



GOVERNMENT OF PAKISTAN  
MINISTRY OF COMMERCE & TEXTILE INDUSTRY  
A-BLOCK,PAK SECRETARIAT  
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F. No. 7(1)/2013-TO

Islamabad, the October 10, 2013

**ORDER IN ORIGINAL NO. 19/2013**

**Passed by Mr. Qasim M. Niaz, Secretary Commerce & Textile Industry**

***Surgical Instrument Manufacturers Association of Pakistan (SIMAP)***

***Versus***

***Regulator of Trade Organisations & Others***

**Present in the hearing on 07-10-2013:**

- i) Mr. Muhammad Amjad, Ex-Secretary General, SIMAP
- ii) Mr. Adil Majeed, Sr. Vice Chairman, SIMAP
- iii) Mr. Bilal Amin, Member SIMAP
- iv) Mr. Iftikhar-ul-Haq Khan Sherwani, Advocate

.....Appellants

Regulator of Trade Organisations through Mr. Rizwan-ul-Haq,  
Deputy Director, Directorate General of Trade Organisations,  
Ministry of Commerce & Textile Industry, Islamabad

.....Respondent

Date of Hearing: **07-10-2013**

Place of Hearing: **OFFICE OF SECRETARY COMMERCE & TEXTILE INDUSTRY  
4<sup>TH</sup> FLOOR, A-BLOCK, PAK SECRETARIAT, ISLAMABAD.**

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

-: 2:-

By this Order, I intend to dispose of the appeals filed by Chairman and Mr. Muhammad Amjad, Ex-Secretary General & Mr. Saad Arshad Bhatti, Ex-Assistant Secretary of Surgical Instrument Manufacturers Association of Pakistan, [hereinafter referred to as "the Association"] against orders of Regulator of Trade Organisations passed on 05-08-2013.

**Brief Facts:**

2. Complaints were filed against Surgical Instrument Manufacturers Association of Pakistan (SIMAP) in the Office of the Regulator of Trade Organisations by M/s Sarfraz A. Chaudhary, Amir Riaz Bhinder, Engr. Zafaryab Ali Shah, Nasar Iqbal Malik, Dr. Usman Ahmad and Abdul Haleem alleging therein as under:-

- A. Serious financial mismanagement of funds that included:-
  - i. Payments made through cash which should have been made through cheques;
  - ii. Prize bonds of Rs.2 Millions purchased by SIMAP were found missing;
  - iii. Rs. 4 Million drawn from Habib Bank and deposited in Al-Burj Bank to secure a job for a relative of the Chairman;
- B. Appointments of Management Staff in contravention of Rules;
- C. Failure to hold Executive Committee Meetings for last consecutive 5 months;
- D. Improper use of SIMAP Funds;
- E. Discriminatory treatment meted out to members of the Association in selecting delegations to represent the Association in international trade fairs;
- F. Victimization of members and vindictive treatment to members for voicing their grievances and charges against corrupt practices by the office bearers; and
- G. Shady dealings in various projects of the Association including purchase of machinery and land for MIDC Uplifting Project.

3. In order to dispose of complaints in equitable and justiciable manner, a proper hearing was afforded to parties on 24-06-2013 by the Regulator of Trade Organisations which was attended by M/s Sarfraz A. Chaudhary, Amir Riaz Bhinder, Engr. Zafaryab Ali Shah from the complainants' side whereas the Association was represented by its Secretary General alongwith a counsel, Mr. Ibtisam Rashid Mirza. Later on, a fact finding inquiry was conducted by two officers of the DGTO Office in the office of the Association at Sialkot on 12-07-2013 as had been ordered by Regulator of Trade Organisations in exercise of powers under clause (a) &(b) of sub-section 3 of Section 14 of Trade Organisations Act, 2013.

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4. On the basis of personal hearing and the enquiry report, the Regulator of Trade Organisations passed an Order-in-Original No. 04/2013 on 05-08-2013 which was assailed by the Appellants by filing an appeal before Secretary Commerce & Textile Industry under Sub-section 2 of Section 21 of Trade Organisations Act, 2013. Meanwhile, the subject appeals were pending adjudication, the Appellants approached the Lahore High Court Lahore and filed a Writ Petition bearing No.25084/ 13 titled as “*Surgical Instrument Manufacturers Association of Pakistan through its Chairman Vs. Government of Pakistan through Secretary Commerce and Industry, Ministry of Commerce, Pak Secretariat, Islamabad & Others*”. The Honourable court passed the following orders on 01-10-20123:

*“Sole grievance of the petitioner is that his appeal with prayer of interim relief under Section 21 of the Trade Organisations Act, 2013 is pending before Respondent No.1 and prays that respondent No.1 be directed to decide the matter expeditiously in accordance with law.*

*2. Let a copy of this petition be dispatched to respondent No.1, who shall decide the pending appeal or prayer of interim relief of the petitioner strictly in accordance with law.*

