

MOST IMMEDIATE
COURT CASE

F. No. 1(1)SS(Lit-FST)/MGT/Misc/2021

Islamabad, the 21st May, 2021

To,

All Members FBR (HQ), Islamabad
All Field formations Inland Revenue FBR.
All Field formations (Customs), FBR.
Second Secretary Automation, to upload on FBR web-site.

Chief (FATE)

**SUBJECT: DIRECT DEBIT OF FEDERAL CONSOLIDATED FUND (FCF)
CENTRAL ACCOUNT NO. 1 (NON-FOOD) BY STATE BANK OF
PAKISTAN IN COMPLIANCE OF COURT'S ORDERS
(WARRANT QURQI).**

I am directed to refer to the above subject and to forward copy of Finance Division (Budget Wing) vide O.M No. 1(1)/SO(TSA)/2019/2020 dated 05.05.2021, the contents of which are self-explanatory for compliance/necessary action.

Encl: As above:

Salma Shaheen
(Salma Shaheen)
Secretary(FST)

Government of Pakistan
Finance Division
(Budget Wing)

No.F.1(1)/SO(TSA)/219 /2020

Islamabad, the 05th May, 2021.

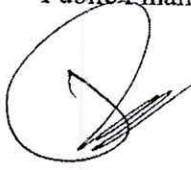
07 MAY 2021

OFFICE MEMORANDUM

Subject: Direct Debit of Federal Consolidated Fund (FCF) Central Account No. I (Non-Food) by State Bank of Pakistan in Compliance of Court's Orders (Warrant Qurqi)

M(Adm) ✓
M(Legal)
M(Depln)
AS(RD)

The undersigned is directed to refer to the above subject and to state that in some cases it has been noticed that the Ministries, Divisions, Attached Departments, Sub-Ordinate Offices etc. do not actively pursue court cases and due to lack of response, filing of appeals etc., the courts' decrees attain finality. Resultantly, the courts start implementation proceedings and direct the concerned to ensure payment to the plaintiff as per the decree. On the failure to make payment by the concerned Ministries, Divisions, Attached Departments, Sub-Ordinate Offices, the court directs SBP to Debit Central Account No. I (Non-Food) and make payment to the plaintiff. Such direct debit is against the provisions of Section 23 of Public Finance Management Act, 2019 which states that:



"No authority shall incur or commit any expenditure or enter into any liability involving expenditure from the Federal Consolidated Fund and Public Account of the Federation until the same has been sanctioned by a competent authority duly empowered and the expenditure has been provided for the financial year through—

- (a) Schedule of authorized expenditure; or
- (b) Supplementary grant and technical supplementary grant as per Article 84 of the constitution; or
- (c) Re-appropriation as per section"

17 MAY 2021

C (HR)
Put up on file

2. The inaction by Ministries, Divisions, Attached Departments and Sub-ordinate offices is against the principles of financial propriety and causing financial loss to the Federal Government.

3. In view of the above, all Ministries/Divisions are required to issue detailed instructions to all the concerned that;

SC(FSIT)

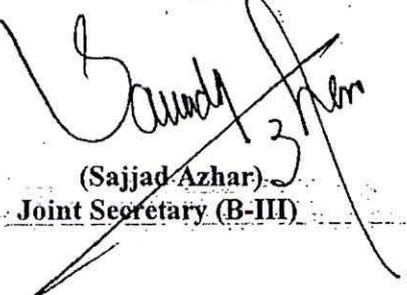
- i) The pending cases may be vigorously pursued in the courts of Law, where financial liability may arise for the Federal Government in case of any, adverse order/decrece.
- ii) In case of passing of any order/decrece by the court, necessary legal recourse i.e. filing of review, appeal etc., as the circumstances warrant, may be adopted within the prescribed time limit, so that the order does not attain finality.
- iii) If the matter attains finality after due judicial process, appropriate provisioning of funds may be ensured through budgetary process, as withdrawal of funds from Federal Consolidated Fund without budgetary provisioning is sheer violation of Article 83 of the Constitution of Pakistan and Section 23 of the Public Finance Management Act, 2019.

Contd. On P/2

FBR eDOX Dy.No. 60534-R
Received in Chairman's Sectt
on 07 MAY 2021

18/05/2021
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file immediately
as directed

3. Henceforth, if any deduction from the Federal Consolidated Fund is made by the SBP in compliance of any Court's Orders, the same amount will be deducted from the Budget of the respective Department. Moreover, SBP is required to seek Finance Division's authorization before deduction.


(Sajjad Azhar)
Joint Secretary (B-III)

All Federal Secretaries,
Government of Pakistan.

C.C.:

- i. Governor, State Bank of Pakistan, Karachi.
- ii. AFS (IF), Finance Division, Islamabad.
- iii. AFS (Expenditure), Finance Division, Islamabad.
- iv. AFS (Military Finance), Rawalpindi.
- v. Controller General of Account, CGA Office, Islamabad.
- vi. AGPR, Islamabad and AGPR Sub-Offices (Lahore, Karachi, Peshawar, Quetta, Muzaffarabad & Gilgit).
- vii. JS (Budget-II), Finance Division, Islamabad.