



**Government of Pakistan  
Directorate General of Trade Organizations  
(Office of Regulator of Trade Organizations)  
Ministry of Commerce and Textile Industry,  
State Life Building No. 7, 2<sup>nd</sup> Floor, Blue Area,  
Islamabad.**



F. No. 7(08)/2013-TO

Islamabad, the October 8, 2013

**ORDER-IN-ORIGINAL NO. 18/2013**

**Passed by Mr. Umar Dad Afridi, Director (TO-II)**

(Authorised under sub-section (2) of Section 22 of Trade Organisations Act, 2013)

***Mr. Ahmed Ali Siddiqui of M/s Jobtrack Manpower Bureau Overseas  
Employment Promoters***

***Versus***

***Pakistan Overseas Employment Promoters Association***

**Present in the hearing on 24-09-2013:**

i) Mr. Ahmed Ali Siddiqui,  
M/s Jobtrack Manpower Bureau Overseas  
Employment,  
Rawalpindi.

.....**Complainant**

i) Mr. Abdul Razzq,  
Zonal Chairman,  
Pakistan Overseas Employment Promoter Association.  
Islamabad.

ii) Mr. Muhammad Munir Khan,  
Zonal Secretary General,  
Pakistan Overseas Employment Promoter Association.  
Rawalpindi.

.....**Respondents**

iii) Mr. Fida Ahmed,  
Secretary General,  
Pakistan Overseas Employment Promoter Association.  
Islamabad.

Date of Hearing: **24-09-2013**

Place of Hearing: **OFFICE OF REGULATOR OF TRADE ORGANISATIONS**  
Directorate General of Trade Organizations  
State Life Building No.7 2<sup>nd</sup> Floor,  
Jinnah Avenue, Blue Area,  
**Islamabad.**

Date of issuance of Order: **08-10-2013**

By this Order, I intend to dispose of a complaint filed by Mr. Ahmad Ali Siddiqui of M/s Jobtrack Manpower Bureau Overseas Employment Promoters, Rawalpindi filed against Secretary General and Chairman of Pakistan Overseas Employment Promoters Association, [hereinafter referred to as "the Association"] of Rawalpindi/Islamabad/ AJK Zone.

**BRIEF FACTS:**

2. On 26-08-2013, Mr. Muhammad Munir Khan Secretary General, Pakistan Overseas Employment Promoters Association (POEPA) Rawalpindi/Islamabad/ AJK Zone wrote a letter to DGTO Office wherein he stated that Mr. Ahmed Ali Siddiqui was elected as member of Executive Committee Pakistan Overseas Employment Promoters association (POEPA) Raw/Isd/Ajk Zone in September, 2012 but he did not take oath. Thereafter, he attended only one meeting in the whole year. Mr. Muhammad Munir Khan, Secretary General requested for guiding POEPA on the matter. Directorate General of Trade Organizations vide its letter No. 18(28)/2008-TO dated 29.08.2013 advised POEPA to decide the case in light of Article 29(11) of M&AoA of Association by adopting the procedure laid down in Article 15 of M&AoA.

3. A few days later, Mr. Ahmed Ali Siddiqui filed a complaint before Regulator of Trade Organizations on 6-09-2013 wherein he alleged that he has been kept ignorant of the matter and Zonal Secretary General has misstated the facts. He stated that he attended the 3<sup>rd</sup> meeting of the Zonal Executive Committee. Upon knowing that meeting has been delayed and new timing of the meeting was still undecided, he left the office after marking his attendance. He further alleged that Zonal Secretary General, POEPA was misleading DGTO Office and the issue has been raised only to oust him from the forthcoming elections. Afterwards, only 02 meetings of the Committee were held and he was intimated of only one meeting which he could not attend. He submitted that Article 29(11) of M& AoA does not apply in his case as he did not absent himself from 03 consecutive meetings of the Zonal Executive Committee. Article 29(11) is reproduced as under:

