the Act to provide group insurance benefits to its employees; that Federal Employees Benevolent Fund and Group Insurance Act 1969 is applicable to Federal Government employees which has also been adopted by WAPDA. It is a matter relating to Federal Government which may consider any amendment in the said Act; no plausible and lawful justification was given by the complainants to interfere with the order passed by the learned Wafaqi Mohtasib. Thus, the representations are liable to be rejected.

8. Accordingly, the Honourable President has been pleased to reject the instant representations in the above terms.

-Sd-
(Asghar Ali)
Director (Legal)

Mst. Sameela Jan Wd/o Shadi Khan,
R/o Village & P.O. Kundi, Tehsil Ghazi,
District **Haripur**.

Jehanzeb Khan,
Village Ghari Maira P.O. Ghazi,
Tehsil Ghazi, District **Haripur**.

Muhammad Zaman,
R/o Village & P.O. Kundi, Tehsil Ghazi,
District **Haripur**.

The Chairman,
Water & Power Development Authority (WAPDA),
WAPDA House, **Lahore**.

Copy to:

- i. The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue, Islamabad.
- ii. Deputy Manager (A&F) Insurance, Office of the General Manager Finance (Funds), Queens Plaza, Near Queen Marry College, Lahore.