

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.1862 of 2019
National Bank of Pakistan
Versus

Federal Ombudsman, Constitutional Avenue and others

Date of Hearing: 30.03.2023
Petitioner by: Malik M. Siddique Awan, Advocate.
Respondents by: Mr. Asim Shahbaz Malik, Advocate for respondents No.1 and 2.
Sardar Adnan Riaz, Advocate for respondent No.3.

MIANGUL HASSAN AURANGZEB, J:- Through the instant writ petition the petitioner, National Bank of Pakistan (“NBP”), impugns the notices dated 27.02.2019 and 19.03.2019 issued by respondent No.2, Consultant to Federal Ombudsman, for the implementation of findings dated 27.07.2015 given by respondent No.1, Federal Ombudsman, Constitutional Avenue, Islamabad.

2. The record shows that respondent No.3’s father was an employee of NBP and he died in the year 1991 while he was still in service. He was survived by a widow and minor children. On 08.12.2014, he submitted a complaint to the Federal Ombudsman against the inaction on the part of NBP on the application to grant employment to the deceased’s son under NBP’s Employees’ Son Quota. The proceedings pursuant to the said complaint were closed by the Federal Ombudsman on 12.02.2015. Thereafter, a review application was filed by respondent No.3 which culminated in the Federal Ombudsman’s findings dated 27.07.2015. These findings show that NBP’s representative who had appeared before the Federal Ombudsman had agreed to consider the case of employment for the deceased’s son on compassionate grounds. On the basis of the said statement, the review application filed by respondent No.3 was accepted. After this, NBP through letter dated 31.08.2015 informed the Federal Ombudsman that respondent No.3’s case for employment in NBP could not be considered against the Employees’ Children Quota.

3. After this, the Federal Ombudsman issued the impugned notices dated 27.02.2019 and 19.03.2019 calling upon NBP to designate an officer to attend the office of the Federal Ombudsman in the proceedings for the implementation of the said findings dated 27.07.2015. The said notices have been assailed by NBP in the instant petition.

4. The primary grounds on which the petitioner has assailed the said notices was that the Federal Ombudsman did not have the jurisdiction to inquire into or give findings on any matter pertaining to the terms and conditions of employment between NBP and any of its employees, and that the question whether a son of NBP's deceased's employee was entitled to be considered for employment by NBP is a matter pertaining to the terms and conditions of service and the jurisdiction of the Federal Ombudsman in such matters is ousted by Article 9 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

5. On the other hand, learned counsel for Federal Ombudsman submitted that the impugned notices do not suffer from any legal infirmity.

6. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

7. It is not disputed that the revised findings of the Federal Ombudsman issued on 27.07.2015 was on the basis of a statement made by NBP's representative before the Federal Ombudsman that respondent No.3's case for employment would be considered on compassionate grounds. It was on this basis that respondent No.3's review application was accepted. NBP neither filed any representation to the President of Pakistan against the said findings nor challenged the same before any other forum. Therefore, for all intents and purposes the said findings attained finality.

8. The Federal Ombudsman has simply issued notices to NBP in proceedings initiated by respondent No.3 for the implementation of the said findings dated 27.07.2015. The said proceedings have not culminated in any order of the Federal Ombudsman. NBP has not even submitted a reply to the impugned notices. Since NBP is at liberty to take all objections permissible under the law to the said notices before

the Federal Ombudsman, I find the instant writ petition to be premature and is dismissed as such with no order as to costs.

**(MIANGUL HASSAN AURANGZEB)
JUDGE**

ANNOUNCED IN AN OPEN COURT ON 04.04.2023.

(JUDGE)

*Ahtesham**

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