

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

**Rep.No.73/BM/2022  
Date of Decision:01.02.2023**

***Shakeel Nazir VS United Bank Ltd***

**Subject: REPRESENTATION FILED BY SHAKEEL NAZIR AGAINST THE REVIEW ORDER OF THE LEARNED BANKING MOHTASIB DATED 27.01.2022 IN COMPLAINT NO. 2021-1679**

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

This representation has been filed by Mr. Shakeel Nazir on 10.03.2022 against the Order-in-Review of the learned Banking Mohtasib dated 27.01.2022, whereby it has been held that:

***“In view of above, since no reasonable ground warranting review of the decision is available therefore I, under the powers vested in me under Section 82D of BCD, 1962 read with Section 9 of the Federal Ombudsmen Institutional Reforms Act No. XIV of 2013 dismiss the Review Petition.”***

2. The learned Banking Mohtasib vide Order-in-Original dated 24.02.2021 observed as under:  
***“In view of the above, your complaint has been closed with the approval of Honorable Banking Mohtasib Pakistan and consigned to record. However, you have every right to agitate your problem before the appropriate forum, if so advised.”***

3. Mr. Shakeel Nazeer (the complainant) is an ex-official of the United Bank Ltd (UBL) who reportedly rendered 34 years service. The crux of the complaint was that the petitioner / complainant had suffered loss of six months remaining retirement benefits. However, the complaint was rejected by the learned Banking Mohtasib vide letter dated February 24, 2021 on the ground that jurisdiction of the Banking Mohtasib was confined to adjudicating disputes between Banks and their customers relating to a banking transaction, while petitioner / complainant's grievance was related to terms and conditions of service in the Bank which was not in the defined jurisdiction of the Banking Mohtasib Pakistan. Being dissatisfied with the findings/observations dated February 24, 2021, the petitioner / the complainant filed a Review Petition before the learned Banking Mohtasib which was also dismissed vide order dated 27.01.2022.

4. Considering the respective stance, the learned Banking Mohtasib proceeded to rejected the Complainant's Review Petition as per above mentioned order which is assailed by the complainant.

5. The hearing of the case was fixed for 17.01.2023. Mr. Shakeel Nazir, complainant himself has appeared, whereas, Mr. Ghulam Ali Raza, Head TPC, Islamabad has represented the Bank.

6. The learned Banking Mohtasib thrashed the matter vide paras 2&3 of the Order-in-Review as follows:-

***“2. Having perused the contents of the petition, it is observed that the Complainant / Petitioner has instituted his complaint before this Secretariat on 2<sup>nd</sup> February, 2021 which was disposed of vide findings dated 24<sup>th</sup> February, 2021. In terms of Section 13 of the Federal Ombudsman Institutional Reforms Act, 2013, the time period for filing the review petition is 30 days whereas Petitioner / Complainant has brought Review Petition after a period of 323 days which is harshly time barred.***

*3. It is also noted that the Petitioner / Complainant has approached the court of law and instituted a civil suit against the Bank. The Banking Mohtasib, in terms of Section 82D(4) shall not have any power to entertain any complaint if a matter is pending or disposed of by any court in Pakistan.”*

These are findings arrived at on due consideration of the record and no cavil could be found with such an approach to the matter.

7. It may be observed that Section 82A(3) of the BCO, 1962 authorizes the learned Banking Mohtasib to entertain complaints pertaining to the banking transactions and not the HR/Service matters of the Banks employees. Whereas, Section 82B (c) of the BCO, 1962 states that “the Banking Mohtasib shall not entertain any complaint or application which has already been disposed of by the State Bank of Pakistan or any Court in Pakistan”. It is worth noting that the State Bank of Pakistan has also declined the complainant’s complaint vide e-mail dated January 31, 2022 stating that “In this regard, we would like to inform that State Bank of Pakistan, as a matter of policy, does not intervene in the HR matters of the Banks. Accordingly, you may raise your issue at review forum as deemed appropriate”. Suffice it to observe that since the complainant’s issue relates to HR/Service matter, which is out of the domain of the learned Banking Mohtasib. Additionally, the complainant has also filed a Suit against the Bank in the Civil Court, Peshawar which is pending. This fact has been acknowledged by the learned Banking Mohtasib vide para-3 of the impugned Order which the complainant has also admitted. In such circumstances of the case, when a Suit is pending in the Civil Court Peshawar and the matter has already been declined by the State Bank of Pakistan being HR/Service matters as such it is excluded from the jurisdiction of the learned Banking Mohtasib. In the circumstances, the proper forum already having been approached the same should be pursued.

8. Accordingly, the Hon’ble President, as per his decision above, has been pleased to reject the representation of the complainant.

-Sd/-

**(Anwar-ul-Haq)**  
**Director General (Legal)**

Mr. Shakeel Nazir,  
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Copy for information to:

- (1) Ms. Samreen Tanveer, PSO to Banking Mohtasib Pakistan, Banking Mohtasib Pakistan Secretariat, 5<sup>th</sup> Floor Shaheen Complex, M.R. Kiyani Road, Karachi.
- (2) Master file.

-Sd/-

**(Anwar-ul-Haq)**  
**Director General (Legal)**