

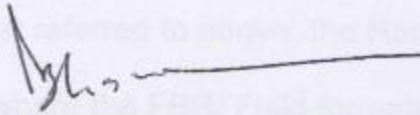
MOST IMMEDIATE
FTO MATTER

Government of Pakistan
Revenue Division
Federal Board of Revenue

Subject:- **IMPLEMENTATION OF THE PRESIDENT'S DECISION ON REPRESENTATIONS AGAINST FINDINGS OF THE WAFAQI MOHTASIB**

Kindly refer to Legal Wing's UO No. 1(17)SS(Lit-HC)/12-14853-R dated 29/01/16. Enclosed please find a copy of FTO letter bearing Diary No. 90/Reg/2016 dated 22/02/16 on the captioned subject. The reply in question may kindly be sent to Honorable FTO with a copy to Legal Wing. An early action is requested please.

Encl: As above


(Muhammad Iqbal Bhawana)
Chief (Legal-I)

All Members, Federal Board of Revenue, Islamabad

Legal Wing's UO No. 1(1)S(TO-II)/2016 February 25, 2016 /26574-R

Copy to

SA to Chairman, FBR, Islamabad.



FEDERAL TAX OMBUDSMAN SECRETARIAT

5-A, State Enterprises Complex

Constitution Avenue, Islamabad

Tel: 9212316, 9212318, 9212321, 9212328, Fax: 9205553

Diary No. 90/Reg/2016.

Dated: 22.02.2016

To

✓ The Chairman,
Federal Board of Revenue,
Islamabad.

SUBJECT: IMPLEMENTATION OF THE PRESIDENTS DECISIONS ON REPRESENTATIONS AGAINST FINDINGS OF THE WAFAQI MOHTASIB

24/24
23/24/6

Reference Cabinet Division, Office Memorandum No. 1/12/2003-Imp.II dated 15.01.2016 (copy enclosed) on the above noted subject.

In view of para-3 (ii) of the letter referred to above, the Hon'ble FTO has desired to provide details of the cases where the FBR/ Field formations have filed Writ Petition(s) against findings / orders of this forum, after the same had been affirmed by the Hon'ble President. If any of the Writ Petition(s), is pending then compliance report in view para-3 (iii) of the letter referred to above, be submitted to this Secretariat by 04.03.2016.

THE ISSUES WITH THE DESIRE OF FEDERAL TAX OMBUDSMAN

For n.a. p.d.
AZHAR SHEHJAD 24/2/2016
Second Secretary (TO)
Copy to: -
1. Secretary to FTO Islamabad.
2. Office Copy.

Arshad Mahmood Cheema
(Arshad Mahmood Cheema)
Registrar
F.T.O. Sectt.
9202789

GOVERNMENT OF PAKISTAN
REVENUE DIVISION
FEDERAL BOARD OF REVENUE


Subject:- **IMPLEMENTATION OF THE PRESIDENT'S DECISIONS ON REPRESENTATIONS AGAINST FINDINGS OF THE WAFAQI MOHTASIB.**

Kindly refer to the above subject.

2. Find enclosed herewith copy of Office Memorandum of Cabinet Division dated 15.01.2016, wherein it has been ruled that the act of agencies to challenge the decision/order of Wafaqi Mohtasib before High Courts after its affirmation by the President to whom executive authority of the Federation vests, is uncalled for.

3. Instructions contain at para-3 of Office Memorandum may be complied in letter and spirit.

Encl: As above


(Sajidullah Siddiqui)
Chief (Legal-II)

All Members of the FBR

U.O. No.1(17)SS(Lit-HC)12 dated 29.01.2016/14853-R

Copy to SA to Chairman, FBR

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
(Cabinet Division)

No.1/12/2003-Imp.II

Islamabad, the 15th January 2016

OFFICE MEMORANDUM

Subject: **IMPLEMENTATION OF THE PRESIDENT'S DECISIONS ON REPRESENTATIONS AGAINST FINDINGS OF THE WAFAQI MOHTASIB**

19 Jan 2016
M(A)
A.S (Rev. Div)

M (Legal)
20/1/16

The undersigned is directed to refer to this Division's letters of even number dated 31.07.2003, 20.08.2015 and 03.09.2015 on the subject and to say that under article 32 of the Establishment of the Office of Wafaqi Mohtasib Order 1983 (President's Order 1 of 1983), an agency i.e. Ministry, Division, Department of the Federal Government, or a statutory corporation or institution established and controlled by the Federal Government, aggrieved by a decision or order to the Wafaqi Mohtasib can make a representation to the President against such decision or order. The order of the President on such representation is not in the nature of a judicial decision between the aggrieved person and the concerned agency. Rather, it is an administrative decision, which an agency is expected to comply with. However, it has been observed that in a few cases, the concerned agencies challenged the decisions/orders of the Wafaqi Mohtasib in High Courts even after these had been affirmed by the President.

2. Since the executive authority of the Federation vests in the President and the agencies either have been established or are controlled by the Federation, the aforesaid act of the agencies to challenge the Wafaqi Mohtasib findings/orders after their affirmation by the President is not in order.

3. Ministries/Divisions are, therefore, requested to:

- (i) reiterate above instructions within their Ministries/ Divisions/Departments and autonomous bodies, etc. for strict compliance;

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20-1-16


Secretary (Lit.)

20/1/16

20/1/16

ec/ (Lit. Hs)

- (ii) direct all departments/autonomous bodies etc. under their administrative control, to provide details of the cases to the concerned Secretariats of the respective ombudsmen, where agencies has filed Writ Petitions against findings/orders of the ombudsmen after the same have been affirmed by the President;
- (iii) ensure withdrawal of the said Writ Petitions under intimation to the President's Secretariat (Public), the Cabinet Division and the respective Federal Ombudsman.


(ARSHAD MAHMOOD KIANI)
Senior Joint Secretary (Imp.)

All the Secretaries/Additional Secretaries Incharge
of the Ministries/Divisions, Islamabad/Rawalpindi

Copy for information to:

1. Acting Secretary to the President, President's Secretariat (Public) Islamabad w.r.t President's Secretariat u.o. No. 518/WM/2013, dated 21.12.2015.
2. Principal Secretary to the Prime Minister, Prime Minister's Office, Islamabad.
3. Secretary, Senate Secretariat, Islamabad.
4. Secretary, National Assembly Secretariat, Islamabad.
5. Secretary, Wafaqi Mohtasib Secretariat, Islamabad.
6. Secretary, Federal Tax Ombudsman Secretariat, Islamabad.
7. Secretary, Banking Mohtasib Secretariat, Islamabad.
8. Secretary, Federal Ombudsman against Harassment of Women at Work Place Secretariat, Islamabad.
9. Secretary, Federal Insurance Ombudsman Secretariat, Karachi.