



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



F. No. 10(07)/2026-TO

Islamabad, the 11th September, 2026

ORDER NO. 68 / 2026

Passed by Bilal Khan Pasha, Regulator of Trade Organisations

IN THE MATTER OF:

Appeals and Complaints filed under Section 14 of the Trade Organisations Act, 2013 read with Rule 18(13) of the Trade Organisations Rules, 2013 regarding the Elections of Pakistan Overseas Employment Promoters Association (POEPA) for the Executive Committee (Term 2026–2028):

1. **Syed Habib Ali Shah**, President APUG / Candidate for CEC, M/s Shabnam Recruiting Agency, Mingora, District Swat (*Complainant/Appellant No. 1*)
2. **Mr. Shahrukh Tassawar**, CEO, M/s Haq Resources (Pvt) Ltd, Rawalpindi (*Appellant No. 2*)
3. **M/s Namrah International (Pvt) Ltd** (through Mr. Naeem Ullah, Director / Authorized Representative), Multan (*Appellant No. 3*)

Versus

1. **Pakistan Overseas Employment Promoters Association (POEPA)**, through its Secretary General, Islamabad (*Respondent No. 1*)
2. **The De Facto / Purported Election Commission of POEPA** (Mr. Hamid Ali Gondal, Mr. Raja Mehmood Ahmed, and Mr. Ch. Mehdi Khan Sipra) (*Respondent No. 2*)
3. **Mr. Muhammad Saeed Khan**, CEO, M/s Empire Manpower Consultancy (Pvt) Ltd, Islamabad (*Objector/Private Respondent*)

Present in the Hearing

1. Syed Habib Ali Shah
2. Abdul Basit (on behalf of Naeem Ullah)
3. Mr. Shah Rukh Tassawar

Complainants

1. Mr. Mumtaz Siddique, Secretary General
2. Raja Mehmood Ahmed,
Election Commission
3. Ch. Mehdi Khan Sipra, Election Commission

Respondents

Date of Hearing: 10-09-2026

Place of Hearing: Office of Regulator of Trade Organisations, Directorate General of Trade Organisations, Islamabad

Date of issuance of Order: 11-09-2026

BILAL KHAN PASHA
Regulator Trade Organisations
Directorate General of Trade Organisations
Islamabad
Ministry of Commerce
Government of Pakistan

1. Background of the Case

1.1. The Pakistan Overseas Employment Promoters Association (POEPA) is an all-Pakistan trade organization licensed under Section 3 of the Trade Organisations Act, 2013 (Act II of 2013). The biennial general elections of POEPA for electing members of the Executive Committee and Office Bearers for the term 2026–2028 were scheduled to take place during July to September 2026, pursuant to Rule 13(b) and Rule 14 of the Trade Organisations Rules, 2013 (TOR 2013).

1.2. On July 13, 2026, a meeting of the Central Executive Committee (CEC) of POEPA was convened at the POEPA Secretariat, Islamabad. Under Item No. 5 of the minutes of the said meeting, the CEC approved the proposed Election Schedule. However, under Item No. 6, instead of deliberating upon, finalizing, and appointing a three-member Election Commission as mandated by Rule 16 of TOR 2013 and Article 20 of POEPA's Articles of Association, the CEC abdicated its statutory duty and authorized the Central Chairman to unilaterally finalize and announce the names of the Election Commission.

1.3. On July 15, 2026, the Secretary General of POEPA issued a notification (Ref: POEPA/ES-2026-28) announcing the appointment of an Election Commission comprising: (i) Mr. Hamid Ali Gondal, (ii) Mr. Raja Mehmood Ahmed, and (iii) Mr. Ch. Mehdi Khan Sipra (Supra). A copy of the schedule and notification was forwarded to the Directorate General of Trade Organizations (DGTO) on July 16, 2026, for office records.

