



Government of Pakistan
Ministry of Commerce,
Directorate General of Trade Organizations
(Office of Regulator of Trade Organizations)
State Life Building No. 7, 2nd Floor, Blue Area,



F. No. 7(8/2020-TO

Islamabad, the 3rd September, 2020

ORDER IN ORIGINAL NO. 46 /2020

Passed by Mr. Riaz Ahmed, Regulator of Trade Organizations

Mr. Shafiq Ur Rehman, Executive Director of Kissan Seed Corporation

Versus

Seed Association of Pakistan (SAP)

Present in the hearing.

1. Mr. Shafiq Ur Rehman

Appellant/ Complainant

1. Mr. Salman Aziz Khan (Secretary General)

..Respondents

2. Mr. Zulfiqar Ahmed Waraich (Advocate)

Date of Hearing: 27-08-2020

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

Date of issuance of Order: 03-09-2020


RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad

By this order the undersigned intends to dispose of a complaint filed by Mr. Shafiq-ur-Rehman of M/s Kissan Seed Corporation against the Secretary General of the Association for exclusion of his name from the voters list of the Association.

2. The background of the case is that the Complainant was a member of the Association. His membership was cancelled by the Secretary General and Executive Committee of the Association. According to the Complainant, in the Articles and Memorandum of Association Clause 12, a procedure is laid down for removal of any member from the members list of the association. This procedure involves issuing a show cause notice and providing opportunity to submit a reply either in writing or personally to the defendant before intimating a final decision. According to the Complainant, this process has not been followed and he has been condemned unheard.

FINDINGS:

The complainant has shown that because he had filed a Writ Petition against the "Variety Evaluation Committee" of the Ministry of National Food Security and Research, the Association has unilaterally debarred him from voting in the upcoming elections. The record shows that the complainant has submitted multiple emails which prove that two show causes were received by the complainant. The record also shows that the complainant was dismissed as a member because, by filing the Writ Petition, the Complainant had hampered the process of negotiations between the leadership of the Association and the Variety Evaluation Committee for resolution of issues being faced by members of the Association. It has been determined that the Complainant has primarily been removed as a member of the Association because he had filed a Writ Petition against the Variety Evaluation Committee. This is unacceptable as filing a case in any Court of Law on an individual basis is a right guaranteed to all citizens of Pakistan under the Constitution.

2. The defendant has also argued that the newly appointed Chairman was in the process of the negotiating for the association with various stakeholders over certain issues including the Variety Evaluation Committee of the Ministry of National Food Security and Research. However, before the negotiations could run their course, the complainant insisted on filing a case in the Islamabad High Court and this decision of Mr. Shafiq-ur-Rehman was against the interest of Association and as such violated the discipline of the Association.

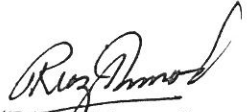
Therefore a show-cause notice was issued to him and he failed to submit a reply in written or attend any Executive Committee meeting to argue against dismissal of his membership. Therefore, he was expelled from the association through majority consensus in a Central Executive Committee meeting. Furthermore, the defendant has maintained that all due process was followed in the removal of Mr. Shafiq-ur-Rehman. The perusal of record shows that the Complainant was removed vide consensus of Executive Committee members in the 56th Central Executive Committee.

ORDER:-

Arguments heard, record perused and relevant provisions of law examined. The record indicates clearly that the Complainant was not given an opportunity to reply to the show-cause nor was he heard in person and was condemned unheard. Moreover, the Complainant has been removed because he filed a case in the Honorable Islamabad High Court, Islamabad. Filing a case in any Court of Law is an inalienable right of all citizens of Pakistan, hence the membership of the Complainant is hereby restored and the shall be allowed to participate in the elections for year 2020-2021 unless any other provision of Trade Organization Act, 2013 and Trade Organization Rules, 2013 debars him,

The matter stands disposed of accordingly.

Announced Dated:-03-09-2020.


(Riaz Ahmed)
Regulator (TO)
RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad