

# LEGAL NOTICE ISSUED TO DIRECTOR LABOUR/ ATTOCK

Posted by innocence\_seeker - 2008/07/18 02:03

To,  
Director Labour  
Labour Department.  
District Attock.

## LEGAL NOTICE

I have been instructed by my clients 1). Mr. Javaid Iqbal son of Moladad Khan, resident of T& T Colony Attock, ii). Mr. Tahir Mehmud Baig son of Mirza Hamid Baig resident of Dar-us- Salam Colony Attock and Mr. Arshad Mehmood son of Muhammad Yousaf resident of Shakardara, District Attock to serve you with the following legal notice under the provisions of the Article 4, 25 & 199 of the Constitution of Pakistan read with section 28 of the Punjab Consumer Protection Act of 2005.

1. That it is pertinent to mention here that as a matter of fact, a consumer is a service or product recipient. A consumer is a person who needs, currently using or has used a particular service or product. My clients are consumers within the meaning of the definition as has been afforded in the provisions of section 2(c) (i) of the Punjab Protection of the Consumer Rights 2005, they have been overcharged by various filling stations within the district, therefore they are hit by the failure on your part to implement uniform CNG Prices in the light of the notification issued by the Ministry of Petroleum in this regard. It is pertinent to mention here that no provision has been enumerated in the said act to bring an action against the public servants for their criminal negligence and breach of duty, hence this legal notice
2. That it is significant to note that on July 1 2008, the Ministry of Petroleum and Natural Resources has notified that the government has increased CNG prices by Rs. 4.3 per KG, not Rs. 13 per KG. In this regard a notification has been issued by Director General (Gas), Ministry of Petroleum and Natural Resources wherein it was clarified that increase in price of natural gas being supplied to CNG stations is Rs 4.3 per KG and not Rs 13 per KG as inadvertently replied to a question during the briefing. That it is pertinent to mention here that the factual position is that revised price of natural gas being supplied to CNG stations, as notified by Oil and Gas Regulatory Authority (OGRA) is Rs 388.32 per million BTU while the previous price was Rs 291.36 per million BTU, The increase of Rs 96.96 per million BTU corresponds to an increase of Rs 4.3/KG which due to a conversion or calculation error, was stated to be an increase of Rs 13/KG instead of Rs 4.3 per KG excluding government taxes. Thus the net increase in natural gas price for CNG stations including government taxes works out to be Rs 5.58/KG, the notification clarified. That the notification mentioned above has been widely publicized in the daily English and Urdu vernaculars. The copies of some of the newspapers to this effect are annexed herewith as Annexure A-3.
3. That it is pertinent to mention here that despite the fact that the Ministry of Petroleum has issued a notification in respect of the prices of the CNG through out Pakistan, yet the CNG filling Stations throughout the district are charging fancy prices as a direct consequence of the negligence on your part.
4. That it is worthy to note here that if in any manner goods become so expensive that the consumer is unable to purchase them or in any manner his purchasing power, if exploited and unlawful gains deprive him of the right to have and use the goods it amounts to injustice and must be set right. In the instant case you are under legal obligation as well as are liable to ensure a uniform price of CNG in consonance with the price fixed by the Federal Government. For reasons best known to you, you are hesitant to play your role to regulate the price and have thrown the consumers of the CNG at the mercy of the filling stations of the District.
5. That it is stated that it is a well established principle of law that the loss caused by one person to another or to his property, either with the design of injuring him, with negligence and carelessness, or by inevitable accident. The loss which some one has sustained and the gain which he has failed to make, he who has caused the damage is bound to repair it and if he has done it maliciously, he may be compelled to pay beyond the actual loss.
6. That it is pertinent to note that My Clients and others are suffering a continuous loss at the hands of the CNG Filling Stations of the district for which no action so far has been taken by the Your good office. It is the legal duty on your part to safeguard the interests of the people of the district against the capricious whims and wishes of the CNG Filling Stations.
7. That it is worthy to note here that the Consumer rights are a specific expression of fundamental human rights, and are associated with consumption of various products and services, whether paid or unpaid. Consumers in Pakistan have long been facing many problems, as no specific legal and institutional framework was available for the protection of these rights Artificial shortage of essential commodities, arbitrary price hikes, poor quality of products and services, unchecked sale of hazardous products, and misleading advertisements are some illustrative examples of such problems.
8. The instant price hike in the Compressed Natural Gas prices is one of the glaring examples of the arbitrary price hike in the district. However it is pertinent to mention here that the inability of your office to maintain the prices of the CNG in the district in line with the notification issued by the Ministry of Petroleum, caused heavy financial losses to the public at large amongst my clients and they had to under go constant mental agony, financial stress and pain in addition to the loss of their money.
9. That it is pertinent to mention here that in civilized countries Consumer is considered as a King. A statement which becomes a mockery in an underdeveloped country like Pakistan where the consumer is at the mercy of ruthless commercial enterprises, and indifferent and corrupt public organizations who take advantage of the ignorance of the

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consumer, and the lax law enforcement environment to exploit the poor and powerless public.