1.4. In terms of Rule 16(b) of TOR 2013, the appointment of an Election Commission is contingent upon the appointed members submitting their consent in writing. According to the record and the formal statement submitted by the Secretary General of POEPA, no written consent was received from Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra following their nomination. Only Mr. Hamid Ali Gondal submitted his written consent and declaration of neutrality on August 3, 2026.

1.5. On August 3, 2026, upon inquiry regarding the non-receipt of the requisite consents, the Central Chairman again acted unilaterally and provided two replacement names, Mr. Jannat ur Rehman and Mr. Muhammad Basharat. On the same day, the Secretary General issued an official notification titled "*Notification for Change in Election Commission with Procedure & Code of Conduct for POEPA Elections for the Year 2026–28*", notifying the General Body and the DGTO that the revised Election Commission comprised: (i) Mr. Hamid Ali Gondal, (ii) Mr. Jannat ur Rehman, and (iii) Mr. Muhammad Basharat. Written consents were obtained from both newly inducted members on August 3, 2026. The change was communicated to the DGTO vide letter Ref: POEPA/01/2026 dated August 3, 2026 (received at DGTO on August 17, 2026). The approval of the Central Executive Committee was never sought or obtained for these two new nominations.


BILAL KHAN PASHA
Regulator Trade Organisations
Directorate General of Trade Organisations
Islamabad
Ministry of Commerce
Government of Pakistan

1.6. Notwithstanding the official de-notification of Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra on August 3, 2026, the original, de-notified commission (Mr. Hamid Ali Gondal, Mr. Raja Mehmood Ahmed, and Mr. Ch. Mehdi Khan Sipra) continued to function in office. This unnotified, de facto body held meetings, conducted candidate scrutiny on September 1, 2026, and issued quasi-judicial orders on September 4, 2026, rejecting the nomination papers of Mr. Shahrukh Tassawar (M/s Haq Resources Pvt Ltd) and Mr. Naeem Ullah (M/s Namrah International Pvt Ltd).

1.7. Aggrieved by the conduct, composition, and partiality of the Election Commission, Syed Habib Ali Shah filed a complaint dated September 7, 2026, requesting reconstitution of the Election Commission under Rule 16 of TOR 2013. Concurrently, Mr. Shahrukh Tassawar and M/s Namrah International (Pvt) Ltd preferred statutory appeals under Rule 18(13) of TOR 2013 against the rejection orders dated September 4, 2026.

1.8. To resolve these matters, a consolidated hearing notice was issued on September 7, 2026, fixing the matter for personal hearing before the Regulator on September 10, 2026, at 12:00 PM at the DGTO Headquarters, Islamabad. All parties appeared, submitted written statements, and presented oral arguments.

2. Proceedings of the Hearing & Submissions

2.1. Preliminary Hearing on the Legality of the Election Commission

2.1.1. At the commencement of the hearing, this forum took up the preliminary and threshold legal objection raised by Syed Habib Ali Shah regarding the constitutional validity, legality, and jurisdiction of the sitting Election Commission.

2.1.2. Syed Habib Ali Shah argued that the Election Commission functioning at POEPA Secretariat is illegal and partisan. He submitted that the Secretary General had already notified the removal/replacement of two members (Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra) on August 3, 2026, for failing to submit written consent. Despite this official substitution, the de-notified members continued to usurp election functions in blatant violation of Rule 16(e) and (f) of TOR 2013 and Article 20 of the AoA. He contended that any scrutiny, orders, or candidate lists issued by this unauthorized body are void and legally non-existent.

2.2. Inquiries and Admissions by POEPA Management

2.2.1. In response to queries from the Regulator, the Secretary General, POEPA, admitted that during the CEC meeting of July 13, 2026, the Executive Committee did not finalize the names of the Election Commission, but delegated that power to the Central Chairman. The Central Chairman confirmed that he held private, informal consultations with various contesting election groups, finalized three names, and instructed the Secretary General to notify them on July 15, 2026. The Chairman admitted that these three names were never subsequently laid before the CEC for formal ratification.

2.2.2. The Secretary General further testified that he did not receive written consents from Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra up to August 3, 2026. When this was brought to the Chairman's attention, the Chairman once again conducted informal group consultations and unilaterally supplied two replacement names (Mr. Jannat ur Rehman and Mr. Muhammad Basharat), which the Secretary General notified to the General Body and DGTO on August 3, 2026. The Secretary General conceded on record that the approval of the Executive Committee was never sought or obtained for these new nominations.

2.2.3. When asked why the de-notified members continued to conduct scrutiny and pass orders, the Secretary General and Chairman stated that because the DGTO had not formally replied with an approval to their intimation letter of August 3, 2026, they presumed the original commission of July 15, 2026, was entitled to continue functioning to prevent delays in the election schedule.

2.3. Inquiries from the Sitting Members of the Purported Commission

2.3.1. Mr. Hamid Ali Gondal admitted that he submitted his consent on August 3, 2026 (three weeks after the election schedule announcement), and that he continued to act and sign decisions alongside Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra without raising any objection.

2.3.2. Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra produced photocopies of consent letters dated July 10, 2026, and July 13, 2026. However, when questioned, both admitted that these documents bore no receipt stamp, diary number, or acknowledgement from the POEPA Secretariat, and the Secretary General reiterated that these letters were never deposited in his office or brought to his knowledge prior to the August 3 substitution.

2.4. Treatment of the Appeals of Mr. Shahrukh Tassawar and M/s Namrah International

2.4.1. During the course of the hearing, the establishment of the jurisdictional invalidity of the Election Commission became dispositive of the preliminary issue. Because the sitting Election Commission was found to have been constituted without lawful authority and operated as a *coram non judice* body, this forum determined that the rejection orders dated September 4, 2026, were void *ab initio* and legal non-entities.

2.4.2. Consequently, this forum did not proceed to hear oral arguments or adjudicate upon the substantive merits of the nomination papers of Mr. Shahrukh Tassawar (M/s Haq Resources Pvt Ltd) or M/s Namrah International (Pvt) Ltd. The appeals directed against decisions of an illegal body were declared infructuous and invalid before this forum at this stage.

3. Questions for Determination

- I. Whether the Central Executive Committee of POEPA can lawfully delegate its statutory power of appointing an Election Commission to the Central Chairman, and what is the legal effect of such sub-delegation under Rule 16 of TOR 2013 and Article 20 of the Articles of Association?
- II. What is the legal status of the revised Election Commission notified on August 3, 2026, absent Executive Committee approval?


BILAL KHAN PASHA
Regulator Trade Organisations
Directorate General of Trade Organisations
Ministry of Commerce
Government of Pakistan

- III. Whether the body comprising Mr. Hamid Ali Gondal, Mr. Raja Mehmood Ahmed, and Mr. Ch. Mehdi Khan Sipra constituted a lawfully seized Election Commission, or whether their proceedings, scrutiny, and decisions were *coram non judice* and void *ab initio*?
- IV. Whether the appeals filed by Mr. Shahrukh Tassawar and M/s Namrah International against the decisions of the unnotified Election Commission survive, and whether the Regulator should express any opinion on the merits of their nomination papers at this juncture?
- V. What corrective, regulatory directions must be issued under Section 14 of the Trade Organisations Act, 2013 to cure these institutional breaches without aborting the election cycle?

4. Legal Analysis and Findings

4.1. Illegal Sub-Delegation and Breach of Rule 16 of TOR 2013

4.1.1. Rule 16 of the Trade Organisations Rules, 2013 unambiguously mandates:

"Simultaneously with approval of the election schedule as provided in rule 14, the executive committee of the trade organization shall appoint an Election Commission subject to the following conditions, namely: – (a) the commission comprises three members; (b) the members so appointed have submitted their consent in writing to their appointment as such..."

4.1.2. Article 20 of POEPA's registered Articles of Association reinforces this requirement by vesting the authority to appoint the Election Commission in the Executive Committee. Under established administrative and corporate law, a statutory power entrusted to a collective governing body cannot be alienated or sub-delegated to an individual officer-bearer without explicit statutory sanction (*delegatus non potest delegare*).

4.1.3. A perusal of Item No. 6 of the CEC minutes dated July 13, 2026, confirms that the CEC failed to appoint an Election Commission. Instead, it authorized the Chairman to select individuals after informal consultations. This sub-delegation is ultra vires of Rule 16 and Article 20, rendering the initial appointment process tainted with statutory illegality from its inception.

4.2. Invalidity of the August 3, 2026 Substituted Commission

4.2.1. The procedural illegality deepened on August 3, 2026. When it transpired that two members had failed to provide their mandatory written consent under Rule 16(b), the Chairman and Secretary General bypassed the Executive Committee entirely. The Chairman unilaterally picked Mr. Jannat ur Rehman and Mr. Muhammad Basharat, and the Secretary General issued a public notification and an intimation to the DGTO.

4.2.2. The Secretary General's submission that this intimation was sent to the DGTO for "approval" misconstrues the law. The appointment of an Election Commission is an internal statutory responsibility of the Executive Committee under Rule 16, which is communicated to the Regulator for record and oversight under Rule 14(2)(c). The DGTO is neither an appointing authority nor a validating body for illegal, unilateral acts of the Chairman. Because the substituted nominations of August 3, 2026, never received the approval of the Central Executive Committee, the substituted Election Commission also lacked lawful authority.

4.3. The Doctrine of *Coram Non Judice* and Utter Nullity of Scrutiny Proceedings

4.3.1. Following August 3, 2026, POEPA management permitted an unnotified, de facto body to assume control of the election process. Having formally published a notification to all voter-members and the Government declaring that Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra were replaced due to lack of consent, the association permitted those very individuals to sit as an Election Commission.

4.3.2. Mr. Raja Mehmood Ahmed and Mr. Ch. Mehdi Khan Sipra had no legal authority to act as Election Commissioners. Mr. Hamid Ali Gondal submitted his consent to the Secretary General on August 3, 2026, yet chose to conduct voter list hearings and candidate scrutiny alongside two unnotified individuals. The unverified consent letters dated July 10 and July 13, 2026, produced during the hearing without any proof of receipt by the secretariat, cannot retrospectively cure this institutional defect.

4.3.3. Where a forum, committee, or tribunal acts without lawful appointment, quorum, or authority, its proceedings are **coram non judice** and void *ab initio* (PLD 2010 SC 61; PLD 1989 SC 689). An Election Commission operating without lawful mandate possesses no jurisdiction. Consequently, the candidate scrutiny conducted on September 1, 2026, the Initial List of Candidates, and the rejection orders dated September 4, 2026, are legal nullities. Under the doctrine of *sublato fundamento cadit opus* (when the foundation falls, the superstructure collapses), all acts emanating from this body stand vitiated.

4.4. Censure of POEPA Management

4.4.1. This office takes serious notice of the conduct of the Central Chairman, the Secretary General, and the sitting members of the purported Election Commission. The Secretary General, as the chief administrative officer and custodian of records under Rule 2(1) and Rule 24 of TOR 2013, displayed gross negligence by notifying changes, failing to seek CEC approvals, and permitting de-notified persons to manage statutory election proceedings.

4.4.2. Similarly, the Executive Committee abdicated its mandatory responsibilities under Rule 16. These acts have compromised the integrity of the electoral process, disenfranchised contesting candidates, and created administrative chaos, warranting severe regulatory reprimand and penal exposure under Sections 25 and 26 of the Trade Organisations Act, 2013.

4.5. Disposal of Substantive Appeals and Judicial Restraint

4.5.1. With the declaration that the sitting Election Commission was *coram non judice*, the rejection orders dated September 4, 2026, against Mr. Shahrukh Tassawar (M/s Haq Resources Pvt Ltd) and M/s Namrah International (Pvt) Ltd cease to exist in the eyes of the law. As a direct legal consequence, the appeals preferred under Rule 18(13) of TOR 2013 against those non-existent orders have become **infructuous and invalid** at this stage.

