



7th December 2013

Senator Kamran Michael,
Federal Minister for Ports & Shipping,
Government of Pakistan,
Secretariat Block D,
Islamabad .

Sub: Allegation of irregularities in new appointments on contract basis in PNSC and KPT

Dear Sir,

Transparency International Pakistan has received complaint on the allegation of irregularities in recently new appointments of officers on contract basis, in PNSC and KPT, in violation of ban imposed by the present Federal Government vide Establishment Division OM No E. No 2/1/93-RI dated 20-6-2013 and 25-7-2013, without advertising the posts in newspapers, and in gross violation laid down proscribed procedures.

The allegations of the complainant are stated below.

PNSC.

Following persons who retired from PNSC for attaining 60 years age in 2010, have been again reappointed on Contract basis in June, November 2013, and without advertising post as per rules .

1. Mr. Captain Abuddin Siddiqi, Executive Director Commercial
2. Mr. Zaheer Babar Qureshi, Executive Director Ship Management
3. Mr. Zahid Butt, General Manager Tankers

Another post of Executive Director Finance is being held by a contract appointee since last 3 years or more, whose contract is expiring on 31-12-2013, and giving another contract to this officer is also in progress.

KPT

Following officers have been appointed on 29-11-2013, without advertising post , and in violation of ban on appointments.

1. Mr Masood-ud-Din Business Analyst in Marketing @ Rs 50,000 per month
2. Mr. Adil Iqbal Deputy Secretary, @ Rs 55,000 per month
3. Mr. Naveed Ahmed, Traffic Officer @ Rs 55,000
4. Mr. Mohd. Ali, Chef @ Rs 15,000 per month.

TI Pakistan has noted that the Establishment Division has also asked for following report in June 2013



- I All recruitments made from 1st January 2013 till to date
- II Details of all appointments during the last five years where any of the guiding principles laid down regarding employment in public sector through judgments of the superior courts have not been complied and
- III Number of Vaccines in all Ministries / Divisions / Autonomous Bodies / Corporations existing as on 20th June 2013 alongwith specific details of Grade, eligibility criteria and mode of employment.

In this regard the Supreme Court of Pakistan Judgment in NICL Suo Moto Case No. 18 of 2012, announced on 22 -11-2013 had declared, that an act of appointment of any officer, in violation of Rules, is to be treated as mis use of power to provide benefit to others, and as Corruption and Corrupt Practice. The pertinent paragraph of the SC Judgment is again quoted below

The act of irregularity in appointments of Chairman NICL, without Advertising Post, has been declared a crime in the judgment, as the Judgment has established the application of the most important corrupt practice, ' **the misuse of authority to take gain or favor, or to give gain or benefit any other person** ' , , defined in the Section of NAB Ordinance, NAO 1999, Corruption and Corrupt Practices, Section 9 (a) (vi), for which the punishment if found guilty is upto 14 years rigorous imprisonment. The pertinent paragraph of the Judgment is quoted below:

59. The above discussion persuades us to hold as under: -

(a) That appointment of Ayyaz Khan Niazi was contrary to section 12 of the Insurance Ordinance, 2000 and rules framed thereunder, as non-transparent, illegal and unwarranted. Thus, except one of the officers (Tariq Zubair Khan, Section Officer), all others i.e. Qamar Zaman Chaudhry, the then Additional Secretary; Suleman Ghani the then Secretary Commerce; Makhdoom Amin Fahim, the then Commerce Minister; Ismail Qureshi, the then Secretary Establishment; and Ms. Nargis Sethi, the then Acting Principal Secretary to Prime Minister are involved in his appointment and, prima facie, are liable to be dealt with under section 9(a)(vi) of the National Accountability Ordinance, 1999 [as amended by National Accountability Bureau (Amendment) Ordinance, 2002] on account of NICL scam pertaining to Punjab (Lahore) and Sindh (Karachi) where allegedly offences of corruption and corrupt practices have been committed;

The Minister is also referred to the recent news item, in which the Ministry of Ports & Shipping has requested the SC to declare about 890 appointments in PQA as illegal

The Federal government on Wednesday requested the Supreme Court to declare all the appointments and promotions in the Port Qasim Authority (PQA) as illegal, without lawful authority and of no legal effect.

Hafiz S A Rehman Advocate on Wednesday submitted a written reply in the apex court on behalf of the Federation regarding the appointments and promotions in the PQA from 2007 to 2013.




The Federation stated in its reply that as many as 891 staff and officers were either recruited or promoted illegally or unlawfully during the above mentioned period.

It also accepted that a former federal minister had violated provincial and regional quota during the appointments

In view of above , the Minister is requested d to take immediate action to declare all above and any other appointments made without Advertising as illegal, and all payments made to them shall be taken back with interests.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

Yours sincerely,


Syed Adil Ghani
Adviser

Encl: TIP

Copy forwarded for information with request to take action under their mandate to,

1. Secretary to the Prime Minister, for information of the Prime Minister, Islamabad.
2. Chairman, NAB, Islamabad.
3. Minister of Interior, Islamabad
4. Secretary , Ministry of Ports & Shipping, Islamabad
5. Registrar, Supreme Court Pakistan, Islamabad .
6. Chairman, PNSC, Karachi.



Federation requests SC to declare appointments in PQA as illegal

Wednesday, 04 December 2013 19:33

Posted by Imaduddin

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ISLAMABAD: The Federal government on Wednesday requested the Supreme Court to declare all the appointments and promotions in the Port Qasim Authority (PQA) as illegal, without lawful authority and of no legal effect.

Hafiz S A Rehman Advocate on Wednesday submitted a written reply in the apex court on behalf of the Federation regarding the appointments and promotions in the PQA from 2007 to 2013.

The Federation stated in its reply that as many as 891 staff and officers were either recruited or promoted illegally or unlawfully during the above mentioned period.

It also accepted that a former federal minister had violated provincial and regional quota during the appointments.

The reply stated, "That according to instructions contained in Estacode regarding appointments in BPS-20 and above in the statutory bodies, the competent authority is the Prime Minister. Appointments in PQA in BPS-20 and above were not submitted for approval to the competent authority through Establishment Division as per instructions as well as PQA Service Regulations. Thus, such appointments are also violative of Rules and non-transparent."

It may be mentioned that during the previous hearing, the apex court had directed the Federation to submit reply regarding the appointments made during the tenure of previous government.