

25th August, 2013

Honorable Justice Iftikhar Muhammad Chaudhry,
Chief Justice of Pakistan,
Supreme Court of Pakistan,
Constitution Avenue,
Islamabad.

Attn: Human Rights Cell

Sub: Civil Misc. Application No. 3393 of 2013 (Appointment of Mr. Salman Faruqui as Federal Ombudsman) in CP No. 30 of 2013 - Rejoinder of Syed Adil Gilani, Advisor TIP,

My Lord,

1. On the orders of the Honorable Chief Justice, the photocopy of the of the page of the Diary Register of Printing Corporation of Pakistan for date of 26 February 2013 and 27th February 2013, is submitted herewith. (Annex-A)
2. Your honor may note that this register of Printing Corporation of Pakistan is the **Diary Register** in which all correspondence received by PCP is entered, with serial numbers allotted against every entry, and its movement record. .

S.No	No	Date	From whom received	Brief Subject	File No.	Date of Final Disposal	Record Movement
1332	Al C Dy No. 3762	26/2/2013	AIA (IP)	Adjust Rs 90,000			Mgr AO27/2/13
	F.I (8)/2012-A.I	"	Law and Justice				
1333	000000	26/2/2013	000000	Notification			Mgr AO27/2/13

Notification F.I (8)/2012-A.I is quoted below

Government of Pakistan
Ministry of Law and Justice

Islamabad, the 25th February, 2013

NOTIFICATION

No.F.1(8)/2012-A.I. In exercise of powers conferred by Article 3 and 4 of the Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order 1983 (P.O.1 of 1983), the President is pleased to appoint Mr. M. Salman Faruqui, as Wafaqi Mohtasib (Ombudsman) for a period of four years from the date he assumes the charge of the said office.

Sd/-
Justice (R)
Yasmin Abbasi
Secretary"

3. This Notification F.I (8)/2012-A.I was submitted on 10th June 2013 in Supreme Court of Pakistan by Secretary Ombudsman through CMA 3393/2013 and the honorable court has commented as under:

4. Interestingly the copy of this notification was not dispatched to anyone of the offices as it has been endorsed in the Notification dated 01.03.2013. let the Secretary, Ministry of Law and Justice Division explain the travelling history of

the Notification dated 25.02.2013 before 11.06.2013, by depositing the dispatch register etc. with Registrar of this Court. The office is directed to intimate this order today positively to the Secretaries, Law and Justice and Ombudsman.

4. The other Register which is in the custody of the apex court, is the **Section-holder Register of Works Received (Part III)**, for printing, and serialized registration number is allotted to each entry.

In that register, additional backdated entries were made for 3 Notifications, 1. President Sectt. Notification No.3(209)12008-Estt dated 28.2.2013 , Additional Secretary (Admn) regarding Mr. Salman Faruqui. 2. President Sectt. (Aiwane-e-Sadr) Notification No.3(209)/2008-Estt, dated 01.3.2013 and 3. Wafaqi Mohtasib Sectt. Notification No.F.I (632)/A-II12012 dated 01.3.2013. The backdated entries were made for 28th February 2013 and 1st March 2013, in following manner.

Date	Reg. No	Name of Deptt	Description of Document	Indenter's Name	Indenter's No.	Date	No of Pages
02/03/13	252	Senate	Mir Haji Lashkari Raisani, Member Senate of Pakistan, has resigned	M.T Khan	F.1(1)/2012-Legis	27/2/13	1
02/03/13	356	President Secretariat	41/95/89-E-I 28-02-2013 Mr Slaman Faroqui relinquished charge of the post of Secretary General President	Zaid Usman, Addl Secretary	3(209)/2008-Estt	28/2/13	1
	253	Senate	Acting Chairman Senate	Haris Rehman	F 10(2)/2013	27/2/13	1
02/03/13	256	Senate					
02/03/13	357	President Secretariat	Estt Div Not No. 41/95/89-E-I date 1/3/2013 Salman Faruqui assumed additional charge of Secretary General President	Zaid Usman, Addl Secretary	F.1(632)/A-II/2012 (2 Notifications	01/03/13	1+1
	358	Wafaqi Mohtasib	President approves Salaman Faruqui as Wafaqi Mohtasib	Zaid Usman, Addl Secretary	-	-	-
04/03/13	262						

5. The Senior Joint Secretary Law and Justice Division on 19th June 2013 vide CMA 4414/2013 has informed the Apex Court that the Law Ministry did issue Notification dated 25.02.2013 to the Manager Printing Corporation of Pakistan vide letter No.F.1(8)/2012-A.I dated 26.2.2013, for publication in Gazette of Pakistan, and attached copies extracts of dispatch register for 25-2.2013 and 26.2.2013.

6. My Lord, it may be noted that there is no entry of dispatch to the Manager Printing Corporation of Pakistan on both dates of this letter No.F.1(8)/2012-A.I dated 26.2.2013 in the copies extracts of dispatch register.

7. The Senior Joint Secretary also informed the Apex Court vide CMA 4414/2013 that all copies of the Notification were handed over to the representative of the President Secretariat for onward dispatch to concern offices. (**Name of the representative of the President Secretariat is not disclosed to the apex court by the Senior Joint Secretary**).