*"A member shall deem to be ceased a member of Central Executive Committee if he fails to attend 03 consecutive meetings of Central Executive Committee without leave of absence."*

4. Comments of, POEPA were sought on the subject complaint. Mr. Fida Ahmed, Central Secretary General of POEPA replied vide his letter dated 16-09-2013 stating that Zonal Chairman has sent a letter to Election Commission POEPA wherein he has admitted that 05 meetings of the Zonal Executive Committee were held. Zonal

Secretary General was called alongwith the record which showed that 10 meetings were held. This clear difference of 05 and 10 meetings creates doubts about the correctness of the record. He was also of the opinion that raising the question of ineligibility of an elected member at this stage is not right and that Mr. Ahmed Ali Siddiqui would be allowed to contest elections of Zonal Chairman.

5. Mr. Abdul Razzaq, Zonal Chairman also wrote a letter to this office at his own and asserted that 10 meetings of the Zonal Executive Committee were held and Mr. Ahmed Ali Siddiqui did not attend a single meeting.

6. To meet the ends of justice, a personal hearing was held on 24-09-2013 as had been authorized by the Regulator of Trade Organisations under sub-section (2) of Section 22 of Trade Organisations Act, 2013. Personal hearing was attended by Mr. Ahamd Ali Siddiqui/ Complainant, Mr. Fida Ahmad, Secretary General POEPA, Mr. Muhammad Munir Khan, Zonal Secretary General and Mr. Abdul Razzaq, Zonal Chairman POEPA. During the course of hearing, Mr. Ahmed Ali Siddiqui alleged that meeting record of the Zonal Executive Committee has been tampered just to oust him from the electoral process. He submitted a written statement / rejoinder for consideration. Mr. Abdul Razzaq, Zonal Chairman requested for supplying him a copy of this rejoinder as he also wanted to furnish his comments. He submitted his comments on 27-09-213 wherein he reiterated his earlier stance that 10 meetings were held instead of 05. He also attached a letter from another Zonal Executive Committee Member Mr. Shoukat Hussain, stating that he attended meetings on 24-04-2013 and 25-06-2013. The signature on this letter did not match at all with those given on the register against the said dates. On 04-09-2013, Mr. Shoukat Hussain was called on telephone and was directed to appear before Director-II on 07-10-2013 at 11.00 am to testify his signature / statements. An email was also sent on his given address but he didn't turn up for hearing on 07-10-2013.

7. After hearing parties to the dispute at length, examining their statements, official record and other documentary evidence, it has been found that:

- i). Objection on nomination/membership of Mr. Ahmed Ali Siddiqui has been raised on a stage when he was going to contest the election which shows malafide as Zonal Executive Committee had sufficient time to disqualify him by adopting procedure laid down in Article 15 of M&AoA.

- ii). Mr. Abdul Razzaq, Zonal Chairman in his letter has admitted that only 05 meetings were held.
- iii). Mr. Ahmed Ali Siddiqui attended the meeting held on 30-11-2012 which was the 3<sup>rd</sup> meeting of this Zonal Executive Committee; therefore, Article 29(II) is not applicable in his case.
- iv). If statement of Mr. Abdul Razzaq, Zonal Chairman is taken as true, then Mr. Muhammad Umar Daraz Khan and Sh. Naseer Akhter have also been found absent in more than 03 consecutive meetings. Therefore, why disciplinary action is not being taken against them and why only Mr. Ahmed Ali Siddiqui is being targeted on these grounds? Mr. Abdul Razzaq failed to offer an appropriate defense during personal hearing and in his written statements as well.
- v). Signatures of Mr. Shoukat Hussain recorded in attendance register against dates 24-4-2013 and 25-06-2013 don't match with those given against other dates in the register and on his letter submitted by Mr. Abdul Razzaq. Forgery is quite evident with a naked eye.
- vi). Ch. Abdul Hameed has been shown as member of the Zonal Executive Committee and Mr. Amjad Habib has been shown as Ex-Chairman/ex-officio member. During the probe, it came to light that Ch. Abdul Hameed is not a member at all and MR. Afzal Warraich, is ex-officio member being the immediate ex-Chairman. It seems that names of Ch. Abdul Hameed and Mr. Amjad Habib have been inserted only to meet the quorum requirement for the meeting.
- vii). Mr. Fida Ahmed, Central Secretary General, POEPA himself has doubted the authenticity / correctness of record.
- viii). Article 41 (I) (a) of M&AoA states as under:

