

No.32/2007-Law (FTO)  
Government of Pakistan  
Law and Justice Division

Islamabad, the 24th March 2008.

From: Azhar Amin Choudhary,  
Section Officer

To: The Secretary (TO-I),  
Central Board of Revenue,  
ISLAMABAD.



Subject: REPRESENTATION TO THE PRESIDENT UNDER SECTION 32 OF THE  
ORDINANCE XXXV OF 2000 AGAINST THE  
FINDINGS/RECOMMENDATIONS OF THE F.T.O IN COMPLAINT NO.  
1148/2006

I am directed to refer to your representation No. 4(1118)S(TO-I).06, dated 29.03.2007, on the above subject and to say that the President has been pleased to pass the following orders: -

2. The complainant, a registered informer, informed the Commissioner Income Tax Faisalabad Zone that according to his information one Mr Tahir Saleem (complainee) was evading tax. The Commissioner forwarded the information to the taxation officer Income Tax Circle 24, Faisalabad for necessary action. Taxation Officer Circle 24 called upon complainee to show cause. The complainee reported that he was a taxpayer under Income Tax Circle No.14 Faisalabad. The Taxation Officer Circle 24 reported the matter to the Commissioner and the Commissioner transferred the complaint to Taxation Officer Circle 14. It is alleged that Mr. Faqir Hussain, DCIT Unit 6, who previously was Taxation Officer Circle 14 conniving with the complainee got the complaint transferred from Commissioner Income Tax Faisalabad Zone to Commissioner Income Tax Companies Zone on the ground that the complainee was taxpayer in Circle 13 Companies Zone Faisalabad. He contended that Tahir Hussain DCIT made false report that the complainee was taxpayer in Companies Circle. He maintained that the complainee was taxpayer in Circle 14. His complaint to the FTO was that he informed the Regional Commissioner that his complaint has wrongly been transferred to Companies Zone but no action has been taken on his complaint. He asked the FTO that the matter of abuse of power by Mr. Faqir Hussain, DCIT, should be inquired into. In his comments on the complaint the Regional Commissioner conceded "that there was no necessity to transfer the record of the complainee to the Companies Zone" but he submitted that no mala fide intention for the transfer of record from Faisalabad Zone to Companies Zone has been proved on the part of the concerned DCIT. He however informed that the complaint record has been retransferred to Faisalabad Zone on 4.12.2006, which was being forwarded to Taxation Officer IP&E Unit 13 for necessary action under law. After investigating the matter the FTO has recommended that: - (i) Secretary Revenue Division to call for explanation of the concerned officials and determine whether the delay is intentional or due to indifference and, in any case, consider appropriate action against the officials at fault; (ii) necessary action on the complaint as provided by law should be taken and the proceedings finalized within 90 days of the receipt of these recommendations with RC's IT (or equivalent in restructured system) approval. The recommendations follow the findings that there was no justification for not initiating any purposeful action so far i.e. after lapse of more than 2-1/2 years. Slackness and indifference towards work are definitely involved.

3. The department has made representation against the FTO's finding/recommendations.



4. The FTO's recommendations were addressed to Secretary Revenue Division. It is regrettable to note that the Secretary Revenue Division has not explained how the recommendations were not acceptable to him. He has simply acted as post office to forward the representation drafted by the Commissioner to the President without addressing to any issue. The Regional Commissioner in his reply to the complaint has conceded that the transfer of the complaint from Faisalabad Zone to Companies Zone was unnecessary. The question of the FTO's jurisdiction apart the department is required to attend any meaningful complaint. No ground to interfere with the FTO's recommendations.

5. Accordingly, the President has been pleased to reject the Commissioner's representation and to direct the Secretary Revenue Division to monitor action on the complainant's complaint to the Commissioner read with his complaint to the FTO. Final outcome shall be reported to the President Secretariat.

(AZHAR AMIN CHOUDHARY)  
Section Officer

Copy to: -

1. The Registrar, FTO, Islamabad
2. President's Secretariat (Section Officer (Legal), Islamabad with reference to their No.01 FTO/2008, dated 03.1.2008.
3. Mr. Abdur Rehman Babar, Central Anti-Corruption Report, Second Floor Ramzan Centre, St. No.6, Faisalabad.

(AZHAR AMIN CHOUDHARY)  
Section Officer