

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

Rep. No.35/WM/2022
Date of Decision: 31.01.2023

Pakistan Electronic Media Regulatory Authority Vs Dr. Muhammad Safdar Rehman

**REPRESENTATION FILED BY PAKISTAN ELECTRONIC MEDIA REGULATORY
AUTHORITY AGAINST THE ORDER OF THE WAFAQI MOHTASIB IN COMPLAINT NO.
WMS-HQR/7879/21**

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

2. This representation has been filed by Pakistan Electronic Media Regulatory Authority – PEMRA (the Agency) assailing the order dated 21.12.2021 of the Wafaqi Mohtasib whereby it has been held as under:-

“... During the course of hearing representative of the Agency explained that the complainant’s grievance is actively under consideration and hopefully it would be resolved within one month’s time. Representative of the complainant also put forward viewpoint on behalf of the complainant.

In view of the commitment, given by the Agency, the instant complaint case is closed in terms of Regulation 23(1)(f) of the Wafaqi Mohtasib (Investigation & Disposal of Complaints) Regulations, 2013.

Compliance report shall be submitted by Agency in 30 days about the action taken, in terms of Article 11(2) of President’s Order No.1 of 1983 subject to the opinion of Finance Division.”

3. Dr. Muhammad Safdar Rehman (the complainant) had alleged that he served with the Agency as Director General for a period of 10-years, who stood retired on 15.03.2020 and before joining the Agency he had served with Pakistan Science Foundation from 02.08.2004 to 20.11.2008 and that the service rendered with both the departments was regular and pensionable. According to him, he has been allowed pension but service rendered with the Pakistan Scientific and Technological Information Centre (PASTIC), Pakistan Science Foundation was not included in the pensionable service due to non-transfer of pension contribution and his pension was less calculated. Later on, his pension contribution for the period he served with PASTIC and Pakistan Science Foundation was transferred to the Agency but his pension has not been revised by the Agency to the extent payable to him. Feeling aggrieved, he approached the learned Wafaqi Mohtasib who passed the impugned orders, hence the instant representation.

4. The case was fixed for hearing on 19.01.2023. Ms. Zainab Samantash advocate on behalf of the complainant whereas Barrister Ahsan Hameed Dogar on behalf of the Agency has attended hearing.

5. The entitlement to pension is not in dispute. During the proceedings before the learned Wafaqi Mohtasib, the Agency had admitted that the grievance of the complainant is actively under consideration and hopefully it would be resolved within one month’s time. No plausible justification has been made to back out from the stance of the Agency taken before the learned Wafaqi Mohtasib. Having adopted a course for resolution of the dispute, it does not behove to back track therefrom.

6. The pension is not a bounty rather an employee earns it by dint of his long, continuous and faithful service. The hard-earned right that accrues to an employee is in the nature of ‘property’ and constitutes a fundamental right to livelihood under Article 9 of the Constitution of the Islamic Republic of Pakistan 1973. The deprivation, even a part of this amount, cannot be countenanced except in accordance with law [I.A. Sharwani and others vs Government of Pakistan through Secretary Finance Division ect., 1991 SCMR 1041]. The Pensions Act 1871 envisages that no pension shall be liable to seizure, attachment or sequestration. It is responsibility of the Agency to approach the previous department, in which the complainant served, to obtain pension contribution if the previous service is pensionable; that the Agency explained before the learned Wafaqi Mohtasib to consider the grievance of the complainant within one

month but has not fulfilled its commitment rather preferred representation against the order of the learned Wafaqi Mohtasib. The learned Wafaqi Mohtasib has rightly passed the impugned order which deserves to be upheld. The Agency is directed to redress the grievance of the complainant within 30-days without fail.

7. Accordingly, the Hon'able President has been pleased to reject the instant representation in the above terms.

-Sd-
(Asghar Ali)
Director (Legal)

The Chairman,
Pakistan Electronic Media Regulatory Authority (PEMRA),
PEMRA Headquarter, Mauve Area,
G-8/1, **Islamabad.**

Mr. Muhammad Safdar Rehman S/o Abdul Rehman,
C/o Ms. Zainab Samantash Advocate,
R/o Villa-237, Road-6, Sector-F,
Defence Villas, DHA-I,
Islamabad.

Copy to:

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