***“The quorum of the meetings shall be as under:***

***a) In the case of Central/Zonal Executive Committee 4 members or 1/3<sup>rd</sup> members whichever is higher shall form quorum.***

According to the provision discussed above, presence of atleast 04 out of 06 members is a must to meet the quorum requirement. Therefore, 06 meetings held from 28-03-2013 to 06-08-2013 don't fulfill this criterion and should have been adjourned. Prima facie, record of last 05 meetings has been fabricated just to stretch the number of meetings from 05 to 10 and make grounds for disqualification of Mr. Ahmed Ali Siddiqui.

**ix).** If Mr. Ahmed Ali Siddiqui had been absent from consecutive three or more meetings, then why were disciplinary proceedings under Article 15 not initiated earlier and why this issue has been raised on eve of the elections? These questions were not replied satisfactorily by Zonal Chairman and Zonal Secretary General.

**x).** Directions of DGTO Office conveyed vide its letter No. 18(28)/2008-TO dated 29.08.2013 were crystal clear and have not been observed by Zonal Secretary General and Zonal Chairman POEPA in letter and spirit. Both have attempted to mislead this office by presenting fabricated and distorted facts and they have failed to take care of sanctity of their official and moral duties under the law, rules and M&AoA of the Association.

### **ORDER**

8. On the basis of facts and reasons discussed above, the following is held:

**i.** The meeting record of Zonal Executive Committee POEPA has been tampered with / forged by the Zonal Secretary General and Zonal Chairman.

**ii.** Article 29 (11) does not apply on Mr. Ahmed Ali Siddiqui at this stage and he is a bonafide member of Zonal Executive Committee POEPA.

**iii.** Mr. Ahmed Ali Siddiqui is entitled to contest the elections for the slot of office bearers of POEPA.

**iv.** A penalty of Rs. 25,000/- as a fine is hereby imposed on Mr. Abdul Razzaq, Zonal Chairman POEPA under Section 25 of Trade Organisations Act, 2013.

**v.** Mr. Ahmad Ali Siddiqui had filed complaint before start of the electoral process of POEPA. As the elections for the slots of office bearers intervened during pendency of this complaint, the same is therefore being considered and disposed of under clause (e) of sub-section (3) of Section 14 of Trade Organisations Act, 2013 and sub-rule (13) of Rule 18 of Trade Organisations Rules, 2013 as well, which stipulate that office of the Regulator of Trade Organisations is the final forum of appeal against the decisions of any person, committee or office bearers of a trade organisation in matters relating to electoral process before conduct of election.

( )  
Director-II

**Copy for information and necessary action is forwarded to:-**

1. Executive Director General (DC & TP), Ministry of Commerce, A-Block, Pak Secretariat Islamabad.
2. President FPCC&I, Federation House, Main Clifton, Karachi, Pakistan
3. Secretary General, POEPA, House No. 374, Street No. 103, Near Pakeeza Plaza Market, I-8/4, Islamabad
4. Secretary General, POEPA Rawalpindi/Islamabad/ AJK Zone, Flat No.2 & 18, Bangsar Plaza, Commercial Market, Satellite Town, Rawalpindi
5. Chairman, POEPA Rawalpindi/Islamabad/ AJK Zone, Flat No.2 & 18, Bangsar Plaza, Commercial Market, Satellite Town, Rawalpindi
6. Mr. Ahmed Ali Siddiqui, office # 17, 2<sup>nd</sup> Floor, Roase Arcade Plaza, Rehmanabad Chowk, Main Muree Road, Rawalpindi.

( )  
Deputy Director