8. The Manager Printing Corporation of Pakistan has reported to the Apex Court on 4-07-2013, that this Ministry of Law and Justice Notification No.F.1(8)/2012-A-I, dated 25.02.2013 regarding tenure of Wafaqi Mohtasib was also brought personally and got published by Zaid Usman on 21 March, 2013.

9. The Accountant General of Pakistan vide CMA No. 4341/2013 has confirmed that his office did not receive any Notification regarding appointment of Mr. Salman Faruqi as Federal Ombudsman, till 2nd May 2013.

10. According to the statements of officers of PCP, all the backdated printing for Four Notifications regarding appointment of Mr Salman Faruqi as Wafaqi Mohtasib, and resignation as Secretary General to President, involving Ministry of Law, Ombudsman Secretariat and President House has been by Mr Ziad Usman, Additional Secretary to the President.

11. Mr. Zaid Usman was a contract officer working on the post of Additional Secretary in the Presidency. Transparency International Pakistan has come to know that in the first week of August, he has abruptly resigned, without giving one month notice, and has also been relieved by the President Secretariat.

12. My Lord may take note of the Secretary to the Prime Minister, statement submitted in the Supreme Court on 7-06-2013 vide CMA No. 3393/2013 Para number 9 on page 5, that these notifications addressed to the Principal Secretary to the Prime Minister were not received in the Prime Minister Secretariat.

Vide same CMA the Secretary to the Prime Minister has requested the apex court, besides 3 other issues, that under the circumstances, the following particularities of the matter may be considered by the court.

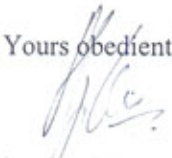
iv. The purpose of issuing Notification regarding appointment of person to a public office is to let the public at large know about his appointment. If in case of Mr. Faruqi the Notification or any knowledge about its issuance was suppressed from the public at large and even from those to whom a copy of the same was statelty endorsed, amounts to issuance of no Notification at all and whether such failure affects his very appointment as such or not?.

Prayer:

The Hon'ble Supreme Court is requested to take action as deemed appropriate against all those involved directly or indirectly in this extreme example of scandalous violation of law by a top holder of public offices, of Ministry of Law, Ombudsman, President Secretariat and AGP, by submitting false statements in the apex court, which amounts to perjury, so that in future no one dare to perform such illegal acts at the highest level of government. .

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

Yours obediently,


Syed Adil Gilani,
Adviser
Encl: Annexes A

29/1/13

PRINTING CORPORATION OF
DIARY

S. No.	No. and date of Document		From whom received
	No.	Date	
325	1314 M.P. I/P/P	21/12	This Office/MD
27/2/13	This Office No. PA/C/2/113	21/12	Cell
1326	Adn. 15(28)/2013 - P.C/P/4779	26.2.13	Secy HO
1327	Adn. 28(11)/2010 - P.C/P/4293	26. "	do
1328	Adn. 28(24)/2012 - P.C/4783	"	do
1329	P.C. 1-11/2012 - P.W/4781	"	MGR (P&D)
1330	F. 2(5)/2012-13/P.G.	25. "	Senate Sectt
1331	A.C. DY. NO. 3757	26. "	AAO (P)
1332	" " " " 3762	"	do
1333	F. 1(2)/2013 A.F	"	Law & Justice
1334	F. 1(2)/2013/TSM/11/11/NTC-887	28. "	Cabinet Secy.
1335	C. 3(A) L/P/2001	26.2.13	F. B. R. Isbd
1336	F. 10(2)/2010 - HR/M	25. "	Senate Sectt
1337	P.F. 6(13) Adn. II/2011-86	"	Fin. Div.
1338	F. 2(1)/2013 - Legis	26. "	N.A. Sectt
1339	F. 22(12)/2013 - Legis	25. "	do
1340	F. 14/2011 - Law	"	F. C. P. Isbd
1341	F. 2(2)/2007 - Confid	26. "	F. C. P. Isbd
1342	F. 23(6)/2013 - Legis	"	N.A. Sectt
1343	29/1/96 - Pred/4797	26. "	MGR (P)
1344	P.C. 1-18/2012 - P.W/4805	27-2-13	MGR (P&D)
1345	F. 6(5) Ser. II/2013/224	27. "	Fin. Div.
1346	Pred. HOPT. 301	26. 2/3	MGR (P)

PAKISTAN PRESS, ISLAMABAD
REGISTER

Brief Subject	File No.	Date of Final Disposal	Record of Movement
5	6	7	8
Form Report/Grant of Honoraria			MD 27/2
To A.O. (P. No. 100)			MGR PLO
Request for gratuity of Sr. Clerk			MGR PLO (27-2-13)
do - Ex GB Clerk			MGR PLO
Supply of spare parts for Heidelberg (P&K)			MGR PLO (27-2-13)
do sanctions Re. 11,651/-			MGR AO
do Adjustt. Re. 90,000/-			MGR AO (27-2-13)
do - Rs. 27524/-			MGR AO
Notification			MGR g. cell.
do			g. cell.
do			g. cell.
do			g. cell.
do			g. cell.
do			g. cell. (27-2-13)
do			g. cell.
do			g. cell.
do - (bullet No. 18 of 2013)			g. cell.
Ply. of property tax & water allied charges bills			MGR
Sales Tax Invoice			MGR (P&D) (28-2-13)
Ply. of Fed. Budget Pub. 2013-14			MGR (P&D)
Ply. work of Capital Tax for 13			MGR (P&D) (28-2-13)