4.5.2. Under the statutory hierarchy established by Rules 17 and 18 of TOR 2013, the primary forum vested with the jurisdiction to examine, scrutinize, and decide upon the eligibility and nomination papers of candidates is the Election Commission. The Regulator functions as an appellate and supervisory forum.

4.5.3. For the Regulator to record findings or express an opinion on the merits of the eligibility, license status, or corporate registrations of Mr. Shahrukh Tassawar and M/s Namrah International at this juncture would be legally premature, prejudicial, and an encroachment upon the primary statutory domain of the Election Commission. The proper course of law is to maintain judicial restraint and remit the nomination papers of all candidates to a newly constituted, lawful Election Commission, which shall independently conduct scrutiny de novo in accordance with the law, rules, and association bye-laws.

ORDER:-

In exercise of the powers vested in the Regulator of Trade Organisations under Section 14(1), Section 14(3)(d), Section 14(3)(e), and Section 14(3)(g) of the Trade Organisations Act, 2013:

1. Declaration of Coram Non Judice & Annulment of Proceedings:

The purported Election Commission comprising Mr. Hamid Ali Gondal, Mr. Raja Mehmood Ahmed, and Mr. Ch. Mehdi Khan Sipra is hereby declared **coram non judice, illegal, ultra vires, and void ab initio**. All acts, notices, scrutiny proceedings of September 1, 2026, the Initial List of Candidates, and the rejection orders dated September 4, 2026, executed by the said body are hereby **ANNULLED, SET ASIDE, AND DECLARED NULL AND VOID IN TOTO**.

2. Disposal of Substantive Appeals:

In consequence of the annulment of the impugned orders dated September 4, 2026, the statutory appeals filed by Mr. Shahrukh Tassawar (M/s Haq Resources Pvt Ltd) and M/s Namrah International (Pvt) Ltd are hereby disposed of as **INFRACTUOUS**. This forum expressly refrains from rendering any finding or expressing any opinion on the merits of their nomination papers or eligibility criteria at this stage. Their nomination papers, along with the nominations of all other candidates, shall be placed before the newly appointed Election Commission for independent, de novo scrutiny.

3. Immediate Reconstitution of the Election Commission:

The Central Executive Committee (CEC) of POEPA is directed to **IMMEDIATELY convene an emergency meeting within forty-eight (48) hours (not later than Sunday, September 13, 2026, by 03:00 PM)** to lawfully nominate and appoint a fresh, neutral, and independent three-member Election Commission in strict adherence to Rule 16 of TOR 2013 and Article 20 of the AoA.

- i. The CEC shall obtain original written consents and declarations of neutrality under Rule 16(b), (e), and (f) from all three members on the spot and incorporate them into the official minutes.
- ii. To ensure impartiality and restore credibility, **none** of the individuals previously embroiled in this irregular process (Mr. Hamid Ali Gondal, Mr. Raja Mehmood Ahmed, Mr. Ch. Mehdi Khan Sipra, Mr. Jannat ur Rehman, or Mr. Muhammad Basharat) shall be considered or appointed.


BILAL KHAN PASHA
Regulator Trade Organisations
Directorate General of Trade Organisations
Islamabad
Ministry of Commerce
Government of Pakistan

- iii. The signed resolution, notification, and written consents of the newly appointed Election Commission shall be transmitted to the Regulator via email and official courier by September 13, 2026, by 06:00 PM.

4. **De Novo Scrutiny of All Candidates:**

The newly constituted, lawful Election Commission shall assume charge on Monday, September 14, 2026, and conduct the scrutiny of nomination papers of **ALL candidates for the Executive Committee afresh** strictly under Rule 18(11) of TOR 2013. The Election Commission shall decide all questions of candidate eligibility independently, objectively, and strictly on the basis of applicable laws, rules, and bye-laws, uninfluenced by any prior invalid proceedings.

