

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

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**Rep. No.381/WM/2022**  
**Date of Decision: 31.01.2023**

**Survey of Pakistan Vs Mst. Khalida Begum**

**REPRESENTATION FILED BY SURVEY OF PAKISTAN AGAINST THE ORDER OF THE WAFAQI MOHTASIB IN COMPLAINT NO.WMS-HQR/0002255/22**

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

2. This representation has been filed by Survey of Pakistan (the Agency) assailing the order dated 14.05.2022 of the Wafaqi Mohtasib whereby it has been held as under:-

*“... Attested copy of the service book of the deceased employee was produced by the representative of the Agency. On perusal of the same, it appears that the deceased was an employee of the Agency who joined the service on 19.10.2015. On completion of every year, he was given annual increment after due verification of his service. The employee died on 23.03.2020. His service book is complete uptill 31.12.2020. Thereafter, no entry in the service record of the deceased was made by the Agency. No doubt the deceased had less than 10 years of service but in view of P.M. Assistance Package of year 2015 legal heirs of employees who died before completion of 10 years service, are entitled for the pension by treating the employee's service as 10 years. It is apparent that the Agency had taken no action and kept on verbally asserting that the deceased employee neither joined the service nor ever applied for leave, therefore, he was dismissed. There is no dismissal order in the record. The up-to-date service book hits at the roots of the oral submissions of the Agency's representative regarding his non-joining and absence from service. It was abundant duty of the Agency to decide the case of his pension but no action had been taken on the basis of surmises and conjectures regarding his dismissal which is totally in contravention of the available service record of the deceased employee. Since it is a pension matter, therefore, the matter stands referred to the head of the Agency to scrutinize and decide the pension case of the deceased employee in according with law, within 30 days.*

*As a sequel to the above, further investigation of the complaint stands closed, in terms of Regulation No.23(1)(z) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013. Compliance be reported within 45 days after receipt of a copy of the Findings.”*

3. Mst. Khalida Begum (the complainant) had alleged that her late son (Mukhtar Ali) was appointed in the Agency as Naib Qasid (D.L. MAN) on 19.10.2015 in Office No.4, Party Murree vide order No.131 dated 19.10.2015, who died during service on 23.03.2020. According to her, after death of her son, she applied to the Agency for pension and other emoluments of her deceased son but after lapse of more than 02-years, her grievance has not been redressed by the Agency. Feeling aggrieved, she 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 14.05.2022 that was forwarded to the Agency on 23.05.2022. The remedy of representation could have been availed within 30-days. The instant representation has been filed on 19.08.2022 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. Accordingly, the Hon’able President has been pleased to reject the representation as incompetent and time barred.

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

The Major General/ Surveyor General of Pakistan,  
Survey of Pakistan (SOP),  
Faizabad, Murree Road,  
**Rawalpindi.**

Mst. Khalida Begum Mother of Mukhtar Ali (Late),  
R/o Village & P.O. Nothia,  
Tehsil Kallar Syedan,  
District **Rawalpindi.** (Contact No. 0308-5268901)

**Copy to:**

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