



Government of Pakistan  
Ministry of Commerce,  
Directorate General of Trade Organizations  
(Office of Regulator of Trade Organizations)  
State Life Building No. 7, 2<sup>nd</sup> Floor, Blue Area,  
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F. No. 7(9)/2020-TO

Islamabad, the 11<sup>th</sup> September, 2020

ORDER IN ORIGINAL NO.59/2020

Passed by Mr. Riaz Ahmed, Regulator of Trade Organizations

*Syed Rehmat Ali of M/s Shabnam Recruiting Agency*

V/s

*Secretary General of All Pakistan Overseas Employment Promoters Association*

Present in the hearing.

1. Mr. Abdul Basit
2. Mr. Abdul Razzaq
3. Syed habib Ali Shah
4. Mr. Naik Muhammad

Appellant/ Complainant

1. Mr. Shahbaz Zeb Khan (Secretary General)
2. Mr. Sardar Naseem  
(Member of Election Commission)
3. Khawaja Masood  
(Member of Election Commission)

.....Respondents

Date of Hearing: 09-09-2020

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: 11-09-2020

By this order the undersigned intends to dispose of a complaint filed by Syed Rehmat Ali Shah of M/s Shabnam Recruiting Agency regarding institution of Administrator due to a disputed Election Schedule and alleged partiality of the Secretary General. The case was fixed on 09.09.2020, which was attended by both sides.

2. Background of the case is that the complainant submitted an application to DGTO for appointment of an Administrator on the basis that the Election Schedule submitted by the Secretary General of Pakistan Overseas Employment Promoters Association (POEPA) did not contain any time period for member firms to file an appeal before the Regulator against the decision of Election Commission on the voters list. The complainant is of the view that the Secretary General intentionally violated provision of Rules 18 of Trade Organizations Rules, 2013 which mandates that the Election Schedule should allow any member firm to file an appeal against the decision of the election commission within three (03) days. The defendant, on the other hand, has maintained that a revised Election Schedule was issued which is in accordance with Rule 18 of Trade Organizations Rules, 2013 on 28.07.2020 with the approval of the Executive Committee.

### FINDINGS

The complainant has admitted that he himself pointed out an irregularity in the first Election Schedule published on 09.07.2020 and submitted an application to the Secretary General to the same effect. The Secretary General admitted this mistake and issued a revised Election Schedule on 28.07.2020 with approval of Executive Committee in which only one day has been provided to file an appeal before the Regulator as per Rule 18 (6) of Trade Organizations Rules, 2013. The rule clearly states that any aggrieved member may file an appeal against Election Commission (*within 03 days*) before the Regulator. The revised Election Schedule however, provides only one day to file this appeal. Although this amount to an irregularity in the Election Schedule, it is not a clear violation of law. Furthermore as the Regulator can consider any appeal that comes before it irrespective of any date prescribed in the election schedule. Therefore, hearing any appeal filed before the Regulator is the exclusive domain of the Regulator and penalizing the entire election process for a simple irregularity would be against the spirit of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013.



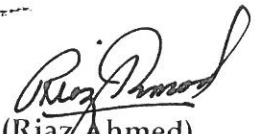
2. The complainant has admitted that he submitted an application to the Secretary General and Election Commission for revision in the Election Schedule, but claims that the same was never shared with him. The defendant has maintained that they uploaded the revised Election Schedule on the official website of POEPA and displayed it on the notice board. The complainant has submitted documents that show the revised Election Schedule was uploaded on 18.08.2020, while the Secretary General has submitted evidence that shows they uploaded the documents on 26.07.2020. As both parties have submitted evidence in support of their stance, the matter is contentious. However, because the Secretary General did submit the revised election schedule and its approval to the Regulator on 29.07.2020, showing that the revised election schedule was indeed formally issued, the stance of the Secretary General appears to be correct.

### ORDER

Arguments heard, record perused and relevant provisions of law examined. In light of the above the following orders are passed:

1. Regarding appointment of Administrator, sufficient grounds do not exist as specified in section 16 of the Trade Organizations Act, 2013 for his/her appointment.
2. Elections of the Association shall continue as per revised election schedule.
3. The Association is directed to submit an audit report on the finances of the Association from a reputed chartered accountant firm, Compliance Certificate from SECP and record of membership of Association within 30 days after announcement of election results.
4. The matter stands disposed of accordingly

Announced Dated:-11-09-2020

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