5. **Adjustment and Reconstitution of Election Schedule:**

To preserve the statutory election process and ensure that the POEPA general elections conclude within the mandatory biennial period ending on September 30, 2026 (as commanded by Rule 13(b) and Rule 18(19) of TOR 2013) without curtailing the procedural rights of contesting candidates, the Election Schedule for the Executive Committee and Office Bearers for the term 2026–2028 is hereby adjusted to operate as follows:

- i. The process shall recommence with an Emergency Meeting of the Central Executive Committee of POEPA on **Sunday, September 13, 2026**, convened under direct regulatory oversight pursuant to Section 14 of the Act, dedicated exclusively to the lawful appointment of a new three-member Election Commission.
- ii. The newly appointed Election Commission shall formally assume its functions on **Monday, September 14, 2026**, take custody of all nomination files, conduct a de novo scrutiny of nomination papers for all candidates across both Associate and Corporate classes, and display the Initial List of Candidates within twenty-four hours in accordance with Rule 18(11) of TOR 2013.
- iii. Contesting candidates shall have a statutory window of twenty-four hours to file objections against any nomination appearing on the initial list, terminating on **Tuesday, September 15, 2026**, under Rule 18(12).
- iv. The Election Commission shall deliberate upon, hear, and decide all such objections within forty-eight hours, announcing its quasi-judicial decisions on **Thursday, September 17, 2026**, as prescribed by Rule 18(12).
- v. Any candidate aggrieved by the decision of the Election Commission, or in the event the Commission fails to decide within the stipulated limitation, may file an appeal before the Regulator of Trade Organizations within two days, ending on **Saturday, September 19, 2026**, under Rule 18(13).
- vi. The Regulator shall afford personal hearings and render final determinations on all such appeals on an accelerated timeline on **Monday, September 21, 2026**.


BILAL KHAN PASHA
Regulator Trade Organisations
Directorate General of Trade Organisations
Islamabad
Ministry of Commerce
Government of Pakistan

- vii. Within two days of the Regulator's decision, on **Wednesday, September 23, 2026**, the Election Commission shall receive notices of withdrawal of candidature and issue the Final List of Contesting Candidates in accordance with Rule 18(14).
- viii. Polling for the election of members of the Executive Committee (comprising fourteen seats for the Associate Class and fourteen seats for the Corporate Class) shall take place simultaneously across all designated polling stations nationwide on the fifth day following the display of the final list, falling on **Monday, September 28, 2026**, under Rule 18(15).
- ix. The subsequent phase for the election of Office Bearers, including the submission of nomination papers by newly elected Executive Committee members, instantaneous scrutiny, and polling for the offices of Central Chairman, Senior Vice-Chairman, and Vice-Chairman under Rules 18(16), 18(17), and 18(18), shall be conducted on **Tuesday, September 29, 2026**.
- x. The culminating milestone of the election cycle, the Annual General Meeting (AGM) of POEPA, shall be convened on **Wednesday, September 30, 2026**, for the official announcement of the final election results and the oath-taking ceremony of the newly elected Executive Committee and Office Bearers, thereby securing complete compliance with Rule 18(19) of the Trade Organisations Rules, 2013 on or before the statutory cut-off date.

6. **Penal Warning:**

The Secretary General and Central Chairman of POEPA are directed to proceed strictly in accordance with these directions. Any further procedural lapse, manipulation, or defiance of this Order shall immediately attract penal sanctions under Section 25 and Section 26 of the Trade Organisations Act, 2013.

The complaints and appeals stand disposed of in the above terms.

Announced Dated: - 11-09-2026



(Bilal Khan Pasha)
Regulator (TO)

BILAL KHAN PASHA
Regulator Trade Organisations
Directorate General of Trade Organisations
Islamabad
Ministry of Commerce
Government of Pakistan