



GOVERNMENT OF PAKISTAN  
**DIRECTORATE GENERAL OF TRADE ORGANISATIONS**  
MINISTRY OF COMMERCE  
State Life Building No. 7, 2<sup>nd</sup> Floor,  
Blue Area, Islamabad  
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F. No. 9(28)/2012-TO

Islamabad, the April 18th, 2013

**ORDER IN ORIGINAL NO. 02/2013**

**Passed by Mr. Javed-ul-Hassan Qureshi, Regulator of Trade Organizations**

**NB:** Section 21, Sub-Section 2 of Trade Organizations Act, 2013 stipulates that any person or trade organisation aggrieved by any decision or order of the Regulator may, within fourteen days of communication of such decision or order, prefer appeal to the Federal Government whose decision, subject to sub-section (4), shall be final.

***Muhammad Naseer Tariq***

***Versus***

***Gul Jahan Zaib and others***

**Present in the hearing on 17-04-2013:**

- |                                                                                                                            |                  |
|----------------------------------------------------------------------------------------------------------------------------|------------------|
| i) Muhammad Naseer Tariq, Secretary General, Rahim Yar Khan Chamber of Commerce and Industry, Rahim Yar Khan.              | .....Petitioner  |
| vi) Muzaffar Saleem Ch. Director, Barkat Group of Companies, Main Road, Jinnah Town, Saddiqabad, District Rahim Yar Khan.. | .....Respondents |
| vii) Muhammad Shoukat Hayat, 14 Factory Area, Rahim Yar Khan.                                                              |                  |

Date of Hearing: **17-04-2013**

Place of Hearing: **OFFICE OF REGULATOR OF TRADE ORGANIZATIONS  
DIRECTORATE GENERAL OF TRADE ORGANIZATIONS,  
STATE LIFE BUILDING NO. 7, 2<sup>ND</sup> FLOOR, BLUE AREA,  
ISLAMABAD.**

Date of issuance of Order: **18-04-2013**

By this Order, the undersigned intends to decide the contentious issues relating to the election of Rahim Yar Khan Chamber of Commerce and Industry for the year 2012-2013.

**Brief Facts:**

2. The annual election of Rahim Yar Khan Chamber of Commerce and Industry for the year 2012-2013 became disputed on filing of objections on, Mr. Muzaffar Saleem Ch. and Mrs. Yasmin on the ground that both of them did not fulfill the criteria for eligible voters and yet they were serving as members of Executive Committee of the Chamber. The objections by the complainants were found and declared valid by the Secretary General as well as the Election Commission of the Chamber. The management of the Chamber however did not strike them off, hence Messers Shaukat Hayat and Gul Jehan Zaib filed a Writ Petition No. 5057/2012 before Lahore High Court Bahawalpur Bench, Bahawalpur to have both the persons ousted. The Honorable Court ordered the Secretary General of the Chamber on 10-09-2012 to pass a speaking order with regard to the status of above named both persons within 15 days. The Secretary General, Rahim Yar Khan Chamber of Commerce and Industry failed to comply with the above stated Orders and the Election Commission of the Chamber continued with process of holding election of Executive Committee members on 24-09-2012.

3. A Writ Petition No. 5372/2012 titled as, Gul Jahan Zeb etc. Vs Federation of Pakistan etc. was filed in Lahore High Court Bahawalpur Bench on which the election of office bearers of the Chamber scheduled for 28-09-2012, was stayed by the Court. Mr. Zaheer Ahmed filed a Writ Petition No. 5593/2012 in the same Bench alleging that proxy votes were accepted by the Election Commission of Rahim Yar Khan Chamber of Commerce and Industry during the electoral process in sheer violation of provisions of M&AoA of the Chamber.

4. One, Mr. Amir Mehmood filed Writ Petition No. 4947/2012 in Lahore High Court, Bahawalpur Bench praying that his name may also be included in the eligible voters list upon which the Honorable Court allowed him to cast his vote provisionally;

However, in the order, the result of the election was subjected to the decision of the Writ Petition under reference. On the contrary, the result was announced by the Election Commission.

5. Mr. Muhammad Naseer Tariq, Secretary General of Rahim Yar Khan Chamber of Commerce and Industry filed a CPLA No. 1793/2012 titled as, Muhammad Naseer Tariq Vs Gul Jahan Zeb etc, praying that Leave to Appeal against the judgment dated 26-09-2012 of Lahore High Court, Bahawalpur Bench in Writ Petition No 5372/2012 may kindly be granted to enable the Chamber to hold the election of office bearers. While considering the CPLA, the Honorable Supreme Court of Pakistan directed on 11-01-2013 as under:-

*“After arguing the matter at some length, both learned counsels state that they will be satisfied if fresh election of the Executive Committee of Rahim Yar Khan Chamber of Commerce and Industry is directed to be held on 18-01-2013 in accordance with Memorandum and Articles of Association and by-laws of the Chamber of Commerce and Industry. Order accordingly. The Additional Registrar of the Lahore High Court, Bahawalpur Bench shall conduct the election and submit the report. Disposed of in the above terms.”*

6. The Additional Registrar of Lahore High Court, Bahawalpur Bench was entrusted by the Supreme Court of Pakistan to hold election of Executive Committee a fresh on 18-01-2013. He received the notice for holding election on 17-01-2013, therefore, he could not hold the same on such a short notice. He re-fixed the election for 28-01-2013. It is worth mentioning that the new date was fixed with concurrence of Secretary General of the Chamber and contesting candidates.

7. The Additional Registrar could not hold election even on the revised date due to his personal appearance in Lahore High Court, Bahawalpur Bench in CMA No. 289/2013 filed in Writ Petition No. 5372/2012/BWP (titled as Gul Jehan Zeb etc Vs Federation of Pakistan and others). He however, announced another date i.e. 30-01-2013 to hold the election but again received a notice of the Lahore High Court,

Bahawalpur Bench for his personal appearance on 29-01-2013 in the court of Mr. Justice Ibad-ur-Rehman Lodhi in connection with Writ Petition No. 555/2013/BWP (titled as, Imdad-ud-Din and 10 others Vs Additional Registrar, Lahore High Court, Bahawalpur Bench, Bahawalpur). After limine hearing, the Court passed the following order in CM No. 01/2013/BWP in Writ Petition No. 555/2013:-

“Notice for the above stated date. In the meanwhile, no elections of the Executive Committee of Rahim Yar Khan Chamber of Commerce and Industry will be held.”

**ORDER:-**

8. In order to decide the issues involved in controversial electoral process of Rahim Yar Khan Chamber of Commerce and Industry for election year 2012-2013, it was deemed in fitness of things to call the concerned parties for a personal hearing on 17-04-2013 at 10:30 a.m. in the office of the undersigned. Accordingly notices were issued and the hearing was held. Both parties advanced their arguments substantiated by documentary evidence. After hearing the case at length, following issues emerged:-

- i). Were the two members of Executive Committee namely, Mr. Muzaffar Saleem Ch. And Mrs. Yasmin struck off after having come to know that they were not eligible to vote due to shortfall in span of period mandatory for determination of eligibility stipulated in Article No. 16 of Memorandum and Articles of Association of Rahim Yar Khan Chamber of Commerce and Industry and in spite of an order dated 10-09-2012 of Lahore High Court, Bahawalpur Bench in Writ Petition No. 5057/2012?
- ii). Were the proxy votes cast/entertained during the polling for the seats of Executive Committee Members for the year 2012-2013?
- iii). Was the result of the election with held till decision of Lahore High Court, Bahawalpur Bench in Writ Petition No. 4947/2012?

9. After hearing heard the arguments, perusal of the record and provisions of M&AoA of Rahim Yar Khan Chamber of Commerce and Industry, the undersigned is

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satisfied that serious irregularities in the electoral process of Rahim Yar Khan Chamber of Commerce and Industry for 2012-2013 have been committed therefore in exercise of powers conferred by Section 14, Sub-Section 3, Clause (f), Sub-Clause (i) of Trade Organizations Act, 2013, the election of the Executive Committee is declared void abintio and result thereof is consequently hereby annulled.

10. It is also hereby decided to appoint Mr. Muhammad Ijaz, Assistant Director, Trade Development Authority of Pakistan, Bahawalpur as Chairman of Adhoc Management Committee of Rahim Yar Khan Chamber of Commerce and Industry with immediate effect until further orders not exceeding six months.

11. The task assigned to the Chairman Adhoc Management Committee are as under:-

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Regulator (TO)

Announced Dated:- 18 -04-2013.