

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

Rep. No.369/WM/2022
Date of Decision: 27.01.2023

Employees' Old Age Benefits Institution Vs Hassan Khan

REPRESENTATION FILED BY EMPLOYEES' OLD AGE BENEFITS INSTITUTION
AGAINST THE ORDER OF THE Wafaqi Mohtasib IN COMPLAINT NO.WMS-
ONL/0001666/2022

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

2. This representation has been filed by Employees' Old Age Benefits Institution – EPBI (the Agency) assailing the order dated 24.02.2022 of the Wafaqi Mohtasib whereby it has been held as under:-

“The material on record would show that the complainant had served in M/s. Sufi Food (Pvt) Ltd w.e.f. 01.04.1991 to 05.11.1991 and his insurable service was calculated as 07 months 30 day. Subsequently, he joined M/s Khyber Eye Foundation on 01.02.2022 and the Agency had issued him its registration card bearing No.510-CJ-059734 on 12.02.2002. As such, he served in the foundation more than 15 years and according to EOBI Act 1976 an Insured Person can be awarded old age pension after completion of 15 years service. In this case the complainant had completed the prescribed length of service and he was entitled for grant of old age pension, but due to laxity of the Agency his pension claim was not processed and the complainant was unjustly deprived from his legitimate right, which amounts to maladministration under Article 2(2) of the President's Order No.1 of 1983. Consequently, this complaint is accepted under Regulation No.23(4) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.

In view of the above, it is recommended that:-

- i. Corrective measures may be taken by the Agency for rectification of the maladministration highlighted above and the matter may be reconsidered in line with the prescribed procedure, rules and regulations for resolution of the grievance of the complainant.*

Compliance of the above recommendations may be intimated within thirty days of the receipt of a copy of these Findings or reasons for non-compliance may be intimated in terms of Article 11(2) of President's Order No.1 of 1983.”

3. Hassan Khan (the complainant) had alleged that he had rendered more than 15-years service with M/s Sufi Food (Pvt) Ltd and M/s Khyber Eye Foundation. According to him, he had submitted his case for grant of old age pension to the Agency on 03.02.2020 but to no avail. 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 24.02.2022 that was forwarded to the Agency on 10.03.2022. The remedy of representation could have been availed within 30-days. The instant representation has been filed on 18.08.2022 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. The Hon’ble President has observed that a representation that should have been made within 30 days is being made after six months. It is unfortunate that the lawyers within EOBI or the staff is so unaware of the law, and therefore they waste their time and energy, that costs the Government a lot of money and so also the time energy and costs of the highest office in the country in such a manner. The Agency is directed to take action against such officers, and revise its procedures, and report back to the Mohtasib on action taken within 3 months.

8. Accordingly, the Hon’able President has been pleased to reject the representation as incompetent and time barred in term of direction to the Agency in para-7 above.

-Sd-
(Asghar Ali)
Director (Legal)

The Chairman,
Employees’ Old Age Benefits Institution,
EOBI House, 190/B/1, Block-2, PECHS,
Karachi.

Mr. Hassan Khan S/o Yaqoob Khan,
R/o Gul Bahar No.4, **Peshawar.**
(Contact No.0300-5966239)

Copy to:

- i. The Secretary, Wafaqi Mohtasib (Ombudsman)’s Secretariat, Constitution Avenue, Islamabad.
- ii. The Secretary, Ministry of Overseas Pakistanis and Human Resource Development, B-Block, 5th Floor, Pak Secretariat, Islamabad.
- iii. The Director/ Regional Head, Employees’ Old Age Benefits Institution, 3rd Floor, EOBI House, Hayatabad Phase-5, Peshawar