*3. In order to streamline the process, let the petitioner appear before respondent No.1 at 11.00 a.m. on 07.10.2013 who will decide the appeal or prayer of interim relief through a speaking order after granting a hearing to the concerned parties within a week thereof.*

*4. Disposed of.”*

5. In compliance of above mentioned orders of Lahore High Court, Lahore, a personal hearing was held on 07-10-2013 which was attended by Mr. Muhammad Amjad, Ex-Secretary General, SIMAP, Mr. Adil Majeed, Sr. Vice Chairman, SIMAP, Mr. Bilal Amin, Member SIMAP and Mr. Iftikhar-ul-Haq Khan Sherwani, Advocate from the Appellants’ side while Regulator of Trade Organisations/ Respondent was represented by Mr. Rizwan-ul-Haq, Deputy Director, Directorate General of Trade Organisations, Ministry of Commerce & Textile Industry, Islamabad.

6. Mr. Muhammad Amjad, Ex-Secretary General SIMAP and Mr. Iftikhar-ul-Haq Khan Sherwani, Counsel for the Appellant contended that that Chairman SIMAP has assailed the whole impugned order dated 05-08-2013 and that the prayer in both the appeals is same, therefore Mr. Muhammad Amjad prayed to allow him withdraw his appeal. Mr. Iftikhar-ul-Haq Khan Sherwani further submitted that Appellants could not deposit the fee amounting to Rs.50,000/- as prescribed in Schedule ‘E’ to Trade Organisations Rules, 2013, inadvertently, and prayed to allow the Appellant to deposit the same by 08-10-2013. Mr. Muhammad Amjad was allowed to withdraw his appeal while Chairman SIMAP/ Appellant was directed through his Counsel to deposit the

prescribed fee by 08-10-2013.

**ORDER**

7. After hearing parties to the dispute at length, examining the documentary evidence and relevant provisions of law & rules, it is held that:-

- i. Appointment of Mr. Muhammad Amjad has been found in contravention of sub-rule (1) of Rule 24 of Trade Organisations Rules, 2013. Similarly, appointment of Mr. Saad Arshad Bhatti as Assistant Secretary is not in accordance with Sub-rules (5) & (6) of Rule 24 of Trade Organisations Rules, 2013. Surgical Instrument Manufacturers Association of Pakistan is hereby directed to bring these appointments in line with these provisions.
- ii. Surgical Instrument Manufacturers Association of Pakistan has notified an Election Commission and Election Schedule on 28-09-2013. The Association is hereby directed to proceed with this Schedule strictly in accordance with Trade Organisations, Rules, 2013. To ensure transparency & impartiality and to allay concerns of all the stakeholders, Regulator of Trade Organisations is hereby directed to supervise the elections as provided in clause (d) of sub-section (3) of Section 14 of Trade Organisations Act, 2013, where deemed necessary.
- iii. Directions conveyed to Surgical Instrument Manufacturers Association of Pakistan in Sub-paras iv to x of Para 5 of impugned order dated 05-08-2013 have been found in accordance with law and in interest of the Association and Surgical Industry. These directions are meant to streamline administrative work of the Association and bring transparency in its day-to-day working. Surgical Instrument Manufacturers Association of Pakistan is hereby directed to take immediate measures to comply with these directions.
- iv. Appeals filed by Mr. Muhammad Amjad, Ex- Secretary General and Mr. Saad Arshad Bhatti, Ex- Assistant Secretary SIMAP are hereby disposed of as withdrawn.

( )  
Secretary Commerce & Textile Industry

Announced: Dated, 10-10-2013

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

1. Regulator of Trade Organisations, Ministry of Commerce & Textile Industry  
Statelife Building No. 7, 2<sup>nd</sup> Floor, Jinnah Avenue, Islamabad
2. Chief Secretary, Punjab, Civil Secretariat, Lahore
3. Executive Director General (DC&TP), Ministry of Commerce, A-Block, Pak  
Secretariat, Islamabad
4. Chief Executive, Trade Development Authority of Pakistan, 3rd Floor, Block A,  
Finance & Trade Centre P.O. Box No. 1293, Shahrah-e-Faisal, Karachi 75200  
Pakistan
5. President FPCC&I, Federation House, Main Clifton, Karachi, Pakistan
6. Mr. Bilal Tanveer, Ex-Chairman, Surgical Instrument Manufacturers Association of  
Pakistan (SIMAP), Near Sublime Chowk, Marala Road, Sialkot
7. Director General, Trade Development Authority of Pakistan, 62 Garden Block,  
Garden Town, Lahore
8. Director, TDAP, Muslim Colony, Gohadpur Road, Sialkot
9. Mr. Ali Tamkin Butt, Assistant Director TDAP Muslim Colony, Gohadpur Road,  
Sialkot.

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Staff Officer to Secretary Commerce &  
Textile Industry