The stance of the petitioners is further strengthened from the recent price raise of the CNG in the district is an apparent fraud on the face of it. You being the Director Labour, Attock are hesitant to safeguard the civil and consumer rights of its people for which the law of the land has cast responsibility on you. It is pertinent to mention here that you are adamant to accept the burden of your responsibilities owed to the people of the District of Attock, hence this legal notice.

10. This is because in the underdeveloped society of Pakistan and the ignorant consumer does not even know what his rights are, and subsequently what wrongs are being meted out to him. Despite laws which are supposed to protect the ordinary consumer against malpractices of the various private and public sector, every day there are huge scandals of consumer deception and official corruption where millions of lives are put to danger due to false claims and billions of rupees of taxpayers money is absconded by the callous bureaucrats.

11. In the peculiar circumstances the negligent acts on your part falls within the purview of criminal breach of trust, meaning thereby that the acts and omissions made by your office in the instant crisis amounts to trespass on the valuable consumer rights of my clients, hence they are eligible to be redressed by your office.

12. You had been negligent in delivering your duties. Either you are and were unaware of your duties or you have acted maliciously in this regard. It is crystal clear that you knowingly (subjective) exposes my clients to a substantial risk of loss, breaches that duty of care which has been cast upon you by the law of the land. You failed to realize the substantial risk of loss to the Consumers, which any reasonable person in the same situation would clearly have realized, also breaches that duty. It is pertinent to mention here that breach of duty is not restricted to professionals or persons under written or oral contract; we all have a duty to take reasonable care for others and their property. Anyone who unreasonably runs a risk that results in harm to others or their property, breaches their duty of reasonable care

13. That it is submitted with utmost humility that it is the decision of the courts that recognized the possibility of liability for pure economic loss, not dependent on any contractual relationship, for negligent statements. The basis of this liability was variously held to be an "assumption of responsibility" to the claimant, a "special relationship" between the parties, or a relationship "equivalent to contract".

14. That it is mentioned that you ,being a Director Labour of district Attock is well aware of the fact that the false representation on the part of the CNG Filling Stations s in respect of the CNG prices in the district is causing financial losses to the consumers of Attock yet you are adamant to take any serious initiative to curb the mal practices of the CNG Filling Stations, in the last more than 16 days not even a single raid has been conducted by you on the delinquent filling station nor any CNG Filling Stations has been ceased to operate in the district on the violations of the valuable consumer rights of my clients. It is pertinent to mention here that the criminal negligence and breach of duty of your office in discharge of your legal duties urged the CNG Filling Stations through out the district of Attock to increase the rate of CNG and receive the payment of CNG at a high Rate, from the consumers causing thereby heavy financial losses to the tune of Rs. 1 Million to the later on a daily basis. That it is pertinent to mention here that you are required under the law to be well aware of the fact that the relationship between the parties i.e. the Government and the Consumers is "sufficiently proximate" as to create a duty of care. It was reasonable for you to have known that your failure to take action against the CNG Filling Stations would likely result in gross miscarriage of justice to the consumers of the district. This would give rise, to a "special relationship", in which you would have to take sufficient care in maintaining the price of the CNG to the consumers in the district to avoid negligence and criminal breach of trust. Your acts and omissions falls within the ambit of the well established doctrine of *Malum in se* (wrong or evil in it).

15. That it is noted that on the basis of negligence of your office, the gas filling stations of district increased the price of CNG without any legal authority and caused financial losses to the consumers of the District. That it is pertinent to mention here that CNG Filling Stations are under legal obligation to increase the price of the CNG , after the receipt of a notification issued by the Government in this regard, in the absence of the same the whole exercise will become illegal and un warranted by law. In the peculiar circumstances of the instant case, CNG Filling Stations who are providing CNG at its filling station increased the rate of the CNG without the receipt of any notification in this regard by the (Petroleum Ministry) Merely on the basis of a misstatement made by the Minister in a live broadcasted press conference on June 29th 2008, they have increased the prices and have started committing financial robbery with the consumers, for which law provides no compensation.

16. that it is worthy to mention here that my clients suffered neck pain, lower back pain and loss of concentration and memory loss because of shortage of comfortable sleep at night, all this occurs as a direct result of your negligence that lead to high handedness, disrespect to the consumer rights and complete disregard of the government regulations by the filling stations in the district.

17. That through this legal notice you are hereby directed to enforce your legal obligations before the expiry of 25th July, 2008, and compensate my clients within seven days of the receipt of this legal notice in money to the tune of Rs. 1 Million/- as damages for the monitory loss, negligent conduct of your office and false representation made by the delinquent CNG filling stations within the District in respect of price hike with your connivance , which is evident from the fact that not even a single legal action you have taken against any of the delinquent CNG filling station in the District on the charges of overcharging.

18. In addition you are hereby directed to accommodate my clients, in addition to pay the costs of the financial distress, psychological depression and medication undergone by my clients. Or in alternate render your willful resignation from your office for the negligent acts on your part. Otherwise, I have clear instructions from my clients to prosecute you in civil as well as in criminal courts of competent jurisdiction for which you are responsible for the expenses bear by my client.

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Dated: 17/07/08

Fahad Ahmad Siddiqi

consumers of Attock, please step forward and protect your rightst against the public functionaries. they are under legal obligation to enforce the law, they are negligent because the people are negligent of their rights!

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