W.P. No. 3011 of 2020

Muhammad Asghar Khan Niazi
Vs
Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	06.02.2023.	Ch. Naeem ul Haq Advocate for the Petitioners, in both the petitions. M/s Waheed Shahzad Butt and Muhammad Umer Khan Vardag Advocates for the Respondent No. 3. Mr Hassan Idrees Mufti Advocate for the Respondents No. 1 and 5. Ms Azra Batool Kazmi, AAG.

The learned counsel for the Petitioners submit that there is a conflict between Section 14(1) of the Federal Ombudsman Institutional Reforms Act, 2013 (**"Act, 2013"**) and Section 32 of the Federal Tax Ombudsman Ordinance, 2000 (**"Ordinance, 2000"**) in that the latter only provides representation to lie against a recommendation whereas under the former a representation is maintainable against any decision, order, finding or recommendation. As such, he argued that by virtue of Section 24(2) of the Act, 2013 it is provisions of the Act, 2013 that must prevail. He further submits that the limitation period of thirty days provided under Section 14(1) does not bring about any change in the relevant statutes as limitation period is already thirty days under all Ombudsman Acts/Ordinances.

2. On the other hand, learned counsel for the Respondents No. 1 and 5 seeks time to assist this Court as to whether or not thirty days is indeed limitation period in all other Ombudsman Acts/Ordinances and if that is the case to assist this Court as what is the effect of Section 14(1) if it neither changes the limitation period

nor widens the scope of the representation to the President.

3. In view of the foregoing reasons the Respondents may proceed with the disciplinary proceedings against the Petitioners, however, outcome of such proceedings shall be subject to the final decision of the instant Writ Petition.

4. Relist on 20.02.2023.

(SAMAN RAFAT IMTIAZ)
JUDGE

Tanveer Ahmed/*